



LAW ENFORCEMENT EFFORTS IN OVERCOMING CORRUPTION CRIMES COMMITTED BY INDONESIAN NATIONAL ARMY (TNI)

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Abstract

Corruption crimes committed by the TNI are criminal acts that must be resolved legally, because the TNI is a defense in the field of state security and must provide positive values. This article aims to find out the criminal responsibility of military members who commit criminal acts of corruption and the role of legal efforts in overcoming criminal acts of corruption committed by the Indonesian National Army in preventing criminal acts of corruption. The research method used is the normative juridical method with a descriptive analysis approach. The results of this research are that the TNI's authority is regulated in Law no. 31 of 1997 concerning Military Justice and Law no. 25 of 2014 concerning Military Discipline Law as stated in its duties and responsibilities in maintaining security and order in the unitary state of the Republic of Indonesia, enforcing the law, providing protection, protection and service to the community even when handling extraordinary criminal cases. Meanwhile, in carrying out investigations, the TNI and the Corruption Eradication Committee (KPK) also carry out investigations into complaints and further systematic handling is carried out by looking at procedural operational standards such as Law no. 31 of 1999 concerning Corruption Crimes.

Keywords: *Legal Efforts, Countermeasures, Corruption, TNI*

A. INTRODUCTION

Corruption offenses, as well as criminal offenses, are generally carried out using various modus operandi of irregularities in state finances or the state economy which are increasingly sophisticated and complicated. So many corruption cases escape the evidentiary "network" of the KUHAP system. Therefore, the legal evidence tries to apply reverse evidence legal measures. Developing countries that experience losses due to criminal acts of corruption must receive serious attention. In fact, several countries want the confiscation of corrupt assets to be required as a right that cannot be removed or revoked. State financial losses due to criminal acts of corruption are still not covered and public unrest is still high regarding law enforcement regarding criminal acts of corruption in Indonesia. The strength of a country can be seen from the strength of its defense, the stronger a country is, the stronger its defense system is, or in other words, the strength of a country can be seen from the strength of its armed forces. Corruption is an inseparable part of the history of human development and is one of the oldest types of crime and is one of the diseases of society, the same as other types of crime such as theft which have existed since humans have been on this earth. The main problem faced is that corruption increases along with technological advances. Experience shows that the more advanced a nation's development, the greater the need for life and one of the impacts can be to encourage people to commit crimes, including corruption. The development of the elements of criminal acts of corruption from 1957 to 2016 experienced ups and downs, meaning that the application of norms relating to criminal acts of corruption is "inversely proportional" to the area in which they are applied. "The more elements or criteria there are, the narrower the area of application, conversely the fewer the elements or criteria, the wider the area of application." Corruption acts are carried out starting from 'mark up' procurement of goods and services, procurement of goods and services that violate procedures, abuse of authority, bribery, giving or receiving gratuities, misuse of funds that are not in accordance with budget 'postings' and others, all of which

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have potential to harm state finances and the state economy. The law determines what must be done and what is permitted and what is prohibited. The legal targets that are intended to be addressed are not only people who actually act against the law, but also legal actions that may occur, and the state equipment to act according to the law. Such a system of legal operation is a form of law enforcement, the development process can lead to progress in people's lives, apart from that it can also result in changes in the social conditions of society which have negative social impacts, especially regarding the issue of increasing criminal acts which disturb the community. One criminal act that can be said to be quite phenomenal is the problem of corruption. The TNI's budget for procurement of the main weapons system (alutsista) continues to increase from year to year, of course it is prone to fraud, therefore external supervisors need to be involved, that's where the Corruption Eradication Committee needs to be involved. The problem that often occurs which causes TNI planes/helicopters to crash during training for no apparent reason, resulting in the deaths of soldiers, can be used as a question. The existing budget should be used as optimally as possible in terms of maintaining and procuring adequate defense equipment as well as improving the skills of TNI soldiers.

