

Judicial Connectivity in the Case of Firearm Sales by Military Personnel to Civilians

a Review of Military and General Court Decisions in Indonesia

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Abstract: This article aims to find out and analyze the settlement of cases of connexity between military personnel and civilians in the sale and purchase of assembled firearms as well as the political views of the law regarding future cases of connexity. Laws, rules, and judicial rulings are the subjects of this normative legal study. Data sources are primary, secondary and tertiary legal materials. The results showed that the resolution of the military-civilian connexity case in Military Court Decision Number 70-K/Pm Iii-18/Ad/X/2021 & District Court Decision Number 99/Pid.Sus/2021/Pn Sml was not carried out in accordance with the Criminal Code, the Criminal Procedure Code, the Military Justice Law and the Judicial Power Law because it was carried out separately. The political view of the law regarding the resolution of koneksitas cases is that there have been several legal reforms regarding koneksitas cases in Indonesia, but they have not been implemented until now, therefore there must be firmness and commitment from law enforcers to implement them.

Keywords: Connectivity Cases; Military Court; Firearms Sale; Civilian.

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1. Introduction

In Indonesia, all aspects of societal and state life are regulated by statutory laws established by the government, as Indonesia is a state based on the rule of law. The Republic of Indonesia also guarantees that all citizens, without exception, shall have equal standing before the law and the government, as stipulated in Article 27 paragraph (1) of the Fourth Amendment to the 1945 Constitution. The Military Court, along with all social institutions, state authorities, and the people, must uphold and support the enforcement of legal justice. (Rais, 2022)

Impartial justice, both for members of the Indonesian National Armed Forces (TNI) and for civilians, remains a critical issue, especially considering the social and institutional disparities between the two groups. The Military Court has increasingly become a subject of public scrutiny, particularly in relation to concerns over its

independence and allegations of injustice. Although the crimes committed may fall under the category of general (non-military) offenses, the Military Court continues to regard military personnel solely as legal subjects under its jurisdiction. As a result, such offenses are still tried before the Military Court. This practice raises concerns of injustice, as such cases should be adjudicated in the General Court based on the nature of the offense committed. There should not be differing judicial powers to try the same type of violation, as it undermines the principle of equal treatment before the law. (Kurniawati et al., 2018)

The judiciary, as the executor of judicial power, operates under the authority of the Supreme Court (Mahkamah Agung), which oversees four judicial environments: the General Court, the Military Court, the Religious Court, and the Administrative Court. In addition, the Constitutional Court (Mahkamah Konstitusi) is also a judicial institution with specific jurisdiction as stipulated in the 1945 Constitution. Each type of court has its own jurisdiction. The Military Court has the authority to adjudicate cases involving members of the Indonesian National Armed Forces (TNI), while the District Court (Pengadilan Negeri) handles both criminal and civil cases involving civilians. Therefore, if a member of the military commits a criminal offense, the case is transferred to and tried before the Military Court. Conversely, if a civilian commits a criminal offense, the case is brought before the District Court for adjudication. (Rohman, 2024)

The enforcement of law and order within the Armed Forces is the primary objective of military justice, which encompasses the exercise of judicial authority while also recognizing the importance of national defense and security coordination, as stipulated in Article 5 paragraph (1) of Law No. 31 of 1997. In practice, it is not uncommon for criminal offenses to be committed jointly by military personnel and civilians. The resolution of such cases may fall under the jurisdiction of both the military court and the general court, or vice versa. These types of cases are commonly referred to as *connectivity cases*. (Kartika, 2016)

Based on their role, each soldier is equipped with firearms in accordance with military equipment standards. However, outside of combat or operational contexts, the transportation and use of firearms are strictly limited to prevent misuse. Only military personnel assigned to specific missions—such as training, security duties, intelligence operations, or special command and security units—are permitted to carry firearms. Conversely, the use of firearms is generally restricted to officers within combat units.

