

Problematics of the Legal Settlement of Connective Crimes in Indonesia

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Article	Abstract
<p>Keywords: Crime; Connective; Indonesia Military; Problematics.</p> <p>Article History Received: Agu 06, 2024; Reviewed: Nov 15, 2024; Accepted: Dec 10, 2024; Published: Dec 12, 2024.</p>	<p>This research discusses the issue of forming a Joint Decree of the Minister of Defense, Attorney General and Commander of the Indonesian National Army, whether it is in accordance with the provisions of the laws in force in Indonesia. This research falls into the category of normative legal research with a statutory and conceptual approach. The results of the research found that the Minister of Defense, the Attorney General and the Commander-in-Chief have the authority to form a Permanent Team for Investigating Criminal Crimes, but its formation does not involve elements of the Indonesian National Police as investigators of general crimes and certain Civil Servant Investigators as investigators of certain crimes (including Commission investigators). Eradication of Corruption does not comply with the mechanisms regulated in the Criminal Procedure Code and the Military Justice Law. Conditions like this have the implication of not being able to carry out investigations into general crimes and specific crimes related to connection cases, except for corruption crimes. The issuance of the Joint Ministerial Decree has the implication of creating a statutory law in the process of investigating general crimes in connection cases. In order to fill this statutory law, law enforcers carry out legal smuggling by carrying out a separation process, resulting in the potential for inequality before the law.</p>



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Introduction

The ethical values, moral and legal values that are characteristic of the Indonesian nation are no longer a reference in national and state life. This depravity can be seen in the many cases of corruption, collusion and nepotism. Corruption pervades all sectors of state institutions, including the executive, legislative and judicial institutions. Chairman of the People's Representative Council Setyo Novanto, Chairman of the

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Corruption Eradication Committee Inspector General of Police Firly Bahuri, Chairman of the Constitutional Court Anwar Usman and Secretary General of the Supreme Court Nurhadi were involved in corruption, collusion and nepotism so they were processed through criminal justice and ethics mechanisms.

Crimes that are rife in society require strict and nondiscriminatory law enforcement. Law enforcement must be carried out with dignity and not prioritize the interests of individuals, families and groups (political parties and regimes) over the interests of the people, nation and state. Law enforcement basically must involve all Indonesian citizens (Irfan, et.al., 2021). Law enforcement practices in Indonesia are not yet ideal, they are often still carried out in dirty, corrupt, undignified and immoral ways. The dilapidation of law enforcement is caused by the large number of legal problems that are resolved not according to mechanisms, but are carried out more by cheating, corruption and ignoring national and state ethics. In order to overcome these crimes, it is necessary to update and reform the legal system according to the conditions of society which tends to develop dynamically (Voges, et.al., 2023).

Crime occurs in both civil society and military environments. Crimes are often committed by people who are subject to two different judicial environments, namely military and general justice, which is called connectivity. Connectivity cases should be resolved using connectivity mechanisms, but in the reality there are often irregularities involving legal smuggling (Syamsuddin, 2017). Civil society perpetrators are processed by investigators from the National Police, Prosecutor's Office and the Corruption Eradication Commission for criminal acts of corruption and military perpetrators are processed by the Military Police. Conditions like this give rise to dualism and disparity in case handling which has the potential to harm public justice and the absence of equality before the law (Lapae, 2022).

The case of corruption in the form of giving bribes for managing the budget of the Maritime Security Agency is an example of a connection case. The project to procure monitoring satellites and drones took place in 2016 which cost the state budget worth IDR 200 billion. This case involves 6 suspects, namely 5 civilians, on behalf of Eko Susilo Hadi (Deputy for Legal Information and Cooperation), Fahmi Darmawansyah (Main Director of PT Melati Technofo Indonesia) and two employees, Hardy Stefanus and Muhammad Adami, Fayakhun Andriadi and 1 military member, namely First Admiral Bambang Udoyo (Indonesia Corruption Watch, 2017).

