

Criminal Responsibility Of Active Army Members In Bribery Crime In Goods And Services Project Cases At The National Search And Rescue Agency (BASARNAS)

M. Syahriza

Students of the Master of Law Study Program, Sultan Ageng Tirtayasa University

E-mail:rizalwcds@gmail.com

ABSTRACT

The Corruption Eradication Commission named the Head of Basarnas who is also a member of the Indonesian National Army as a suspect in the procurement of debris detection equipment for the 2021-2023 Fiscal Year. Corruption crimes committed by members of the military always attract attention, especially because of differences of opinion and legal conflicts related to the courts that have the authority to try special cases involving military subjects. The problems in this study are 1) How is the criminal liability of active military members in bribery cases in goods and services projects? 2) How is the enforcement of criminal law in corruption cases involving active military members through connectivity trials? The theories used are the theory of criminal responsibility and the theory of law enforcement. This research is categorized as normative legal research. Normative legal research is based on current laws and regulations. This study uses 3 (three) different approaches: legislation (statute approach), case approach and conceptual approach. The results of the study show that, First, criminal liability for active military members who commit corruption in the form of bribery, in this case Air Marshal Henri Alfiandi, is still considered a soldier even though he also holds a civilian position (Basarnas) in accordance with Article 47 Paragraph (2) of Law Number 34 of 2004 concerning the Indonesian National Army in conjunction with Law Number 3 of 2025, so that the provisions of military law remain attached and apply to him because according to the law he is not required to resign or retire from active military service. In terms of criminal liability based on Article 66 letter (c) of Law Number 31 of 1997 concerning Military Justice, it explains the settlement and implementation of prosecution of certain criminal cases whose procedures are specifically regulated by coordinating with the Attorney General's Office, Military Police and other law enforcement agencies. Second, enforcement of criminal law for perpetrators of corruption involving members of the Indonesian National Army and civilians who were tried separately. The civilians involved have been sentenced by the Corruption Court. Meanwhile, the 2 (two) perpetrators who are military members have not yet been sentenced by the Military Court. In handling joint connectivity cases with the Military Police, the KPK experienced obstacles/limitations. The KPK could only coordinate with the Military Police in the investigation stage and ended up splitting the case files. The KPK investigated civilian defendants and the Military Police investigated TNI members. The separation of the process of handling corruption crimes seemed to be increasingly protracted due to disharmony in laws and regulations.

*Keywords:*Criminal Liability, Active Military Members, Bribery, Basarnas.

I. INTRODUCTION

Bribery is one of the most fertile and systemic areas of corruption, namely in the field of government procurement of goods and services. This sector has a very large influence in building the economic strength of a country, while also being vulnerable to the risk of maladministration and corruption crimes that harm state finances. Since the establishment of the Corruption Eradication Commission (KPK), no less than 50 (fifty)

cases related to irregularities in government procurement of goods and services, where these cases have resulted in state losses of 35% (thirty-five) percent of the total value of the project.(Dwi et al., 2022)

Based on data from Indonesia Corruption Watch (ICW), there has been an increasing trend in corruption in the last five years, 2019-2023.(Anandya, Diky Ramdhana, 2024)



As seen in the graph above, the trend of corruption has been quite consistent over the past five years. In 2023, the increase was very significant compared to previous years, both in the number of cases and suspects. ICW's analysis found 791 corruption cases, with 1,695 individuals named as suspects by law enforcement. Furthermore, from the monitored cases, the potential state loss due to bribery and gratuities amounted to Rp 422,276,648,292 (422 billion).