The author found several examples of corruption cases in the procurement of defense equipment carried out by members of the military, the first was corruption in the procurement of defense equipment, namely the F-16 fighter aircraft in 2016. Second, corruption in the procurement of the Agusta Westland (AW) 101 heavy lift helicopter in 2018. Third, the project procurement of monitoring satellites at the Maritime Security Agency (Bakamla). And the case that the author will raise as the main topic of discussion is the corruption case in the procurement of the main weapons system, namely the F-16 fighter aircraft, which was carried out by a high-ranking TNI officer. The court handed down a life sentence to Brigadier General Teddy Hernayadi, SE, MM in the corruption case regarding defense equipment funding at the Ministry of Defense. The one-star general was found guilty of stealing money from payments for F-16s and Apaches, with state losses estimated at USD 12.4 million. Based on the DILMILTI II JAKARTA Decision Number 23-K/PMT-II/AD/VII/2016 of 2016.

From this decision it was revealed that Brigadier General Teddy's mode of corruption was carried out. As treasurer, Teddy has the task of managing foreign exchange funds issued by the APBN at the Ministry of Defense and funds from activities that have been completed are accounted for, but in reality these activities have not been completed. To support the implementation of his duties in paying APBN expenses, the defendant opened approximately 40 bank accounts. "These accounts should have received approval from the Minister of Finance as the State General Treasurer, but only eight accounts have received approval, while the other 32 accounts have not received approval," said the chairman of the panel of judges, Brigadier General Deddy Suryanto. During his one year tenure as Kabidlakbia and Special Treasurer for Foreign Affairs (Foreign Exchange) Pusku Kemhan RI, Teddy received APBN money from the Director General of Defense Affairs amounting to IDR 5.4 trillion.

The money should be used to procure goods and capital expenditures using foreign exchange in accordance with the Defense Ministerial Authorization Decree (SKOM). "By Bialugri staff on the defendant's orders, the money was exchanged into foreign currencies, such as USD, AUD, EUR, GBP and SGD, according to needs, then deposited in a holding account in the defendant's name for the deposit of the LC (letter of credit) guarantee." Bialugri Pusku Kemhan, after the foreign exchange funds were in the accounts of Bank BRI, Bank BNI and Bank Mandiri, at the defendant's own discretion without regard to statutory provisions, the defendant spent it for other purposes outside of his main duties and functions which were not in accordance with his intended purpose," Apart from that, Teddy provided loans to third parties or partners, namely through PT Medal Alamsari (MAS) amounting to USD 11 million. Teddy himself wants to set up a company to help his partners. However, due to regulatory constraints, Dedi Hidayat's PT MAS was finally appointed to distribute

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funds to partners according to his recommendations. "Dedi agreed that his company would be used to channel funds from Falcon to be given to partners which were sent to PT MAS's account via HSBC Bank in London," added Deddy. The Director of PT MAS then made a financing cooperation agreement with partners who had received contracts within the TNI, both Army, Air Force and Navy. PT MAS as the provider of the money gives the partner 85 percent of the total contract value. Long story short, Dedi submitted an LC application to the bank. Teddy gave a power of attorney to the leadership of Bank BNI KCU Menteng and Bank BRI Cab Kramat, Jakarta, to block USD funds in the Bialugri Special Treasurer's account as collateral for opening an LC by PT MAS. "After the LC documentation process, Falcon transferred funds to PT MAS deducting Falcon's financial costs. Then PT MAS transferred the funds again to the accounts of 24 partners or suppliers," he explained. Teddy again provided loans to partners who carried out work purchasing goods and services within the TNI and Ministry of Defense, which were distributed personally in the form of cost collateral credit (C3). The money he spent reached USD 6 million in an account belonging to Special Treasurer Bialugri. "Furthermore, after receiving the contract in full from the buyer, the partner returned the loan to PT MAS and some returned it directly to Brigadier General TNI Teddy at the request of the defendant," he said. Due to his actions, Teddy has taken out all the money from the treasurer's account amounting to USD 18 million. The one-star general also takes a percentage of the loans given to partners. "The money has also been returned by the partners to the defendant's personal account. And there are also some partners who have returned it directly to the account of the Special Treasurer of Bialugri (Foreign Exchange) Pusku Kemhan, while some have not returned or are still with the partners,"