The circulation of illegal firearms in Indonesia involving members of the Indonesian National Armed Forces (TNI) and civilians has been observed in several cases. One such case occurred in 2021, involving a TNI member who sold homemade firearms to a civilian. The military personnel was found in possession of homemade firearms and money obtained from the sale of those weapons. Illegal firearms are often misused in ways that can lead to significant harm or even death, such as in cases of assault, robbery, rebellion, murder, and other violent crimes. Andi Hamzah also states that “connectivity justice” refers to a judicial system applied to criminal suspects involving both civilians and military personnel. Thus, it can be affirmed that connectivity justice

pertains to criminal offenses involving military and civilian actors, in accordance with Articles 55 and 56 of the Indonesian Penal Code (KUHP). (Fikri et al., 2024)

Based on Article 198 of Law Number 31 of 1997 on Military Courts and Articles 89–94 of the Indonesian Criminal Procedure Code (KUHP), connectivity cases refer to criminal offenses committed jointly by civilians and military personnel. In principle, such cases are adjudicated in the general court, unless the Minister of Defense, with the approval of the Minister of Law and Human Rights, decides to refer the case to the military court. The investigation is conducted by a joint team consisting of Military Police, Military Prosecutors (Oditur), and investigators from the general judiciary, each operating within their respective legal authority. This joint team is established through a decree jointly issued by the two relevant ministries. In practice, however, the resolution of connectivity cases often adopts a split approach: civilians are tried in the District Court, while military personnel remain under the jurisdiction of the Military Court in accordance with applicable authority. (Septiana, 2023)

One notable case in recent years involving the sale of firearms by members of the Indonesian National Armed Forces (TNI) to civilians was also addressed by the TNI Commander. According to the Commander, there were 27 reported cases of illegal goods sales committed by TNI personnel in the previous year, marking a 270% increase compared to 2021. The illegal sale of firearms and ammunition by rogue military personnel poses a serious threat, as it has the potential to strengthen separatist groups—classified as civilian entities—that may endanger Indonesia's national security.

Several of these cases relate to the legal framework governing connectivity cases, as stipulated in Article 198 paragraph (1) of Law No. 31 of 1997 on Military Courts and Article 16 of Law No. 48 of 2009 on Judicial Power. These provisions state that, unless the Minister of Defense and Security—upon approval from the Minister of Law and Human Rights—has decided that a particular case shall be examined and adjudicated in a military court, the general court holds the authority to do so. This determination may also depend on the extent of the harm caused or suffered as a result of the offense.

According to Article 89 of the Indonesian Criminal Procedure Code (KUHP), connectivity cases involve criminal acts jointly committed by military personnel and civilians. As a general rule, such cases are adjudicated in the general court, unless a decision is made by the Minister of Defense and Security, with the consent of the Minister of Law and Human Rights, to refer the case to the military court. This exception may apply when the harm caused by the offense is deemed more relevant to the military jurisdiction, and when the military court is considered capable of examining the case comprehensively. However, in practice, this legal provision is not always applied consistently. Connectivity cases are frequently resolved using a separate approach, in which military personnel are tried in the military court while civilians are tried in the general court, without taking into account the legal connection between both parties involved in the same criminal event. (Gani, 2018)

The resolution of a connectivity case involving the sale of homemade firearms by a member of the Indonesian National Armed Forces (TNI) to a civilian, as decided in Military Court Decision No. 70-K/PM III-18/AD/X/2021 and District Court Decision No. 99/Pid.Sus/2021/PN Sml, has drawn public attention due to irregularities in the application of the connectivity justice system. Although the criminal act was jointly committed by military personnel and a civilian—which, in principle, should fall under the provisions of Article 89 of the Criminal Procedure Code (KUHAP) and Article 198 of the Military Court Law, the case was adjudicated separately, without adequate legal coordination.