In 2023, the public was shocked by the Corruption Eradication Commission (KPK)'s sting operation (OTT) against a high-ranking state official, the Head of the National Search and Rescue Agency (Basarnas), who was also an active-duty military officer with a three-star rank in the Air Force. This incident attracted widespread public attention and raised various questions about the legal, ethical, and political dimensions involved in this case. Similar incidents also occurred with other civilian officials involved in this case. This case creates an interesting dynamic in the effort to eradicate corruption in Indonesia, especially because it involved an active-duty military officer, who should have very high ethical and moral standards. This shows that the problem of corruption can penetrate various sectors and institutions, including the military, which is considered one of the institutions with a high level of discipline.(Ardisasmita, 2006)

On July 25, 2023, the Corruption Eradication Commission (KPK) named the Head of Basarnas as a suspect in a corruption case, the determination was based on 3 pieces of evidence, namely the procurement of equipment for detecting victims of the rubble with a contract value of IDR 9.9 billion, the procurement of public safety diving equipment with a contract value of IDR 17.4 billion, and the procurement of remotely operated vehicles (ROV) for KN SAR Ganesha (multi-year 2023-2024) with a contract value of IDR 89.9 billion. The Head of Basarnas is a 3-star active member of the Indonesian National Armed Forces (TNI). This became an issue of inequality, because the determination of the suspect experienced a conflict between the KPK and the Commander of the Military Police Center (PUSPOM) TNI Marsda Agung Handoko, because PUSPOM TNI claimed the authority to conduct investigations.

On July 26, 2023, the Corruption Eradication Commission (KPK) explained that the previous OTT was carried out in two locations and arrested 11 people, including three suspects, namely Afri, Marilya, and Roni. They were caught in the KPK OTT on the main road of the TNI Defense and Security Headquarters in Cilangkap, East Jakarta, and in the Jatiraden area, Jatisampurna, Bekasi. The other eight people included several officials and employees from PT Intertekno Grafika Sejati, a driver, and an official from PT Kindah Abadi Utama. Starting from public information, the KPK then obtained information related to the handover of a sum of money in cash to Afri as Henri's representative in one of the bank parking lots at the TNI Headquarters in Cilangkap. The arrests of the parties caught in the OTT were then carried out on the Main Road of the Defense and Security Headquarters in Cilangkap, and at a soto restaurant in Jatisampurna, Bekasi. From the OTT, the KPK team secured a goodie bag stored in Afri's car containing Rp999.7 million. (Saputra, 2023)

To win the three projects, suspects Mulsunadi, Marilya, and Roni approached Henri Alfiandi and Arif Budi Cahyanto, Henri's trusted aide, personally and face-to-face. During the meeting, an agreement was allegedly reached regarding the project's success and the payment of a 10% success fee of the contract value. This fee was determined directly by Henri Alfiandi.

After reaching an agreement, the three company officials immediately contracted with the Commitment Making Officer of the relevant work unit, then submitted bid values which were almost all close to the Self-Estimated Price (HPS) value.

Based on the chronology of the case, the researcher was then interested in conducting research related to the case. The main problems that the researcher will describe include: 1) How is the Criminal Accountability of Active Military Members in Bribery Crimes in Goods and Services Project Cases; 2) How is Criminal Law Enforcement in Bribery Cases Involving Active Military Members Through Connectivity Courts.

II. RESEARCH METHODOLOGY

The research method used in this study is the normative juridical method. Normative juridical research is legal research that positions law as a system of norms. The normative system in question concerns the principles, norms, and rules of legislation, court decisions, agreements, and doctrines (teachings). (Fajar, 2015). The choice of this type of normative research is because the author will research how pThe criminal liability of active military personnel in bribery cases related to goods and services projects at the National Search and Rescue Agency (Basarnas) is discussed. Furthermore, the author also reviewed legal materials and legal principles obtained from literature studies. The analysis was conducted to address the issues raised in this study using qualitative methods.

III. RESULT AND DISCUSSION

1. Criminal Liability of Active Military Members in Corruption Crimes

The Indonesian National Armed Forces (TNI) as a military certainly has the capacity to commit crimes. This is because the military can do things that civilians cannot,

such as using weapons and so on. As a military, the TNI certainly has more opportunities to commit crimes. This is in accordance with the theory of opportunity in criminology. According to Richard A. Cloward and Lloyd E. Ohlin in their book "Delinquency and Opportunity," the emergence of these crimes depends on the presence of opportunity. One example is the corruption case committed by the Head of Basarnas, Air Marshal Henri Alfiandi. This TNI member was deemed to have the opportunity to commit corruption by exploiting his position.