The process of investigating cases against a Maritime Security Agency is carried out in a split manner, the perpetrators from civil society are investigated by the

Corruption Eradication Commission and examined, tried and decided at the General Court, while the perpetrators are Indonesian national army soldiers examined by the Military Police and tried at the Military Court. This kind of separation of legal processes is a consequence of the Military Justice Law which requires that legal proceedings against members of the Indonesian National Army be carried out in Military Courts which are handled by the Military Police or Military Prosecutors (Indonesia Corruption Watch, 2017).

In order to resolve the rapidly developing connectivity case, on December 7 2021 a Joint Decree was made by the Minister of Defense of the Republic of Indonesia Number: 2196/M/XII/2021, the Attorney General of the Republic of Indonesia Number: 270 of 2021 and the Indonesian National Army Commander Number: KEP/1135/XII/2021 Concerning the Formation of the Permanent Team for Investigation of Connectivity Criminal Cases (hereinafter referred to as the Permanent Connectivity Team). Article 15 This Joint Decree revokes and declares as invalid the Joint Decree of the Minister of Defense and Security and the Minister of Justice Number: Kep. 10/M/XII/1983 and Number: M.57.PR.09.03 Th. 1983 dated 29 December 1983. This Joint Decree is expected to be able to resolve criminal acts of connection that occur in Indonesia.

Referring to the background that has been explained, the main problem in this research is whether the formation of the Joint Decree of the Minister of Defense, Attorney General and Commander of the Indonesian National Army is in accordance with the provisions of the laws in force in Indonesia.

Method

The distinctive characteristic of legal science is that it is *suigeneris*, that is, it is an applied science that determines the guidelines, provisions and standard procedures in implementing legal rules. This type of research is normative legal research (Marzuki 2011). This type of research views law as a set of rules, norms and principles so that it is a complete system, both oral and written. This research uses a statutory approach and a conceptual approach, as follows: (1) This statutory approach is used by examining all regulations related to the research object; and (2) The conceptual approach uses a basic basis in the form of doctrine or the views of legal experts. The doctrine is then studied in depth to find ideas, concepts and legal principles. This view or doctrine becomes the basis for building legal arguments to solve legal problems that develop in society (Ali, 2018). The legal materials used include primary, secondary legal materials and non-legal

materials. The legal materials that have been collected will be identified and grouped systematically and then carried out prescriptive analysis.

Discussion

1. Legislative Regulations for Settlement of Connectivity Crimes in Indonesia

Connectivity crimes are criminal acts committed by civilians together with members of the military, where civilians who have the authority to try them are the General Courts while military members are tried by Military Courts (Mawarni, 2018). The process of resolving connectivity cases in the judicial system in Indonesia allows for resolution via connectivity. Some of the laws and regulations that discuss criminal offenses are Law Number 48 of 2009 concerning Judicial Power, the Criminal Procedure Code and Law Number 31 of 1997 concerning Military Justice (Mau & Sinaulan, 2021).

The norms of Article 16 of the Judicial Power Law explain the meaning of connected criminal acts as follows: "Criminal acts committed jointly by those belonging to the general justice environment and the military justice environment, are examined and tried by a court within the general justice environment, except in certain circumstances according to "The Supreme Court's decision must be examined and tried by a court within the military justice system" (Parbandari, 2022). The norms of this article do not yet regulate how to carry out investigations and prosecutions of connectivity cases. This is understandable, because the content of the Judicial Power Law is related to judicial mechanisms only. This norm mandates that in principle the general judiciary has the authority to examine, adjudicate and decide on connection cases. However, in certain circumstances it can be tried at a Military Court if according to the decision of the Supreme Court it must be examined and tried by a court within the scope of military justice (Gani, 2012).

The meaning of the phrase "certain circumstances" in the norms of this article has been regulated in the explanation of article 16 of the Judicial Power Law, the formulation of which is as follows: "What is meant by 'under certain circumstances' is seen from the gravity of the losses caused by criminal acts. "If the focus of the loss lies on military interest then the case is tried by a military court, but if the focus of the loss lies on the public interest, then the case is tried by a court within the general justice environment."

The definition of criminal acts of connection is also regulated in Chapter XI Article 89 paragraphs (1), (2) and (3) of the Criminal Procedure Code, the formulation is as follows:

“(1) Criminal acts committed jointly by those belonging to the general justice environment and the military justice environment, are 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 courts within the military justice environment.