Based on the case above, this is corruption related to fraud, namely fraud committed by contractors, project supervisors, TNI/Polri partners, TNI/Polri partner supervisors, who commit fraud in the procurement or delivery of goods which results in losses to other people or to state finances. or which could endanger the safety of the country in times of war. Apart from that, civil servants who take over state land which causes losses to other people are also included in this type of corruption. The provisions governing corruption are Law Number 20 of 2001 concerning the Eradication of Corruption Crimes (UU PTPK) in Article 7 paragraph (1) letter a of the PTPK Law; Article 7 paragraph (1) letter b of the PTPK Law; Article 7 paragraph (1) letter c PTPK Law; Article 7 paragraph (2) of the PTPK Law.2 Reads Article 7 paragraph (1) letters a, b and c:

- (1) Sentenced to a minimum imprisonment of 2 (two) years and a maximum of 7 (seven) years and/or a fine of at least Rp. 100,000,000.00 (one hundred million rupiah) and a maximum of Rp. 350,000,000.00 (three hundred fifty million rupiah):
 - a. Contractors, building experts who when constructing buildings, or sellers of building materials who, when delivering building materials, commit fraudulent acts that could endanger the security of people or goods, or the safety of the country in a state of war;
 - b. Every person who is tasked with supervising the construction or delivery of building materials, intentionally allows fraudulent acts as intended in letter a;
 - c. Any person who, when handing over goods needed by the Indonesian National Army and/or the National Police of the Republic of Indonesia, commits a fraudulent act which could endanger the safety of the country in a state of war; Article 7 paragraph (2) reads:
- (2) For people who receive delivery of building materials or people who receive delivery of goods needed by the Indonesian National Army and/or the National Police of the Republic of Indonesia and allow fraudulent acts as intended in paragraph (1) letter a or letter c, shall be punished with the same crime as intended in paragraph (1).

In accordance with Law Number 31 of 1999 concerning criminal acts of corruption, Article 55 Paragraph (1) 1 of the Criminal Code, it is stated that TNI soldiers who commit criminal acts of corruption will be processed according to applicable law. The Indonesian

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National Army or members of the military are part of Indonesian citizens who have the same status as members of ordinary society who may commit a violation of the law. When viewed from the perspective of the criminal justice system in Indonesia, members of the military have the same position as members of ordinary society (civil society). For military members who commit a violation of the law, in addition to generally applicable regulations, special regulations are also applied. SR Sianturi in his book states that military law can include:

- (a) Military Discipline Law;
 - (b) Military Criminal Law;
 - (c) Criminal law;
 - (d) Military Criminal Procedure Law;
 - (e) Criminal Procedure Law;
 - (f) Military Imprisonment Law;
 - (g) Military Government Law or Military Constitutional (Emergency) Law;
 - (h) Military Administrative Law;
 - (i) International Law (Law of War/Law of Armed Disputes);
 - (j) Military Civil Law. The basic idea behind special treatment for military members is based on several main ideas: First: the existence of special tasks that are the responsibility of military members in a country and the specificities inherent in military life.
- (3) The international trend is to include military (criminal) law as part of the legal system of countries in conflict.
- (4) Military criminal law is a special criminal law that is known and recognized in the field of criminal law.

Based on Law Number 31 of 1999 concerning the Eradication of Corruption Crimes as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes ("Corruption Eradication Law"), Law Number 46 of 2009 concerning the Corruption Crime Court which has partially revoked (Chapter VII Examinations at Court Sessions) Law Number 30 of 2002 concerning the Corruption Eradication Commission as amended by Government Regulation in Lieu of Law Number 1 of 2015 concerning Amendments to Law Number 30 of 2002 concerning the Corruption Eradication Commission which has been enacted into law with Law Number 10 of 2015 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2015 concerning Amendments to Law Number 30 of 2002 concerning Commissions Eradication of Corruption Crimes Becomes Law, and Law Number 31 of 1997 concerning Military Justice. It needs to be understood that the crime of corruption is a criminal act as intended in the Corruption Eradication Law. The Corruption Crimes Court is a special court within the General Courts. Regarding its authority, the Corruption Crimes Court is the only court that has the authority to examine, try and decide cases of criminal acts of corruption. The phrase "only court" means the court that examines, tries and decides cases whose prosecution is brought by the public prosecutor. The Corruption Crimes Court has the authority to examine, try and decide cases:

- a. criminal acts of corruption;
- b. the crime of money laundering where the original crime is a crime of corruption; and/or
- c. a criminal act that is expressly defined in another law as a criminal act of corruption.