The TNI member was tried solely in the military court, without being dismissed from service or having the case transferred to the general court, despite the fact that selling firearms to civilians constitutes a serious offense under Article 1 paragraph (1) of the Emergency Law No. 12 of 1951, which carries the possibility of life imprisonment or the death penalty. The firearm in question was subsequently used by the civilian to threaten other individuals, yet both defendants received prison sentences of less than two years. Neither the military court nor the general court considered the legal aspect of connectivity, as if the actions of the defendants were entirely unrelated. Moreover, Law No. 31 of 1997 does not clearly regulate criminal sanctions or dismissal for TNI personnel who commit criminal offenses. This raises concerns regarding the effectiveness and legal certainty of handling connectivity cases within the Indonesian judicial system. These issues form the basis of this research, which aims to analyze the resolution of connectivity cases in military courts, particularly in the aforementioned case.

Based on the aforementioned explanation, this research focuses on two main issues. First, it seeks to analyze the resolution of a connectivity case involving military personnel and a civilian who jointly committed the criminal act of trading homemade firearms, as reflected in Military Court Decision No. 70-K/PM III-18/AD/X/2021 and District Court Decision No. 99/PID.SUS/2021/PN SML. Second, the research aims to examine the future direction of legal policy regarding connectivity cases in light of the Draft Criminal Procedure Code.

2. Method

This research is a normative legal study that utilizes primary legal materials, secondary legal materials, and tertiary legal materials as its data sources. The data collection method employed is a literature study, through the analysis of legal sources and scholarly literature relevant to the subject matter. The data is analyzed using a qualitative descriptive approach.

3. Result & Discussion

3.1 Resolution of a Connectivity Case in Military Court Decision No. 70-K/PM III-18/AD/X/2021 and District Court Decision No. 99/Pid.Sus/2021/PN SML

Both the Indonesian Criminal Procedure Code (KUHAP) and Law No. 31 of 1997 on Military Courts stipulate that civilians and military personnel may be jointly tried in

criminal cases. These cases are adjudicated in a court determined based on the primary impact of the offense—whether the harm suffered is greater on the civilian or military side. The purpose of connectivity justice is to ensure a judicial process that is both swift and fair, although achieving this goal is often more complex than resolving ordinary criminal cases. Before a case may be tried in either a general or military court, it must first be subject to a decision by the Minister of Defense, with the approval of the Minister of Law and Human Rights. Subsequently, an investigative team must determine whether the case falls under the jurisdiction of the military court or the general court. (Gani, 2018)

The Indonesian Criminal Procedure Code regulates the resolution of joint criminal offenses involving both military personnel and civilians, which are to be adjudicated in the general court. In cases where criminal charges arise from actions jointly committed by military and civilian actors, several exceptions apply as stipulated in decisions issued by the Minister of Defense, Security, and Justice. In practice, however, most military and civilian offenders are tried separately, even when both parties are culpable for the same criminal act. One of the major obstacles to implementing an integrated judicial system is the structural transformation of Indonesia's governmental institutions. As part of the effort to restructure the institutions responsible for handling interconnected criminal cases, the Office of the Deputy Attorney General for Military Criminal Affairs (Jaksa Agung Muda Tindak Pidana Militer or JAMPIDMIL) was established. (Lapae et al., 2022)

The regulation of connectivity cases is often neglected in practice by law enforcement authorities. This issue became one of the underlying reasons for the establishment of the Deputy Attorney General for Military Criminal Affairs (Jaksa Agung Muda Tindak Pidana Militer or JAMPIDMIL). JAMPIDMIL was formally established through Presidential Regulation No. 15 of 2021 concerning the Second Amendment to Presidential Regulation No. 38 of 2010 on the Organization and Working Procedures of the Attorney General's Office of the Republic of Indonesia. The formation of this institution aims to enhance the effectiveness of the Attorney General's Office in carrying out its duties and authorities, as well as to realize the principles of reform and bureaucratic transformation in order to improve legal services for the public. (Ridlo et al., 2024)