(2) Investigation of criminal cases as intended in paragraph (1) is carried out by a permanent team consisting of investigators as intended in article 6 and the Military Police of the Armed Forces of the Republic of Indonesia and Military Prosecutors or High Military Prosecutors in accordance with their respective authorities according to law. which applies to the investigation of criminal cases.

(3) The team as intended in paragraph (2) is formed by joint Decree of the Minister of Defense and Security and the Minister of Justice.”

The formulation of criminal offenses of connection is also regulated in Articles (1), (2), and (3) of the Military Justice Law, the formulation of which is as follows:

“(1) Criminal acts committed jointly by those included in the judicial jurisdiction of the military court and the judicial jurisdiction of the general court, are examined and tried by a court within the scope of the general court unless according to a ministerial decision with the approval of the minister of Justice the case must be examined and tried by a court within the scope of Military Justice.

(2) Investigation of criminal cases as intended in paragraph (1) is carried out by a permanent team consisting of Military Police, Prosecutor and investigators within the general justice environment, in accordance with their respective authorities according to the law applicable to the investigation of criminal cases.

(3) The team as intended in paragraph (2) is formed by joint Decree of the Minister and the Minister of Justice.”

The two norms governing the understanding of connectivity between the Criminal Procedure Code and the Military Justice Law essentially have no significant differences, only the phrase "including general justice and military justice" in the Criminal Procedure Code has been replaced with the phrase "military justice and general court justice." In this norm, basically criminal offenses are examined, tried and decided in general courts. However, there is still an exception "if according to the Minister of Defense and Security with the approval of the Minister of Justice" the case must be examined and tried by military court.

In the norms of Article 89 Paragraph (1) of the Criminal Procedure Code and Article 198 Paragraph (1) of the Military Justice Law, the phrase Minister of Justice is still found. Political developments resulted in changes to the constitutional nomenclature, the Ministry of Justice was changed to the Ministry of Law and Human Rights. The current phrase Minister of Justice must be interpreted as the Ministry of Law and Human Rights. With the change in the constitutional system, there are also changes in the duties

and authority of each institution. The duties, authority and position of the judiciary have also changed, from previously being under the authority of the Minister of Justice to being under the authority of the Supreme Court.

A crime of connection is a criminal act of inclusion so that more than one person is the perpetrator (Septiana & Harmonang, 2023). Inclusion can be carried out between civilians and civilians, military and military and between military and civilians. For a criminal act of inclusion, the *primus inter pares* which has the authority to carry out investigation, prosecution and trial is a court within the scope of a general court (Jurio, et.al., 2019).

It turns out that the implementation of law in Indonesia, within certain limits, cannot fulfill the legal objectives of providing justice, prosperity and providing stability in life. Equality in law means that when a person comes into contact with the law there should be no discriminatory treatment, when a criminal act is committed it must be examined, tried and decided in the same court (Badu & Apripari, 20). Equality before the law or justice for all is not easy to implement and is only a myth. In practice, on the contrary, justice is not for all, this is a challenge for law enforcement officials.

2. Problems of Forming Joint Decisions with the Permanent Team for Investigating Criminal Crimes Connectivity.

The formation of the Permanent Connection Team is under the authority of the Minister of Defense, Attorney General and Commander of the Indonesian National Army as mandated by the Criminal Procedure Code and the Military Justice Law. The authority possessed by an institution must be based on applicable laws and regulations and not the wishes of a particular ministry or institution. With the formation of the Permanent Team, the implementation of investigations into connectivity cases must refer to the norms and provisions contained in the Joint Decree. Since 2021, connectivity corruption cases have been investigated with reference to the Joint Decree.

Several connectivity corruption cases have been resolved at the judicial level and have permanent legal force, as follows: Criminal case of corruption in the Army's Mandatory Housing Savings Fund.