Military criminal law was created to guarantee a sense of justice, namely to be able to punish the military more severely. This is in accordance with the principle of Equality Before the Law which is also contained in Article 3 Paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, which explains that all forms of deviation committed by all institutions, both civilian and military, must be subject to sanctions in a comprehensive, transparent, impartial and accountable manner. Special criminal acts have essentially been determined in the Military Code. This is because there is a specific military situation or the existence of something else, so that a heavier criminal threat is needed. (Kanter, EY., 2012)

Military criminal law generally provides penalties for military personnel who violate military discipline, war crimes, crimes against national security, human rights violations, and violations of the military code of ethics. However, military law also addresses specific crimes, such as corruption. Corruption is an extraordinary crime, and therefore, the rules regarding this crime are regulated outside the Criminal Code (KUHP), which clearly states in the principles of criminal law that "Lex specialis derogat legi generalis" is specifically regulated by Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption. This is further clarified by Law Number 31 of 1997 concerning Military Justice, which states that corruption is a specific crime whose procedures are specifically regulated. Military Justice is the implementation of Judicial Power within the military scope to uphold law and justice while taking into account the interests of maintaining the security of the Unitary State of the Republic of Indonesia.

Members of the military or members of the Indonesian National Armed Forces are essentially included as legal subjects of corruption. Regarding members of the military or members of the Indonesian National Armed Forces (TNI), who are also included as legal subjects of corruption, Gandjar Laksmana explained that anyone who commits a criminal act of corruption will be charged under Law Number 31 of 1999, including members of the TNI. When TNI members commit a criminal act of corruption, they will be subject to sanctions stipulated in Law Number 31 of 1999. (Sopian et al., 2024)

Corruption is not only committed by civil servants, military personnel, or civilians, but can also be committed by military personnel holding civilian positions. An example of this is the corruption case involving the Head of Basarnas, Air Marshal Henri Alfiandi. Air Marshal Henri Alfiandi is suspected of committing a criminal act of corruption in the form of bribery. Bribery is the giving or promising something to a civil servant or state administrator for a specific purpose. Air Marshal Henri Alfiandi, as Head of Basarnas, is suspected of accepting bribes worth over IDR 88 billion to secure the winning of a particular company in a project tender for the 2021-2023 period.

Basarnas is a non-ministerial government agency established under Presidential Regulation No. 83 of 2016 concerning the National Search and Rescue Agency. Therefore, Basarnas is a civilian agency, not a military one, although in practice many of its members are military personnel. Military personnel are subject to military law.

However, if we refer to the Military Justice Law, Article 9 number 1, it is explained that courts within the military justice system are only authorized to try criminal acts committed by a person who at the time of committing the crime was a soldier, a person who according to the law is equated with a soldier, a person who according to the law is subject to the authority of the military justice system.

Although at the time of his alleged corruption in the form of bribery, Air Marshal Henri Alfiandi was holding a civilian position, namely Head of Basarnas. Based on Article 47 Paragraph (2) of Law Number 34 of 2004 concerning the Indonesian National Armed Forces, TNI soldiers do not need to resign or retire from military service when holding a position in an office that oversees certain fields, one of which is the National "search and rescue" (SAR). Therefore, based on this Article, Air Marshal Henri Alfiandi while holding his position in Basarnas is still considered a soldier. So that the provisions of military law remain attached and apply to him because according to the law he is not required to resign or retire from active military service. Corruption in Indonesia is a special crime so it is regulated in a separate law. Meanwhile, military law which specifically applies to military members does not regulate corruption, therefore this implies that military members are subject to the Corruption Law as the general public. In viewing military members as subjects of criminal acts of corruption, reference can be made to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, which explains in Article 1 number 2 that civil servants are people who receive salaries or wages from state finances.

Therefore, based on this article, the military is a subject of corruption which is included in civil servants because they receive wages or salaries from the state. This is then reinforced by the provisions in Article 2 Paragraph (1) of Law Number 43 of 1999 concerning Amendments to Law Number 8 of 1974 concerning the Principles of Civil Servants which states that members of the Indonesian National Army are included in Civil Servants.