Apart from that, the Corruption Crime Court at the Central Jakarta District Court also has the authority to examine, try and decide cases of criminal acts of corruption committed by Indonesian citizens outside the territory of the Republic of Indonesia. Meanwhile, military justice is the executor of judicial power within the Armed Forces to uphold law and justice by paying attention to the interests of maintaining national defense and security. Based on Article 9 of the Military Justice Law, courts within the military justice environment have the authority to:

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1. Prosecuting criminal acts committed by someone who at the time of committing the crime was:
 - a. Soldier;
 - b. Who by law are equated with Soldiers;
 - c. Members of a group or office or body or who are equated or considered as Soldiers under the law;
 - d. A person who does not fall into the categories in letters a, b, and c, but upon the decision of the Commander in Chief with the approval of the Minister of Justice, must be tried by a court within the military justice environment.
2. Examining, deciding and resolving Armed Forces Administration disputes.
3. Combining the claim for compensation in the relevant criminal case at the request of the injured party as a result of the criminal act which is the basis of the indictment, and simultaneously deciding both cases in one decision.

It also needs to be understood that what is meant by a Soldier in the Armed Forces of the Republic of Indonesia (Prajurit) is a citizen who fulfills the requirements specified in the provisions of the laws and regulations and is appointed by an authorized official to dedicate themselves to the defense of the country by bearing weapons, willing to sacrifice their body and soul, and participate in national development and comply with military law. Which has more priority, between the authority of the Corruption Crime Court and the Court under Military Justice if corruption is committed by members of the military? Indeed, the Corruption Court Law states that the only court that has the authority to examine, try and decide on corruption cases is the Corruption Crime Court, but this only applies to people who are subject to general justice, in contrast to members of the military who are subject to military justice.

Therefore, the military member will be tried through a court under military justice. Unless the crime is committed by members of the military, together with people who are subject to general justice, then the arrangements will be different as will be explained below. So in our opinion, we have to look at it case by case and who did it. Apart from that, in this case the term connectivity is also known which is regulated in Article 89 paragraph (1) of Law Number 8 of 1981 concerning Criminal Procedure Law which is explained as follows: "Criminal acts committed jointly by those who belong to the general justice environment and the military justice environment, be examined and tried by a court within the general justice environment unless according to the decision of the Minister of Defense and Security with the approval of the Minister of Justice the case must be examined and tried by a court within the military justice environment." Connectivity cases can be examined and tried within the military justice environment. seen in Articles 90 and 91 of the Military Justice Law which, if summarized according to Yahya Harahap in his book Discussion of Problems and Application of the Criminal Procedure Code, is as follows:

To determine whether the military justice environment which has the authority to examine and try a case is connected, measured in terms of the "losses" caused by criminal acts. If the damage caused by a criminal act is primarily detrimental to "military interests", even if the perpetrators of the crime are more than civilians, the examination of the connection case will be carried out by the military justice system. As long as the losses incurred do not harm military interests, even if there are more perpetrators than the TNI/Polri, the principle of connectivity cases being examined and tried by the general judiciary applies. If a criminal act of corruption is committed by a person who is subject to general justice together with a person who is subject to military justice, then the principle of connectivity can be applied. This is also specifically regulated in Article 39 of the PTPK Law, it is explained that the Attorney General coordinates and controls investigations, investigations and prosecutions of criminal acts of corruption carried out jointly by people who are subject to the General Court and Military Court. Moreover, this authority is also owned by the Corruption Eradication Commission as contained in

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Article 42 of the Corruption Eradication Commission Law: "The Corruption Eradication Commission has the authority to coordinate and control the investigation, investigation and prosecution of criminal acts of corruption carried out jointly by persons subject to military justice and the judiciary. general." The military criminal justice system is different from the general criminal justice system, the military criminal justice system works in components and sub-systems consisting of superiors who have the right to punish (ANKUM), Case Disposing Officers (PAPER), Military Police (POM), Military Prosecutors (ODMIL), Military Judges (KIMIL), and Military Correctional Officers (Masmil). Based on the above, there has been a paradigm shift regarding the jurisdiction of military justice in handling criminal cases in relation to MPR Decree Number VII/MPR/2000 in conjunction with the TNI Law. The jurisdiction of military justice in criminal cases is only to examine and try all military members in military criminal offenses excluding general criminal offences. The review of the issue of criminal acts in military criminal law is in line with the paradigm shift regarding military justice jurisdiction, namely with the existence of the Military Justice Law, MPR Decree Number VII/MPR/2000, and the TNI Law. The handling of corruption cases committed by TNI soldiers is handled by the Military Court, however the handling of corruption cases committed by TNI soldiers together with civilians is handled through connectivity hearings, connectivity hearings are regulated in Law Number 8 of 1981 concerning Criminal Procedure Law (KUHP) . The connection inspection mechanism is also regulated in Law Number 31 of 1997 concerning Military Justice, the connectivity court is tasked with adjudicating if a criminal act is committed jointly by civilians and TNI soldiers, both general crimes and special crimes such as corruption.