Based on the *dominus litis* principle, which holds that the prosecution process within a country must be supervised by a single official, namely the Attorney General as the Chief Public Prosecutor, the establishment of the Deputy Attorney General for Military Criminal Affairs (JAMPIDMIL) is grounded in this foundational doctrine. JAMPIDMIL was created to facilitate coordination and cooperation between the Attorney General's Office and other law enforcement agencies, making it essential to establish a clear framework for such collaboration. As the highest-ranking prosecutor in the country, the Attorney General is tasked with supporting the Military Criminal Division. JAMPIDMIL is envisioned to serve as a liaison between military prosecutors acting as public prosecutors and the Attorney General, who holds the ultimate authority over prosecutorial functions in technical matters. Institutional authority in

the field of military justice (peradilan militer) can be strengthened through the presence of JAMPIDMIL. The realization of a single prosecution system depends on the successful implementation of this perspective. Under such a system, prosecutors are expected to play an active role not only in criminal case management and prosecutorial authority but also in investigative duties, supervisory functions, enforcement of procedural principles, and review of judicial decisions. (Prabandari et al., 2022)

One of the structural units within the Office of the Attorney General (Kejaksaan Agung) responsible for military criminal matters is the Deputy Attorney General for Military Criminal Affairs (JAMPIDMIL). This is regulated under Presidential Regulation of the Republic of Indonesia No. 15 of 2021, which amends Presidential Regulation No. 38 of 2010 concerning the Organizational Structure and Working Procedures of the Attorney General's Office. According to Article 25A paragraph (1), JAMPIDMIL is directly accountable to the Attorney General and is tasked with assisting in the execution of prosecutorial duties, including prosecution, coordination, and connectivity of cases.

Regarding prosecution, Article 25B paragraph (2) states that, within the scope of coordination, JAMPIDMIL oversees the prosecution conducted by military prosecutors (oditur) in handling connectivity cases, which includes the following: conducting investigations, analyzing investigative data, carrying out further examinations, providing legal advice to case officers, initiating prosecutions, terminating prosecutions, filing legal remedies, enforcing judicial decisions, executing final and binding court rulings, conducting case reviews (examinations), and supervising the implementation of conditional sentences, supervisory sentences, parole decisions, and other legal actions related to coordination in the procedures of prosecution carried out by military prosecutors in handling connectivity cases. (Lapae et al., 2022)

This section discusses the resolution of a connectivity case involving both military and civilian actors, as well as the effectiveness of applicable laws in such cases. The case began in 2018 when a TNI member, Yosepus, sold a homemade firearm to a civilian, Rafael. In 2021, Rafael used the firearm to threaten residents in his neighborhood, which led to a police report. During the investigation, Rafael admitted that he had obtained the firearm from Yosepus. As a result, Rafael was convicted and sentenced to 1 year and 4 months in prison by the District Court, as stated in Decision No. 99/Pid.Sus/2021/PN Sml. Meanwhile, Yosepus was sentenced to 1 year and 9 months by the Military Court through Decision No. 70-K/PM III-18/Ad/X/2021, without receiving any dismissal from military service.

As illustrated in the case above, the criminal act of illegal firearm trade committed jointly by a military member and a civilian—where the firearm was later used by the civilian to threaten other civilians—clearly caused harm within the public domain. Therefore, based on KUHAP, the Military Court Law, and the Judicial Power Law, such a connectivity case should have been adjudicated in the general court. However, in practice, the case was resolved through a split trial: the civilian was tried in the District Court, while the military personnel was tried in the Military Court. In military law,

there are three categories of violations: pure disciplinary violations, impure disciplinary violations, and criminal offenses. Pure and impure disciplinary violations are handled under Law No. 26 of 1997 on Military Discipline, while criminal offenses fall under the jurisdiction of the Military Court, as regulated by Law No. 31 of 1997. The case involving Yosepus (military) and Rafael (civilian) qualifies as a connectivity case, as Rafael's act of threatening others with a homemade firearm—judged under general jurisdiction—was directly linked to Yosepus's prior sale of that illegal weapon. Despite this clear connection, the two were tried separately, as though their actions were unrelated. (Sari et al., 2023)