The Army Housing Compulsory Savings Fund case occurred in 2019-2020 with the suspects Brigadier General Yus Adi Kamrullah and Ni Putu Purnama Sari as the Main Director of PT GSH suspected of having jointly committed a criminal act of corruption with state losses amounting to IDR 133,763,305,600.00 (one hundred thirty-three billion seven hundred sixty-three million three hundred five thousand six hundred rupiah). A

connection investigation process has been carried out based on the Attorney General's order number: Print-01/PM/PMjm/09/2021 dated 13 September 2021 An. The suspects are Brigadier General Yus Adi Kamrullah and Ni Putu Purnama Sari. The actions of the two defendants are suspected of violating Article 2 Paragraph (1) jo. Article 18 Law no. 31 of 1999 which was amended by Law no. 20 of 2021 jo. Article 55 Paragraph (1) of the Criminal Code jo. Article 64 Paragraph (1) of the Criminal Code (Medistiara, 2023).

This case was heard at the Jakarta II High Military Court based on the Decree of the Chief Justice of the Supreme Court Number: 45/KMA/SK/II/ 2022 concerning the Appointment of the Jakarta II High Military Court to examine and adjudicate cases related to criminal acts of corruption in the 2019-2020 Army Housing Mandatory Savings Fund. The verdict handed down is as follows:

To the defendant Brigadier General Yus Adi Kamrullah in the first instance a basic sentence of 16 years, a fine and subsidiary of IDR 750,000,000.00 (6 months), and compensation money and additional punishment of IDR 34,375,756,533.00 (4 years). Subsequently, the defendant filed an appeal and was examined, tried and sentenced to a basic sentence of 16 years, a fine and subsidiary of IDR 1,000,000,000.00 (1 year) and compensation money and additional punishment of IDR 34,375,756,533.00 (5 years).

To the defendant Ni Putu Purnama Sari in the first instance, the principal sentence was 16 years, fine and subsidiary of IDR 750,000,000.00 (6 months), and compensation money and additional punishment of IDR 80,333,490,434.00 (6 years). Subsequently, the defendant filed an appeal and was examined, tried and sentenced to a basic sentence of 16 years, a fine and subsidiary of IDR 1,000,000,000.00 (1 year) and compensation money and additional punishment of IDR 80,333,490,434.00 (7 years).

Criminal case of corruption in the 123⁰ East orbit satellite procurement project at the Ministry of Defense in 2012-2021. Criminal case of corruption in the 123⁰ BT orbital slot satellite procurement project at the Ministry of Defense in 2012-2021 with the defendants Rear Admiral Agus Purwoto, Arifin Wiguna, Surya Cipta Witoelar and Thomas Anthony van der Heyden. The actions of the defendants collectively are alleged to have resulted in state losses amounting to IDR 500,579,782,789.00 (five hundred billion five hundred seventy-nine million seven hundred eighty-two thousand seven hundred and eighty-nine rupiah). A connection investigation process has been carried out based on the Attorney General's order number: Print-04/PM/PMpd.1/06/2022 dated 15 June 2022 An. Suspects Admiral Agus Purwoto, Arifin Wiguna and Surya Cipta Witoelar. The results of the investigation proved that the suspect was reasonably suspected of violating Article 2 Paragraph (1) jo. Article 18 Law no. 31 of 1999 which was amended by Law no.

20 of 2021 jo. Article 55 Paragraph (1) 1st of the Criminal Code. Subsidiary, Article 3 jo. Article 18 Law No. 31 of 1999 as amended by Law no. 20 of 2021 jo. Article 55 Paragraph (1) 1st of the Criminal (Chaterine, Krisiandi, 2022).

This case was tried at the Central Jakarta Class I Corruption Court based on the Decree of the Chief Justice of the Supreme Court Number: 283/KMA/SK/IX/ 2022 concerning the Appointment of a Corruption Crime Court at the Central Jakarta District Court to examine and try cases related to criminal acts of corruption in the satellite procurement project orbit slot 123⁰ East Longitude at the Ministry of Defense in 2012-2021. The verdict handed down is as follows:

- 1) To the defendant Admiral Indonesian National Army Retired Agus Purwoto at the first instance court at the West Jakarta Corruption Court in the form of a principal sentence of 12 years' imprisonment, a fine of IDR 500,000,000.00 with a subsidiary of 3 months' imprisonment, compensation of IDR 153,094,059,580.68 and additional penalties for 3 years. Subsequently, the defendant filed an appeal, and was examined, tried and sentenced at the Central Jakarta Class I Corruption Court with the same decision as the Class I court except that the additional sentence was increased to 6 years.
- 2) For the defendants Arifik Wiguna and Surya Cipta Witoelar in the form of a basic sentence of 12 years' imprisonment, a fine of IDR 500,000,000.00 with a subsidiary of 3 months' imprisonment, compensation money of IDR 100,000,000,000.00 each and an additional sentence of 3 years. Subsequently, the defendant filed an appeal, and was examined, tried and sentenced at the Central Jakarta Class I Corruption Court with the same decision as the Class I court except that the compensation was increased to Rp. 500,000,000.00 and the additional sentence was increased to 6 years.
- 3) The defendant Thomas Anthony Van der Heyden received a basic sentence of 12 years' imprisonment, a fine of IDR 500,000,000.00 with a subsidiary of 3 months' imprisonment, compensation of IDR 100,000,000,000.00 each and an additional sentence of 3 years. Subsequently, the defendant filed an appeal, and was examined, tried and sentenced at the Central Jakarta Class I Corruption Court with the same decision as the Class I court except that the additional sentence was increased to 6 years.

The formation of the joint decision between the Minister of Defense, the Attorney General and the Commander of the Indonesian National Army did not use the basis of the Criminal Procedure Code and the Military Justice Law. Investigation of crimes is part of the procedural law in the criminal justice system so it is absolute necessary to use the basis of the Criminal Procedure Code for criminals from civil society and the Military Justice Act for criminals with military status. Article 198 Paragraph (2) of the Military Justice Law and Article 89 Paragraph (2) of the Criminal Procedure Code mandates the formation of a permanent team consisting of investigators as stipulated in Article 6 of the Criminal Procedure Code (Republic of Indonesia Police investigators and investigators Certain Civil Servants) and Military Police and Military Prosecutors or

High Military Prosecutors, even though the Joint Decree only involves Military Police investigators, Military Prosecutors and the Prosecutor's Office. The policy of not involving elements of the National Police is not in accordance with the mandate of Article 198 Paragraph (2) of the Military Justice Law and Article 89 Paragraph (2) of the Criminal Procedure Code. Apart from this, the formation of joint decisions is also not in line with the norms of Article 198 Paragraph (3) of the Military Justice Law and Article 89 Paragraph (3) of the Criminal Procedure Code, namely that joint decisions are formed with a decree from the Minister of Defense and the Minister of Justice. The reality is that this joint decision was made by the Minister of Defense, Attorney General and Commander in Chief and did not involve the Ministry of Law and Human Rights.

The position of the Joint Decree of the Minister of Defense, Attorney General and Commander in Chief, when analyzed using the norms of Article 7 Paragraph (1) of Law Number 12 of 2011 concerning the Formation of Legislative Regulations, results in disharmony. The position of the Joint Decree is under the law, so its formation must not conflict with the law. However, this joint decision can be justified if it refers to the principle of benefit. This is with the consideration that currently there have been changes in the duties, functions and authority of state institutions and law enforcement institutions. Law enforcement in Indonesia is no longer the authority of the Ministry of Law and Human Rights but is the authority of the Constitutional Court, the Supreme Court and elements of its subordinate ranks, the Indonesian National Police, the Prosecutor's Office, the Corruption Eradication Commission, the Military Polices and several institutions as investigators for certain Civil Servants. Ideally, the articles relating to the investigation of connectivity criminal acts contained in the Criminal Procedure Code should be amended first and then a Joint Decision of the Permanent Connection Team will be formed. This is not easy to do, changing a norm in the law requires a long and complicated process like making a new law.

The Joint Decision of the Minister of Defense, Attorney General and Commander in Chief is not in line with the norms of Article 198 Paragraph (2) of the Military Justice Law and Article 89 Paragraph (2) of the Criminal Procedure Code, which explains as follows:

“Investigation of criminal cases as intended in paragraph (1) is carried out by a permanent team consisting of investigators as intended in article 6 and military police of the Armed Forces of the Republic of Indonesia and military prosecutors or high military prosecutors in accordance with their respective authorities according to law. which applies to the investigation of criminal cases.”