Related to the investigative authority of the Corruption Eradication Commission, the Corruption Eradication Commission can handle corruption cases within the scope of the TNI if the case involves or is carried out jointly with civilian parties. This is also regulated through Article 42 of the Corruption Eradication Commission Law that the Corruption Eradication Commission has the right to coordinate and control investigations, inquiries and prosecutions of corruption crimes carried out jointly by people who are subject to military justice and general justice. This is also supported by Article 65 Paragraph (2) of Law Number 34 of 2004 concerning the Indonesian National Armed Forces, which states that soldiers are subject to the authority of military justice in cases of violations of military criminal law and are subject to the authority of general justice in cases of violations of general criminal law as regulated by law.(Dewi, 2023)

2. Criminal Law Enforcement in Corruption Cases Involving Active Military Members Through Connectivity Courts

The military is a unique institution due to its unique role and position within the state structure. According to Ishar Helmi, as the backbone of national defense, the military is required to ensure the discipline and readiness of its soldiers to face all forms of threats to national security and safety.(Helmi, 2013)

Members of the Indonesian National Armed Forces (TNI), or military personnel, are Indonesian citizens and are equal before the law with civilians if found guilty of committing a crime or violating a law. Military personnel found violating a law will be subject to sanctions in accordance with existing regulations, both general and military-specific.

Crimes occurring in society do not preclude the possibility of them being committed by members of the military or the Indonesian National Armed Forces (TNI). According to Dini Dewi Heniarti, crimes committed by the TNI are more common crimes than those committed by the military itself, including theft with violence, forgery, receiving stolen goods, fraud, and others.(Heniarti, 2017)The current development is that many criminal acts are carried out jointly by civilians and members of the military, in addition to the crimes above, corruption is also one of the crimes that is often carried out jointly between civilians and members of the military or TNI.

Corruption crimes committed by military personnel or TNI soldiers together with civilians, which legally, the General Court, in this case the Corruption Crime Court, has more rights in processing the law enforcement than the Military Court, in accordance with the provisions of Article 5 of Law Number 46 of 2009 concerning the Corruption Crime Court and supported by Article 16 of Law Number 48 of 2009 concerning Judicial Power if the losses incurred focus on the public interest, but in practice there is still an imbalance in terms of law enforcement where there is still an overlap in the rights to process corruption crimes committed jointly between military personnel and civilians, starting from the stages of investigation, inquiry, prosecution to the competence to try the crime.

The situation that occurred in the handling of corruption crimes in the Basarnas environment has caused unrest in the community, because this is the basis for the suspicion of "impunity" or immunity for TNI members who commit corruption crimes, because in reality 3 (three) perpetrators of corruption in the Corruption Crime of procurement of debris victim detection equipment from civilians have received a verdict with Decision Number 87 / PID.SUS-TPK / 2023 / PNJKT.PST in the name of Roni Aidil, Decision Number 88 / PID.SUS-TPK / 2023 / PNJKT.PST in the name of Marilya with Decision Number 89 / PID.SUS-TPK / 2023 / PNJKT.PST in the name of Mulsunadi Gunawan(Directory of Decisions of the Supreme Court of the Republic of Indonesia, 2023), while there has been no decision on the 2 (two) perpetrators who were military members.

The separation of the handling of corruption cases between the Head of Basarnas and his subordinates, as well as civil society, has further delayed law enforcement and diminished the authority of one party, the Corruption Eradication Commission (KPK). In this context, there is a compromise called the Connectivity Trial, which would require the

formation of a connectivity team from the KPK and the Indonesian National Armed Forces (TNI) to conduct joint investigations and inquiries without diminishing the authority of either party, the KPK or the TNI.

According to Andi Hamzah, connectional justice is a justice system that is applied when there is a criminal act that involves participation (participating, deelnemeng) or joint participation (mede dader) between civilians and people with military status (TNI soldiers) in one case.(Hamzah, 2014)

Based on the above opinion, the criminal act in the procurement of debris detection equipment at the Basarnas agency can be prosecuted using the connectional justice mechanism because the requirements for connectional justice have been met. The perpetrators of this crime included members of the military and the community, with two from the military and three from the civilian community.