Any criminal offense—whether general or specific—committed by civilians or members of the armed forces may be subject to adjudication in a general court. When both civilians and military personnel are involved in the same criminal act, the suspects or defendants may undergo legal proceedings before the general court. According to Andi Hamzah, the general court serves as the proper forum for trying criminal cases involving both civilians and military personnel, as reflected in Articles 55 and 56 of the Indonesian Penal Code (KUHP). Therefore, general courts are obligated to adjudicate criminal offenses that involve both civilian and military actors. (Sari et al., 2023)

The determination of whether the resulting harm of a criminal offense falls under military or general court jurisdiction remains a contentious issue. This involves assessing the seriousness of the damage and whether it affects public or military interests, as regulated in Article 91 of Law No. 8 of 1981 (KUHP) and Article 200 of Law No. 31 of 1997 on Military Courts. Criminal cases must be tried in courts with broader jurisdiction when the primary harm is to public interests. However, certain cases may fall under military jurisdiction, particularly when the offense is severe and relates directly to military objectives. Following the investigation phase, known as prosecution, the Attorney General for Military Affairs (Oditur Jenderal) and Military Prosecutors (Oditur Militer or Oditur Militer Tinggi) assess how to balance public and military interests in determining the appropriate jurisdiction. Once the findings of the Connectivity Investigation Team are compiled, they are submitted to the relevant prosecutors to jointly decide whether the case should be tried in a general or military court (see Article 199 of Law No. 31 of 1997 and Article 90 of KUHP). A final report is then prepared and signed jointly by the military and general prosecutors, outlining the investigation results and their shared opinion. (Pakpahan & Gaol, 2022)

Public prosecutors or chief prosecutors are required to notify the Attorney General if a disagreement arises between judges and judicial officials. Similarly, military prosecutors or the highest-ranking military prosecutors must inform the Chief Prosecutor of the Armed Forces in the event of a similar dispute. However, if the public prosecutor and the chief military prosecutor cannot reach a consensus, the latter must submit a written report of the disagreement, along with the case file, to both the Attorney General and the Military Prosecutor General of the TNI (pursuant to Article 202 of Law No. 31 of 1997 on Military Courts in conjunction with Article 93 of Law No. 8 of 1981 on KUHP). A final decision will then be made following

consultation between the Military Auditor General and the Attorney General. If their views differ, the decision of the Attorney General shall prevail. (Sari et al., 2023)

Criminal acts committed by members of the armed forces or the TNI may sometimes involve both military personnel and civilians. In criminal law, such situations give rise to joint liability (*tanggung renteng*). The concept of joinder (*perbarengan*) is regulated in Chapter XI, Articles 89–94 of the Military Criminal Procedure Code, and is defined in Article 89(1). The competent court to adjudicate offenses jointly committed by individuals under both general and military jurisdiction is the general court, except in specific cases approved by the Minister of Defense with the consent of the Minister of Law and Human Rights. Such cases may then be referred to military jurisdiction for review and adjudication. The phrase “in certain circumstances” refers to the severity of harm caused by the offense. If the harm primarily concerns military interests, the case should be tried in the military justice system; if the harm primarily concerns public interest, it should be handled by the general judicial system. Therefore, determining the proper forum is the first and most essential step in addressing a connectivity case. (Ridlo et al., 2024)