Investigation of criminal cases as intended in paragraph (1) is carried out by a permanent team consisting of investigators as intended in article 6 and military police of the Armed Forces of the Republic of Indonesia and military prosecutors or high military prosecutors in accordance with their respective authorities according to the law applicable to investigation of criminal cases (Wahid & Rafiqi, 2022).

The definition of a case investigator in paragraph (1) is an investigator of connection crimes, this is because article 89 paragraph (1) discusses connection crimes. The definition of investigator as intended in Article 6 of the Criminal Procedure Code is an Indonesian Police Investigator and Certain Civil Servant Investigators. The formation of a Permanent Team for Connection to Joint Decisions of the Minister of Defense, Attorney General and Commander in Chief which only involves Military Police investigators, Military Prosecutors and the Attorney General's Office and does not involve investigators from the Republic of Indonesia Police is contrary to the Military Justice Law and the Criminal Procedure Code. The norm of Article 198 Paragraph (2) of the Military Justice Law and Article 89 Paragraph (2) of the Criminal Procedure Code mandates the involvement of investigators from the Republic of Indonesia Police as investigators of general crimes and investigators of certain Civil Servants as investigators of certain criminal acts. (special). By not involving investigative elements from the Republic of Indonesia Police and Certain Civil Servant Investigators, the implication is that the connection team that was formed cannot carry out investigations into general criminal acts and special criminal acts (except criminal acts of corruption) which are carried out jointly where the suspects involve military and civilian elements. This is because Prosecutor General's Office investigators do not have the authority to investigate general crimes and special crimes (except corruption). Investigators who have the authority to carry out general criminal investigations are investigators from the Republic of Indonesia Police.

The Permanent Connectivity Team investigators only have the authority to carry out investigations into certain criminal acts (corruption) within the authority of investigators from the prosecutor's office. However, handling corruption cases is not only the authority of the Prosecutor's Office, but Indonesian Police Investigators and the Corruption Eradication Commission also have the authority to carry out investigations. The authority of the Corruption Eradication Commission to investigate criminal acts of corruption refers to Law Number 30 of 2002 concerning the Corruption Eradication Commission as its juridical basis. Article 6 of the Corruption Eradication Commission Law explains that the duties of the Corruption Eradication Commission are to

coordinate, supervise, investigate, and prosecute criminal acts of corruption, as well as prevent and monitor the administration of state government.

Article 7 of the Corruption Eradication Commission Law explains that the authority of the Corruption Eradication Commission institution is to coordinate investigations, prosecutions for corruption, establish a reporting system for eradicating corruption, request information from relevant agencies, carry out hearings and meetings and request reports from relevant agencies related to preventing corruption. The implication that arises from not involving investigators from the Corruption Eradication Commission in the Permanent Connection Team is that legal smuggling occurs, namely that suspects from elements of the Indonesian National Army are questioned by Military Police Investigators, prosecuted by Military Prosecutors/High Military Prosecutor and tried at the Military Court while perpetrators from civil society are investigated. Corruption Eradication Commission investigator, prosecuted by the Corruption Eradication Commission Prosecutor and tried in general court. This splitting handling has the potential to lead to differences in treatment in handling criminal acts. Ideally, connectivity cases should be examined and tried in a connected manner. There are a number of advantages if a corruption case involving members of the Indonesian National Army and civilians is handled in a related manner. First, it makes coordination easier and accelerates the resolution of corruption cases. Because, if the investigation and prosecution process is carried out by a connectivity team, there will be no such thing as "going back and forth" between investigators and prosecutors. Second, the process of handling corruption cases handled by law enforcement, especially the Corruption Eradication Commission, can be more transparent and accountable than what has been handled by the Indonesian National Army alone (Yuntho, 2017).