B. FORMULATION OF THE PROBLEM

1. What is the criminal responsibility for military members who commit criminal acts of corruption?
2. What are the efforts made by the Indonesian National Army in dealing with corruption crimes?

C. RESEARCH METHODS

Qualitative research methods, apart from the quantitative research methods created, also require qualitative research methods which require populations and samples. Qualitative normative juridical research is research that refers to legal norms contained in legislation and court decisions as well as norms that live and develop in society. To explain this method, there are several things that need to be explained as follows:

1. Research Type

Legal research generally has normative juridical and empirical juridical types. This normative juridical approach refers to the legal norms contained in legislation and court decisions as well as legal norms that apply in society. Apart from that, by looking at the synchronization of other rules hierarchically, the empirical juridical approach or legal sociology is an approach that looks at the legal reality in society. The legal sociology approach is an approach used to look at legal aspects in social interactions in society, and functions as a support for identifying and classifying non-legal material findings for the purposes of legal research or writing.

2. Data source

- a. Primary data, namely data obtained directly from the source either through interviews, observations or reports in the form of unofficial documents which are then processed by researchers.
- b. Secondary Data, namely data obtained from official documents, books related to research objects, research results in the form of reports, theses, theses, dissertations and statutory regulations. Meanwhile, secondary data can be divided into:
 - 1) Primary Legal Materials

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Binding primary legal materials consist of statutory regulations related to the researcher's object of study. For example: the Criminal Code (KUHP) and the Criminal Procedure Code (KUHPM), Military Law, Laws. Apart from that, laws that already have permanent legal force are also used as primary legal material.

- 2) Secondary Legal Materials
- 3) Secondary Legal Materials are books and scientific writings or legal articles related to the object of this research.
- 4) Tertiary Legal Materials

Tertiary Legal Materials are instructions or explanations regarding primary and secondary legal materials originating from dictionaries, encyclopedias, newspapers, magazines, newspapers and so on.

3. Method of collecting data

Library Research Methods: Library data obtained through library research sourced from statutory regulations, books, official documents, publications and research results.

4. Data analysis method

Based on the nature of this research which uses Normative Juridical research methods, the study used is a qualitative approach to primary data and secondary data.

D. DISCUSSION

1. Criminal Responsibility for Military Members Who Commit Corruption Crimes

A person can only be held criminally responsible if the person has previously been proven to have committed a prohibited act. It is impossible for someone to be held criminally responsible while he himself has not committed an act prohibited by law. If this happens, a leap in thinking cannot be avoided and violations of human rights cannot be avoided. Within the military scope, regarding the responsibilities of a military member, it is not regulated in writing in statutory regulations. So it can be concluded by linking it to criminal responsibility, that military responsibility is the ability to be responsible by military members for mistakes they have committed. Criminal penalties for military members, along with additional criminal penalties, are listed in Articles 6 1st to 4th of the KUHPM (Military Criminal Code). The essence of criminal liability for a military person is basically more of an act of deterrence or retaliation as long as the convict will be reactivated in military service after completing his sentence. Criminal liability for members of the military in question is a case of criminal acts that can be resolved through military justice (Law Number 31 of 1997 concerning Military Justice). Meanwhile, military disciplinary punishment is an educational action for a military person who is sentenced to serve as an act of military guidance (discipline).