The resolution of cases involving both military and civilian actors would ideally be most effective if conducted through a Connectivity Court. However, in practice, the legal framework on connectivity is often overlooked by the judicial system. As a result, the establishment of the Deputy Attorney General for Military Criminal Affairs (JAMPIDMIL) under Presidential Regulation (Perpres) No. 15 of 2021 was intended to enhance the effectiveness of prosecutorial functions. Presidential Regulation No. 15 of 2021, which amends Presidential Regulation No. 38 of 2010 concerning the Organizational Structure and Working Procedures of the Attorney General's Office, was introduced to improve institutional efficiency through bureaucratic reform, thereby facilitating better legal services to the public. Nevertheless, JAMPIDMIL faces various challenges in fulfilling its responsibilities. First, components of the legal structure—such as the police and related institutions—no longer align with current developments; for example, the Ministry of Justice and the Ministry of Defense and Security (now the Ministry of Defense) no longer function as they once did. Second, police personnel are no longer under military jurisdiction, and investigative bodies now operate under their own sectoral legal authorities, such as forestry, customs, and excise.

3.2 Legal Policy on Connectivity Cases in Indonesia Based on the Draft Criminal Procedure Code

Societal changes often occur more rapidly than legal developments, necessitating regular reviews and updates to the legal system in order to accommodate emerging types of crime. One urgent legal concern that cannot be overlooked is the procedural framework for handling connectivity cases. Legal certainty remains a fundamental issue in law, and it is directly linked to the implementation of procedural justice in such cases. Under the procedural rules governing connectivity hearings, various legal situations may arise involving joint offenses committed by individuals subject to both military and general court jurisdictions. The handling of such cases varies depending

on whether the offense involves a civilian or a member of the armed forces. In civil cases, the district court adjudicates as part of the general judicial system, while military offenses fall under the jurisdiction of the military court. The Draft Criminal Procedure Code (RUU KUHAP) is expected to address these jurisdictional complexities and provide a more coherent legal foundation for resolving connectivity cases in Indonesia. (Fikri et al., 2024)

The upcoming Indonesian Penal Code (KUHP Nasional), set to take effect in 2026, does not specifically regulate connectivity cases. Instead, it continues to refer to the provisions of Article 89(1) of the current Criminal Procedure Code (KUHAP). While the new KUHP includes references to connectivity offenses, this is limited to additional sentencing provisions under Article 66(5), which states that TNI members involved in such offenses may be subject to further punishment in accordance with military law—thus still deferring to existing military regulations. The idea of establishing a Deputy Attorney General for Military Crimes (JAMPIDMIL) has been debated since the early 2000s without clear resolution. On January 22, 2020, the Indonesian Prosecutors' Association (PJI) held a Focus Group Discussion (FGD) on this issue, involving legal experts, military authorities, and civil society representatives. The formation of JAMPIDMIL was later advocated by Barita Simanjuntak, as part of the organizational reform of the Attorney General's Office. He emphasized that the creation of JAMPIDMIL reflects the institution's commitment to the *dominus litis* principle, in line with the mandate of the Prosecutor General. (Ihsan, 2021)

Article 69 of Law No. 31 of 1997 on Military Courts stipulates that investigators in military cases may include three authorities: the commanding officer with disciplinary authority, the military police, and the public prosecutor. This provision highlights the prosecutor's critical role, particularly in guiding prosecutorial procedures within the military justice system. However, a significant issue arises: military court examiners do not have the authority to submit a criminal case directly to the military court without approval from the competent commanding officer. In principle, case submission to the military court must be conducted through the military examiner, which limits prosecutorial independence in military proceedings. (Ihsan, 2021)

In July 2024, during the opening ceremony of the 2024 Human Resource Training Program at the Attorney General's Training Center (Badiklat), Major General TNI Dr. [Name] emphasized that prosecution is a unified process involving both military and civilian jurisdictions. This reflects the position of the Attorney General not only as the highest authority within the public prosecution service, but also as the top prosecutorial figure in any institution legally authorized to carry out prosecutions. Accordingly, Law No. 31 of 1997 on Military Courts explicitly states that the Attorney General is the highest-ranking prosecutor. This regulation embodies the principle of a single prosecutorial system, meaning that no other institution may exercise prosecutorial authority outside the supervision and control of the Attorney General, who holds the ultimate authority in this domain.