The Criminal Procedure Code has regulated the procedures for connectivity in Articles 89 to 94. In fact, specifically for the purpose of this connectivity trial, it has been agreed upon for cooperation between the Corruption Eradication Commission (KPK) and the TNI with the existence of a Memorandum of Understanding (MoU) KPK-TNI, Number KPK: 08/TNI-KPK/VIII/2005 and Number TNI Headquarters: KERMA/3/VIII/2005 concerning Cooperation in Eradicating Criminal Acts of Corruption which was signed by the leaders of both institutions in 2005 and renewed in 2012. At that time, the leaders of both institutions agreed on the coordination and control of investigations, inquiries and prosecutions of criminal acts of corruption as stipulated in Article 42 of the KPK Law.(Indonesian National Armed Forces Information Center, 2025)The core of the cooperation between the Corruption Eradication Committee (KPK) and the TNI in the MoU includes:

1. The Corruption Eradication Committee (KPK) and the Indonesian National Armed Forces (TNI) are jointly promoting laws and regulations related to the prevention and prosecution of corruption crimes within the TNI and its ranks.
2. The TNI assists the Corruption Eradication Committee (KPK) in distributing, collecting and submitting reports on the Wealth of State Officials for and from active and retired officials who are required within the TNI to the KPK.
3. The Corruption Eradication Committee (KPK) and the TNI provide each other with information or data related to reporting gratification.
4. The Corruption Eradication Committee (KPK) coordinates and controls the investigation, prosecution and prosecution of corruption crimes committed jointly by persons subject to Military Courts and General Courts.
5. The Corruption Eradication Committee (KPK) and the TNI provide reciprocal information and data regarding corruption crimes committed by TNI soldiers.
6. The Corruption Eradication Committee (KPK) can request the TNI for personnel assistance as needed in the process of investigating and investigating corruption crimes.

The purpose and objective of connectivity is to provide a guarantee for the implementation of fast and fair connectivity trials, although there is a possibility that the process undertaken is not as easy as trying ordinary criminal cases. In relation to

connectivity trials, Andi Hamzah explained that officials who carry out investigations in connectivity trials are regulated in Article 89 Paragraph (2) of the Criminal Procedure Code which explains that:(Hamzah, 2014)

"Investigations of criminal cases as referred to in paragraph (1) shall be carried out by a permanent team consisting of investigators as referred to in Article 6 and the military police of the Armed Forces of the Republic of Indonesia and military auditors or high military auditors in accordance with their respective authorities according to the laws applicable to the investigation of criminal cases."

The Criminal Procedure Code also regulates the authority to adjudicate in connection cases. The authority to adjudicate connection cases is based on Article 91 of the Criminal Procedure Code, which reads as follows:

1. If according to the opinion as referred to in Article 90 Paragraph (3) the focus of the loss caused by the criminal act lies in the public interest and therefore the criminal case must be tried by a court within the General Court environment, then the Officer Handing Over the Case must immediately make a Decision Letter on Handing Over the Case which is submitted through the Military Prosecutor or High Military Prosecutor to the Public Prosecutor, to be used as a basis for submitting the case to the competent District Court.
2. If according to that opinion the focus of the loss caused by the crime lies in military interests so that the criminal case must be tried by a court within the Military Court environment, then the opinion as referred to in Article 90 Paragraph (3) shall be used as a basis for the Auditor General of the Armed Forces of the Republic of Indonesia to propose to the Minister of Defense and Security, that with the approval of the Minister of Justice, a Decree of the Minister of Defense and Security be issued which stipulates that the criminal case be tried by a court within the Military Court environment.
3. The Decree in Paragraph (2) is used as the basis for the Case Handing Officer and Prosecutor or High Prosecutor to hand over the case to the Military Court or High Military Court (now the Military Court or High Military Court).