Military punishment is more of a combination of military education and deterrence, as long as the convict is not dismissed from military service. Criminal liability is a manifestation of the consequences of criminal acts that have been committed or carried out, in particular criminal liability for the Crime of Gratification by a member of the military. Considering that military membership has rules or legal applications in accordance with the needs of military members, Article 2 of the KUHPM explains that for people who are subject to the scope of the KUHPM, if it is not regulated in the KUHPM, then general criminal penalties and other provisions regulated by the Law apply. Laws that apply in Indonesia. Furthermore, as explained in the elements written in Article 12 B, it is interpreted that military members are state administrators who carry out their duties, functions and authority in the defense of the Indonesian state. This means that in terms of the application of the length of sanctions, imprisonment and fines, in this case the principle of concordance (equality) applies with other legal subjects who are responsible for the Crime of Gratification which has been committed according to Law Number 31 of 1999 as amended and supplemented to Law Number 20 of 2001 concerning the Eradication of Corruption Crimes. Forms of

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corruption according to Law no. 31 of 1999 concerning Eradication of Corruption Crimes as amended by Law no. 20 of 2001 concerning Amendments to Law no. 31 of 1999 concerning the Eradication of Corruption Crimes can be classified as follows:

a. Harmful to State Finances

- 1) Article 2 paragraph (1) Every person who unlawfully commits an act of enriching himself or another person or a corporation which can harm state finances or the state economy, shall be punished with life imprisonment or imprisonment for a minimum of 4 (four) years and a maximum of 20 (twenty) years and a fine of at least Rp. 200,000,000.00 (two hundred million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah).
- 2) Article 3 Every person who, with the aim of benefiting himself or another person or a corporation, abuses the authority, opportunity or means available to him because of his position or position which can harm the state's finances or the state's economy, shall be punished by life imprisonment or a minimum imprisonment 1 (one) year and a maximum of 20 (twenty) years and/or a fine of at least Rp. 50,000,000.00 (fifty million rupiah) and a maximum of Rp. 1,000,000,000.00 (one billion rupiah).

The formulation of the two articles above (Article 2 and Article 3) is almost indistinguishable, because their elements are almost the same. This kind of formulation results in the application of Article 2 and Article 3 being not optimal. Article 3 is intended for public officials while Article 2 is intended for ordinary people. The threat of punishment for public officials or state administrators should be heavier than for ordinary people. Apart from that, the element of the offense of abusing the authority and opportunities available to him because of his position or position should be further emphasized by referring to Law Number 30 of 2014 concerning Government Administration. Regarding the element of state loss, until now there is still no unified view. The type of corruption that results in state losses is the type of corruption most often used by law enforcers to catch corruptors. This element of state loss often becomes an obstacle in the judicial process because they have to wait for the calculation first from the BPK or BPKP.

2. Efforts Made by the Indonesian National Army in Overcoming Corruption Crimes

The efforts made by the Indonesian National Army in overcoming criminal acts of corruption, have been and are currently implementing the following steps.

- a) Redesigning public services within the scope of the TNI, especially in areas that are directly related to service activities for members. The aim is to make it easier for TNI members to obtain professional, quality, timely public services and without being burdened with extra costs/illegal levies within the scope of the TNI. Priority steps are aimed at:
 - 1) Improving the Public Service System within the scope of the TNI;
 - 2) Improving the Performance of Public Service Officials within the scope of the TNI;
 - 3) Improving the Performance of Public Service Institutions within the scope of the TNI; And
 - 4) Increased Supervision of Public Services, with priority activities as attached to the TNI's special activities.
- b) Strengthen transparency, supervision and sanctions on government activities related to parts of the TNI in the fields of economics and human resources. The aim is to increase TNI accountability in managing state resources and human resources as well as providing access to information and various things that provide more

opportunities for the wider community to participate in the economic sector. Priority steps are aimed at:

- 1) Improving the State Financial Management System and especially in the TNI
 - 2) Improving the Procurement System/Procurement of Goods and Services for TNI equipment;
 - 3) Improving the HR Management System for TNI Apparatus, with priority activities.
- c) Increasing the empowerment of supporting tools in preventing corruption. The aim is to uphold the principle of "rule of law", strengthen legal culture and empower all TNI members in the process of eradicating corruption. Priority steps are aimed at:
- 1) Increasing TNI Awareness and Participation
 - 2) Completion of Supporting Legal Materials.
- d) It seems that sending corruptors to correctional institutions (prison) is not a deterrent or the most effective way to eradicate corruption. Moreover, in practice within the scope of the TNI, it is actually a place that is no different from a place outside a correctional institution as long as corruption convicts can pay a certain amount of money to get services and facilities that are no different from services and facilities outside a correctional institution. Therefore, the term correctional institution with luxurious facilities and services emerged. Seeing conditions like this, it is necessary to think of other ways so that TNI members feel ashamed and think twice about committing corruption. Ways that can be done include provisions for announcing decisions that have obtained permanent legal force in corruption cases through the mass media. Apart from providing information to the public, this provision also serves as a moral sanction for perpetrators of criminal acts of corruption. Apart from that, it is also necessary to add sanctions for revoking the rights of defendants in corruption cases. This is very important to provide learning that public office holders are individuals with morals and high integrity.
- e) Law enforcement in the context of eradicating corruption must be carried out in an integrated and comprehensive manner with one goal, namely to eradicate corruption. Law enforcement human resources must come from selected people and have high integrity. It is time to end the existence of sectoral egos or institutional egos among law enforcement agencies. The state also needs to think about how to ensure that the level of welfare for law enforcers is good, that they are not in need and that they become clean law enforcers.

Efforts to enforce the law through military courts are the last resort (*ultimum remedium*) if the efforts to foster discipline and enforce disciplinary laws that have been carried out by each Commander are no longer able to overcome them. Thus, military courts are a powerful tool in maintaining and improving soldier discipline so that every soldier is always ready to be deployed on any assignment at any time and anywhere.

1. Since the founding of the Republic of Indonesia, the need for Military Justice which is organizationally separate from the General Court has been recognized. There are several reasons why it is necessary to establish a military court that is separate from the general court.
2. Efforts to overcome crime can be broadly divided into two, namely through penal channels (criminal law) and through non-penal channels (not/outside criminal law). Point a is a penalty route, while points b and point c are non-penal routes.
3. Efforts to overcome crime are not solely penal, but are also carried out with non-penal efforts. If a crime prevention policy uses penal measures, its use should be carried out more carefully, sparingly, selectively and limitatively. Efforts to overcome crime through penal channels focus more on repressive characteristics after a crime occurs, while non-penal channels focus more on preventive characteristics before a crime occurs.

E. CLOSING

a. Conclusion

- 1) In terms of the implementation of criminal liability by TNI members in Indonesia who commit Corruption Crimes, it is divided into two parts: First, criminal liability is accepted by legal subjects of TNI members for a period of time in accordance with what is regulated in Article 12 B of Law of the Republic of Indonesia Number 31 1999 as amended and added to Law of the Republic of Indonesia Number 20 of 2001 concerning the Eradication of Corruption Crimes, by the final decision of the Military Judge at the Military Court. Second, the administrative responsibility received by the TNI if it has committed the Crime of Gratification as regulated in Law Number 20 of 2001 concerning the Eradication of Corruption Crimes, is carried out according to the final decision of the Military Court written in Article 6 letter b of the Military Member who committed the Act. Crime in Indonesia. Third, in accountability for military members who commit criminal acts of corruption, according to the author, the application of administrative sanctions related to the dismissal of military members as TNI must take priority, after that the application of criminal sanctions is applied as the final means (*Ultimum Remedium*) of enforcing the position of general criminal law, including military crimes in Indonesia.
- 2) The efforts made by the Indonesian National Army in overcoming criminal acts of corruption, have been and are currently implementing the following steps. First, redesigning public services, especially in areas that are directly related to daily community service activities within the scope of the TNI. Second, strengthen transparency, supervision and sanctions on the activities of TNI members related to the economy and human resources. Third, increase the empowerment of supporting tools in preventing corruption. Fourth, be more selective in choosing law enforcers, prioritizing looking for law enforcers who have high levels of honesty.

b. Suggestion

- 1) Eradicating criminal acts of corruption within the scope of the Indonesian National Army (TNI) must adhere to the corruption laws that are still in force by prioritizing criminal responsibility.
- 2) Legislation to eradicate corruption for the Indonesian National Army (TNI) is clear with sanctions that can provide deterrence and a fast and transparent judicial process, especially among the Indonesian National Army (TNI). Always report TNI activities that are mixed with financial expenditure to avoid criminal acts of corruption.

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