By interpreting Article 57 paragraph (1) of the Military Court Law, which states that the Attorney General holds responsibility as the highest prosecutor in Indonesia, it

becomes clear that a strong institutional relationship exists between the Attorney General's Office and the Indonesian National Armed Forces (TNI)—particularly in the legal field of prosecution. To support this institutional link, the government issued Presidential Regulation No. 15 of 2024, amending Presidential Regulation No. 38 of 2010 on the Organizational Structure and Working Procedures of the Attorney General's Office. The establishment of the Deputy Attorney General for Military Criminal Affairs (JAMPIDMIL) within the Attorney General's Office is based on this regulation.

JAMPIDMIL also carries out a core function of coordinating between general (civil) law and military law, as regulated under two legal frameworks: the Law on the Attorney General's Office and the Military Law. These two institutions intersect at a common point—criminal prosecution—which serves as their key linkage. The Public Prosecutor's Office and the TNI have established a strong and intensive cooperation, exemplified by a Memorandum of Understanding between the Attorney General of the Republic of Indonesia and the TNI on the Utilization of Resources and Enhancement of Professionalism in the Field of Law Enforcement, numbered 4 of 2023 and NK/6/IV/2023/TNI dated 2023/2023/TNI. This cooperation includes training programs, technical coordination in investigations and prosecutions, and the handling of connectivity cases.

The legal politics surrounding regulatory changes on connectivity cases over time have significantly influenced how such cases are resolved in Indonesia. In the Military Court Decision No. 70-K/PM III-18/Ad/X/2021, the offense was committed by a member of the TNI, and the primary harm caused affected civilians. Therefore, pursuant to Article 91(1) of the Criminal Procedure Code (KUHAP), the case should have fallen under the jurisdiction of the general court.

In reality, however, the case was handled separately (split): the civilian defendant was tried in the general court (Decision No. 99/Pid.Sus/2021/PN Sml), while the military member was tried in the military court. This occurred despite the fact that the greater public interest was at stake, leading to legal uncertainty regarding the proper jurisdiction for such cases. Articles 89 to 94 of KUHAP clearly state that criminal acts jointly committed by civilians and military personnel should be tried in the general court, unless the Minister of Defense and the Minister of Justice decide otherwise. However, since the separation of the Ministry of Defense and the Ministry of Security in 1999, ambiguity has arisen regarding which institution has the authority to make such jurisdictional determinations. Today, connectivity cases continue to be resolved through a split approach—military personnel are tried in military courts, while civilians are tried in general courts—even when the offense was committed jointly. This contradicts the principle of a fast, simple, and cost-efficient justice system. In practice, this fragmented approach results in higher costs, longer trial times, and procedural complexity due to jurisdictional divisions.

4. Conclusion

The resolution of the connectivity case involving a military and a civilian defendant—arising from the illegal sale of a homemade firearm by a TNI member to a civilian—led to a subsequent act of criminal intimidation by the civilian against other civilians using that firearm. In this case, the civilian was tried in the general court and sentenced to 1 year and 4 months in prison (Decision No. 99/Pid.Sus/2021/PN Sml), while the military member received a 1 year and 9 months sentence in the military court (Decision No. 70-K/PM III-18/AD/X/2021), without dismissal from service. According to the KUHAP, the Military Court Law, and the Judicial Power Law, the appropriate jurisdiction in connectivity cases depends on where the primary harm lies—whether to public or military interests. Given that the offense endangered civilian safety and public order, the case should have been adjudicated in the general court. However, in practice, it was handled separately (split), treating the civilian and military offenses as if they were unrelated.

From a legal policy perspective, connectivity cases involving both military and civilian actors should be resolved within a unified judicial framework. However, the handling of such cases in Indonesia has been affected by shifting legal norms, particularly the redefinition of the roles of the TNI and the National Police following the 2000 MPR Decree. While the Draft Criminal Procedure Code (RUU KUHAP) addresses connectivity cases, its scope is limited to imposing additional sanctions on military personnel whose actions harm public interests; otherwise, military personnel remain under military jurisdiction. There have also been proposals, particularly in 2020, to establish JAMPIDMIL (Deputy Attorney General for Military Crimes) as a solution to prosecutorial coordination in connectivity cases, but these proposals have yet to be fully realized.