In determining the relative judicial power in cases of connectivity, if the party entitled is the District Court, then Article 84 of the Criminal Procedure Code must be taken into account, which reads:

1. The district court has the authority to try all cases concerning criminal acts committed within its jurisdiction.
2. The district court in whose jurisdiction the defendant resides, last resided, where he was found or detained, only has the authority to try the defendant's case if the residence of the majority of the witnesses summoned is closer to the district court than to the district court in whose jurisdiction the crime was committed.
3. If a defendant commits several crimes in the jurisdiction of various district courts, then each district court has the authority to try the criminal case.
4. Several criminal cases which are related to each other and were carried out by someone in the jurisdiction of various district courts, are tried by each district court with the provision that the possibility of merging the cases is open.

The Criminal Procedure Code also regulates the composition of court judges who will examine criminal acts through connection trials. Andi Hamzah explained that:

"Basically, court hearings on connectivity cases are conducted by a panel of judges, as they involve two areas of the judiciary: general courts and military courts. Therefore, the panel of judges consists of a presiding judge from the competent judicial environment and a balanced number of associate judges from both the general and military courts."

A clearer explanation regarding the composition of judges who will try connectivity cases is also regulated in Article 94 of the Criminal Procedure Code, namely:

- (1) In the case of a criminal case referred to in Article 89 Paragraph (1) being tried by a court in the general court or military court environment, the panel of judges that will try the case is a panel of judges consisting of at least three judges.
- (2) In the case of a court within the general court environment that tries criminal cases as referred to in Article 89 Paragraph (1), the panel of judges consists of a chief judge from the general court environment and member judges each appointed from the general court and military court in a balanced manner.
- (3) In the case of a court within the military court environment that tries the criminal cases referred to in Article 89 Paragraph (1), the panel of judges consists of a chief judge from the military court environment and member judges in a balanced manner from each military court environment and from the general court who have been given titular military rank.
- (4) The provisions in Paragraph (2) and Paragraph (3) also apply to appellate courts.
- (5) The Minister of Justice and the Minister of Defense and Security shall reciprocally propose the appointment of member judges as referred to in Paragraph (2), Paragraph (3) and Paragraph (4) and officer judges as referred to in Paragraph (3) and Paragraph (4).

Based on the explanation and regulations above, when a connection case is tried by a court in the general court environment, the composition of the panel of judges is that the presiding judge comes from the general court environment and the member judges are from the general court environment and the military court environment in a balanced manner. If the case is tried in the military court environment, the presiding judge comes from the military court environment and the member judges are from the military court environment and the general court environment in a balanced manner.

In relation to the composition of the panel of judges, Bisma Siregar in Andi Hamzah stated that in the future it would not be necessary for civilian judges to be given military ranks during trials, if necessary they would use the methods used by judges every day.

Law enforcement of corruption cases committed by the Head of Basarnas and civil society, if processed through a connected court, is assessed using the three

elements of law enforcement as explained by Chaerudin, namely legal certainty, justice, and benefit. These elements are significantly more fulfilled than if the case were to be enforced separately.

The connection trial itself was previously used in the corruption case involving Ginandjar Kartasasmita in the Technical Assistance Contract (TAC) project between PT Pertamina and PT UPG in four oil wells. In addition to the Attorney General's Office, there were four individuals—former Pertamina President Director Faisal Abda'oe, former Mining Minister Major General IB Sudjana, and the head of PT UPG, in addition to Ginandjar Kartasasmita—who had sufficient evidence to qualify as suspects. (Sociopolitica, 2012)

Regarding Ginandjar's case, the TNI's stance can be noted, at least, through letters from two of its top officials. The first, a confidential letter from the Chief of Staff of the TNI, Lieutenant General Djamari Chaniago, dated April 9, 2001, addressed to Ginandjar Kartasasmita's legal team. It stated that four military prosecutors had been sent to the Attorney General's Office for the investigation. However, "The authority to detain does not lie with the four Military Auditor personnel, but the authority to detain a/n Marsdya TNI (Purn) Ginandjar Kartasasmita only lies with the "Superior Who Has the Right to Punish (Ankum)/Papera". Previously, March 20, 2001, the Commander of the Military Police Center, Major General TNI Djasri Marin also gave tips in his letter to Ginandjar's lawyers, that in the period 1988-1993 Prof. Dr. Ir. H Ginandjar Kartasasmita as Minister of Mining and Energy was an Active Military, and if the person concerned committed a Criminal Act during that period, then the Court that has the authority to try the crime allegedly committed by the person concerned is the Military Court.