Examples of irregularities in handling connectivity cases due to the Joint Decree not involving the Corruption Eradication Commission include the handling of the case of Vice Marshal Heri Alfiandi, Head of the National Search and Rescue Agency of the Republic of Indonesia, who was suspected of committing a criminal act of corruption. In the corruption case at the National Search and Rescue Agency of the Republic of Indonesia involving the Head of the National Search and Rescue Agency of the Republic of Indonesia, the Corruption Eradication Commission carried out an operation to arrest 11 people, consisting of private parties and state officials. Based on the case title, the Corruption Eradication Commission named 5 suspects consisting of Admiral Heri Alfiandi (Head of the National Search and Rescue Agency of the Republic of Indonesia for the period 2021-2023), Lt. Col. Adm. Afri Cahyanto (Koorsmin Kabasarnas),

Mulsunadi Gunawan (President Commissioner of PT Multi Graphics Cipta Sejati), Marilya (Main Director of PT Intertekno Graphics Sejati, and Roni Aidil (Main Director of PT Kindah Abadi Utama). This separation of case handling has the potential to cause differences in decisions and treatment during the case process, both at the investigation, prosecution and trial stages in court.

With the revocation and declaration of invalidity of the Joint Decree of the Minister of Defense Number: KEP.10/M/XII/1983 and the Minister of Justice Number: M. 57. PR. 09.03 of 1983 concerning the formation of a permanent team for the investigation of connection crime cases, which has the implication of creating a legal vacuum in the process of investigating general crimes in connection cases. In order to fill this legal vacuum, the implementation of investigations into criminal acts of connection is carried out by law enforcement officials, both in analyzing and classifying criminal acts. If the case is categorized as a connection crime, starting from the investigative action it should refer to a connection investigation in accordance with existing laws and regulations. However, in reality it was not carried out in accordance with the applicable laws and regulations but was carried out in a separate manner, in which perpetrators who were subject to the judicial justice of the general court were investigated by Police Investigators of the Republic of Indonesia and tried in general court, while perpetrators who were subject to the judicial justice of the Military Court were investigated by Police Investigators. Military and tried by military court.

Conditions like those mentioned above will not occur if all components of society, the nation and the State implement the Decree of the People's Consultative Assembly Number VI/MPR/2001 concerning the Ethics of National Life. This ethics is manifested in the form of an attitude of good manners in behavior that is tolerant, does not pretend, is not arrogant, is far from being hypocritical and does not commit public lies, is not manipulative and various other disgraceful actions. In the legal field, ethics is fair law enforcement. This ethic intended for living together can only be realized by obeying the law and all regulations that support justice. All legal regulations that guarantee the upholding of legal supremacy and legal certainty are in line with efforts to fulfill the sense of justice that lives and develops in society. This ethic requires fair law enforcement, equal and non-discriminatory treatment of every citizen before the law, and avoids the wrong use of the law as a tool of power and other forms of legal manipulation.

Settlement of connection crimes with this separation is based on the consideration that it makes the investigation process easier as well as the speed and smoothness of the

resolution process, so that legal certainty is achieved. However, the weakness of this separation solution often results in unfairness, because different investigators will produce different products. The solution with this separation when faced with the ethical theory introduced by Aristotle would be contradictory. Ethical theory argues that the purpose of law is solely to bring about justice. The meaning of justice here is giving each person what is their share or right.

By implementing the separation method, it is possible for inequality to arise in actions so that justice is not realized. However, overly glorifying justice will ignore legal certainty. If legal certainty is neglected, order will be disturbed, even though with order, justice can be realized properly. Apart from that, this separate settlement also considering Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power, which states that justice is carried out simply, quickly and at low cost.

Separate settlement is still possible because of the existence of legal rules which contain orders, prohibition or permissibility. These rules become guidelines or benchmarks for behavior or attitudes that are considered appropriate, or should be. Law enforcement, as stated by Soerjono Soekanto, is essentially discretion which involves making decisions that are not strictly regulated by legal rules, but have an element of personal judgment. Discretion concerns decision making that is not strictly bound by law, where personal judgment also plays a very important role (Soekanto, 2007).

Investigators as law enforcers, like other members of society, always have positions and roles at the same time. It is not impossible that conflict arises between position and role, if in a reality there is a gap between the role that should be played and the role that is actual role. As in the case of resolving connection crimes above, the role of investigators in carrying out investigations into connection crimes in accordance with the law must be resolved in connection, but in reality it is resolved separately so that there is a gap in roles.