Reference

- Fikri, H., Sagala, P., & Suswantoro, T. A. (2024). Legal Analysis of the Authority of Military Judges in the Procedural Law of Examination of Connectivity in Corruption Cases. *AURELIA: Jurnal Penelitian Dan Pengabdian Masyarakat Indonesia*, 4(1), 478–502.
- Gani, R. A. (2018). Koneksitas Dan Penyelesaiannya Di Mahkamah Militer. *Jurnal Ilmiah Universitas Batanghari Jambi*, 12(1), 72–75.
- Ihsan, M. (2021). Kedudukan Kejaksaan Republik Indonesia dalam Proses Penuntutan Peradilan Militer di Indonesia. *Jurnal Intelektualita: Keislaman, Sosial Dan Sains*, 10(2), 283–292.
- Kartika, S. D. (2016). Keamanan Maritim Dari Aspek Regulasi Dan Penegakan Hukum (Maritime Security From The Aspects Of Regulation And Law Enforcement). *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan*, 5(2), 143–167.
- Kurniawati, E., Adwani, A., & Mujibussalim, M. (2018). Kewenangan Pengadilan Militer I-01 Banda Aceh Dalam Mengadili Tindak Pidana Umum Yang Dilakukan Oknum Anggota TNI di Aceh. *Syah Kuala Law Journal*, 2(2), 216–232.
- Lapae, K. A. H., Thalib, H., & Mappaselleng, N. F. (2022). Kewenangan Jaksa Agung

- Muda Bidang Pidana Militer Dalam Penuntutan Tindak Pidana Koneksitas. *Journal of Lex Generalis (JLG)*, 3(9), 1506–1521.
- Pakpahan, N. H., & Gaol, Y. R. C. L. (2022). Kekosongan Hukum Dalam Penilaian Letak Kerugian Pada Kepentingan Umum atau Kepentingan Militer Sebagai Dasar Kewenangan Peradilan Koneksitas. *Sanskara Hukum Dan HAM*, 1(02), 37–46.
- Prabandari, P. N., Sugiarta, I. N. G., & Widyantara, I. M. M. (2022). Peranan Jaksa Agung Muda Bagian Pidana Militer dalam Penanganan Perkara Koneksitas. *Jurnal Analogi Hukum*, 4(2), 182–186.
- Rais, M. T. R. (2022). Negara Hukum Indonesia: Gagasan Dan Penerapannya. *Jurnal Hukum Unsulbar*, 5(2), 11–31.
- Ridlo, A., Pratiwi, S., & Mardani, M. (2024). Analisis Penyelesaian Perkara Koneksitas Dalam Perspektif Pidana Umum Dan Pidana Militer. *Pagaruyuang Law Journal*, 8(1), 45–57.
- Rohman, M. M. R. (2024). Independensi Kekuasaan Kehakiman Dalam Sistem Trias Politica Di Indonesia. *HUNILA: Jurnal Ilmu Hukum Dan Integrasi Peradilan*, 2(2), 190–207.
- Sari, O. N., Arfiani, N., & Mustofa, M. (2023). Independensi Penuntutan Perkara Koneksitas Ditinjau dari Peraturan Presiden Nomor 15 Tahun 2021 Tentang Organisasi dan Tata Kerja Kejaksaan. *WELFARE STATE Jurnal Hukum*, 2(2), 143–162.
- Septiana, S. (2023). Kedudukan Peradilan Umum Dan Peradilan Militer Dalam Perkara Koneksitas Ditinjau Dari Perspektif Hukum Positif Indonesia. *Jurnal Ilmiah Publika*, 11(1), 108–115.