Then another example of a case in the procurement of the AW 101 Helicopter has found state losses of around Rp. 224 billion from the value of the AW 101 Helicopter purchase project of Rp. 738 billion. The Corruption Eradication Commission (KPK) and the Indonesian National Armed Forces Military Police (Pom TNI) named 6 suspects, 1 civilian each and 5 other TNI members who were charged with violating Article 2 paragraph (1) or Article 3 of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption in conjunction with Article 55 Paragraph (1) 1 of the Criminal Code. The AW 101 Helicopter is a helicopter that was originally purchased by the Indonesian Air Force (AU) for the needs of VVIP vehicles that will be used by the President. The chronology of the procurement began on July 29, 2016, the Indonesian Air Force signed a cooperation contract for the procurement of AW 101 Helicopters worth Rp. 738 billion with PT. Diratama Jaya Mandiri (as the tender winner), on September 14, 2016, the TNI Commander General Gatot Nurmantyo (TNI Commander at that time) wrote to the Chief of Staff of the Air Force (KASAU) Marshal Agus Supriatna (KASAU at that time) to cancel the procurement because the President considered the price of the AW 101 Helicopter to be too expensive so he refused to be used as a VVIP vehicle, but because it was already bound by a cooperation contract with PT. Diratama Jaya Mandiri, the procurement was still carried out. On December 29, 2016, the TNI Commander based on the

President's direction made an initial investigation order in early February 2017, the TNI Commander received the results of the investigation, then the TNI Commander decided to cooperate with the National Police, BPK, PPATK and KPK for further investigation. The results of the joint investigation by the TNI and the Corruption Eradication Committee (KPK) named the suspects, both military and civilian, namely 1 civilian and 5 other TNI members. (Fatmawati, 2017) According to criminal experts, if we look at the case, the corruption case carried out by the Head of Basarnas is more suitable to be entered into a connection court because Air Marshal TNI Henri Alfiandi as the Head of Basarnas is still active as a member of the TNI, in contrast to the case of Ginandjar Kartasmita, where at the time the law was enforced through a connection court, he had retired as a member of the TNI.

Based on this opinion, the TNI appears to want to protect its corruption before enforcing the law according to applicable regulations. In essence, according to Agus Rahardjo, law enforcement itself encompasses the values of justice inherent within it. Ridwan also stated that law enforcement is about upholding the values of truth and justice. (Ridwan, 2020) Therefore, PUSPOM TNI as a law enforcer should prioritize law enforcement itself rather than prioritizing the dignity of the institution.

This connected justice system represents a compromise in law enforcement in corruption cases committed by the Head of Basarnas (National Search and Rescue Agency) in conjunction with civil society. The use of connected justice in this case has fulfilled the requirements for processing through connected justice. This mechanism will not diminish the authority of either institution, the Corruption Eradication Commission (KPK) or the Indonesian National Armed Forces (TNI), as investigators, prosecutors, and judges handle the case from both civilian and military sources. Furthermore, the verdict will be delivered simultaneously. In enforcing the law in this case, all parties must support each other. According to Ridwan, if the law enforcement process is not supported by the relevant parties, it will be difficult to implement optimally.

IV. CONCLUSION

In terms of criminal liability based on Article 66 letter (c) of Law Number 31 of 1997 concerning Military Justice explains the settlement and implementation of prosecution of certain criminal cases whose procedures are specifically regulated by coordinating with the Attorney General's Office, Military Police and other law enforcement agencies. Corruption by military members can damage the positive image of the institution in the eyes of the public. Therefore, criminal liability is very important to ensure that violations of the law by military members are handled seriously and fairly, so that the integrity of the institution is maintained.