In law enforcement discretion is very important, according to Sorjono Soekanto's opinion, considering that there is no legislation that is so complete, so that it can regulate all human behavior, there are delays in adapting legislation to developments in society, so that creates uncertainty, and lack of costs to implement legislation as desired by the legislators, as well as the existence of individual cases that require special handling (Soekanto, 2007).

In dealing with criminal acts, connectivity does not only refer to normative legal rules, but requires legal breakthroughs that are more effective and efficient. This breakthrough can be achieved by using a progressive legal concept that really cares

about truth, humanity and justice. The concept of progressive law was initiated by Satjipto Rahardjo who stated that: "Progressive law has a basic assumption of the relationship between law and humans. Progressive law starts from a humanitarian perspective, that humans are basically good, have the qualities of compassion and care for others. Law does not exist for itself as proposed by positive legal science, but for humans in order to achieve human welfare and happiness" (Rahardjo, 2007)

Progressive comes from the word progress which means progress. Progressive law is actually simple, namely providing liberation, both in the way of thinking and the way of acting in law, so that it is able to just let the law flow to complete its task of serving humans and humanity (Rahardjo, 2007). The law should be able to keep up with the times, be able to respond to changes in the times with all the basics in them, and be able to serve society by relying on the moral aspects of the law enforcement human resources themselves.

The idea of progressive law is different from the positive legal school which uses the means of legislation and logic as a starting point for its thinking. Dogmatic legal science only looks inside the law and concerns itself with discussing and analyzing it, especially the law as a building of regulations that are considered systematic and logical. The use of dogmatic legal science is no more than just examining the rational logical building of a series of regulatory articles. For positive legal science, truth lies in the body of regulations. This is what progressive law criticizes, which sees that laws that are only in the form of articles clearly cannot describe the truth of very complex laws. However, even though a paradigm in legal science is outdated and unable to answer and provide solutions to problems that have only recently emerged, which then give rise to new paradigms in legal science, the old paradigm is not itself displaced. The old paradigm still holding firmly in the scientific community concerned, without wanting to look back at the paradigm that emerged later.

Conclusion

Based on the background of the problem, the formulation of the problem and after an in-depth discussion, the main conclusion can be drawn that the Minister of Defense, the Attorney General and the Commander in Chief have the authority to form a Permanent Team for Investigating Criminal Crimes, but its formation does not involve elements of the Indonesian Republic Police as investigators of general crimes and employee investigators. Certain Civil Servants as investigators of certain criminal acts (including investigators of the Corruption Eradication Commission) do not comply with

the mechanisms regulated in the Criminal Procedure Code and the Military Justice Act. Conditions like this have the implication of not being able to carry out investigations into general crimes and specific crimes related to connection cases, except for corruption crimes. With the issuance of a Joint Ministerial Decree which contains norms for revocation and declaration that it is no longer valid, Joint Decree of the Minister of Defense Number: KEP.10/M/XII/1983 and the Minister of Justice Number: M. 57. PR. 09. 03 yrs. 1983 had the implication of a legal vacuum in the process of investigating general criminal offenses in connection cases. In order to fill this legal vacuum, law enforcers carry out legal smuggling by carrying out a separation process, resulting in the potential for inequality before the law.

Based on the background of the problem, problem formulation, discussion and conclusions formulated above, the researcher advises the government to revise the Joint Decree of the Minister of Defense Number: 2196/M/XII/2021, Attorney General Number: 270 of 2021, and Commander in Chief Number: Kep/1135/XII/2021 involving investigators from the Republic of Indonesia Police, with the consideration that the Police of the Republic of Indonesia are investigators of general crimes. In order to accommodate investigators of certain Civil Servant Investigators and the Corruption Crime Eradication Commission by adding to one of the norms of the joint decision article the sentence "In the case of criminal cases, connection is a certain criminal act regulated in a certain law, where the existence of an investigator is applied. civil servants (including investigators from the Corruption Eradication Commission), then elements of civil servants and the Corruption Eradication Commission in question are included as members of the permanent team.

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