1) Criminal law enforcement for perpetrators of corruption involving members of the Indonesian National Armed Forces and civilians is being tried separately. The civilians involved have been sentenced by the Corruption Court. Meanwhile, the two military perpetrators have not yet received a verdict in the Military Court. In handling the connection case together with the Military Police, the Corruption Eradication Commission (KPK) encountered obstacles/limitations. The KPK could

only coordinate with the Military Police during the investigation stage, resulting in the separation of case files. The KPK investigated civilian defendants and the Military Police investigated members of the TNI. The separation of the process of handling corruption crimes seems to be increasingly protracted due to disharmony in laws and regulations.

REFERENCES

Book

- Fajar, M. & YA (2015). *Dualism of Legal-Normative and Empirical Research*. Student Library.
- Hamzah, A. (2014). *Eradicating Corruption Through National and International Criminal Law*. Rajawali Press.
- Heniarti, DD (2017). *Book on the Military Justice System in Indonesia*. PT. Reflika Aditama.
- Kanter, EY., SRS (2012). *Military Criminal Law Book in Indonesia*. AHM-PTHM Alumni.
- Ridwan. (2020). *Corruption Crime Formulation Policy (in a comparative perspective) Revised Edition*. Untirta Press.

Journal

- Anandya, Diky Ramdhana, K. (2024). Report on the Results of Monitoring Corruption Trends in 2023. *Indonesia Corruption Watch (ICW)*, 10. [https://www.antikorupsi.org/sites/default/files/dokumen/Narasi Report on the Results of Monitoring Corruption Trends in 2023.pdf](https://www.antikorupsi.org/sites/default/files/dokumen/Narasi%20Report%20on%20the%20Results%20of%20Monitoring%20Corruption%20Trends%20in%202023.pdf)
- Ardisasmita, MS (2006). Definition of Corruption from a Legal Perspective and E-Announcement for More Open, Transparent, and Accountable Governance. *KPPU RI*. [https://www.kppu.go.id/docs/Artikel/Seminar PBJ.pdf](https://www.kppu.go.id/docs/Artikel/Seminar%20PBJ.pdf)
- Dewi, VO (2023). Settlement of Corruption Crimes by Military Subjects While Holding Civilian Positions. 1(4).
- Dwi, R., Akbar, K., & Widowaty, Y. (2022). Judges' Considerations in Imposing Sanctions in Bribery Crimes in the Procurement of Goods and Services. 90-102. <https://doi.org/10.18196/ijcl.v3i2.15525>
- Helmi, IM (2013). *JOURNAL OF LEGAL CITIES*. Implementation of the Principle of "Equality Before the Law" in the Military Justice System, 1. <https://doi.org/https://doi.org/10.15408/jch.v1i2.2998>
- Sopian, A., Hukum, F., Sultan, U., & Tirtayasa, A. (2024). The Corruption Eradication Commission's Rejection of the Corruption Eradication Commission's (KPK) Name of the Head of Basarnas as a Corruption Suspect. 2(November), 87-96.

Internet Media

- Directory of Decisions of the Supreme Court of the Republic of Indonesia (2023).
<https://putusan3.mahkamahagung.go.id/>
- Fatmawati, NI (2017). TNI Commander Reveals Chronology of the AW 101 Helicopter Case. Detiknews. <https://news.detik.com/berita/d-3512299/panglima-tni-beberkan-kronologi-terbongkarnya-kasus-heli-aw-101>
- Indonesian National Armed Forces Information Center. (2025). Cooperation in Eradicating Criminal Acts of Corruption Between the Indonesian National Armed Forces and the Corruption Eradication Commission (KPK). Indonesian National Armed Forces Information Center. <https://tni.mil.id/view-1212-kerjasama-pemberantasan-tindak-pidana-korupsi-antara-tni-dan-kpk.html>
- Saputra, D. (2023). Chronology of the KPK's sting operation and the alleged bribery of the Head of the National Search and Rescue Agency, Marsdya Henri Alfiandi, amounting to Rp. 88.3 billion. Harian Jogja. <https://news.harianjogja.com/read/2023/07/26/500/1143191/kronologi-ott-kpk-dan-dugaan-suap-kabasarnas-marsdya-henri-alfiandi-rp883-miliar>
- Sociopolitica. (2012). The Story of the Generals' Corruption (2). <https://socio-politica.com/2012/08/11/kisah-korupsi-para-jenderal-2/>