



Handling of Connectivity Cases in Corruption Crimes in the Indonesian Army's Mandatory Housing Savings Program: Study of Verdict Number: 21-K/PMT-II/AD/II/2022

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Abstract: Criminal acts of corruption in the Indonesian Army's Mandatory Housing Savings Program (TWP TNI AD) are an example of a case involving both military and civilian legal subjects, triggering complex challenges in law enforcement in Indonesia. This study aims to examine the mechanisms for handling cases of connected criminal acts of corruption and the legal considerations in sentencing perpetrators based on the Jakarta High Military Court II Verdict Number 21-K/PMT-II/AD/II/2022. The research method employs a normative approach, analyzing relevant laws, legal doctrines, and jurisprudence. The results of the study show that cases are handled collaboratively between military and civilian institutions through the stages of investigation, inquiry, determination of the judicial forum, prosecution, and trial. The court's verdict confirmed that the defendants had been proven to have committed corruption together and continuously, resulting in state losses of Rp 127 billion, with sentences of imprisonment, fines, and restitution obligations. This study demonstrates the effectiveness of the connected justice system in ensuring justice and recovery of state losses, while also making an important contribution to the eradication of corruption in the military.

Keywords: Corruption, Connectivity, Military Court, State Losses

Abstrak: Tindak pidana korupsi pada program Tabungan Wajib Perumahan Tentara Nasional Indonesia Angkatan Darat (TWP TNI AD) merupakan contoh kasus koneksitas yang melibatkan subjek hukum militer dan sipil, memicu tantangan kompleks dalam penegakan hukum di Indonesia. Penelitian ini bertujuan untuk mengkaji mekanisme penanganan perkara koneksitas tindak pidana korupsi dan pertimbangan yuridis dalam pemidanaan pelaku berdasarkan Putusan Pengadilan Militer Tinggi II Jakarta Nomor 21-K/PMT-II/AD/II/2022. Metode penelitian menggunakan pendekatan normatif dengan analisis peraturan perundang-undangan, doktrin hukum, dan yurisprudensi terkait. Hasil penelitian menunjukkan bahwa penanganan perkara dilakukan secara kolaboratif antara lembaga militer dan sipil melalui tahapan penyelidikan, penyidikan, penentuan forum peradilan, penuntutan, dan persidangan. Putusan pengadilan mengukuhkan bahwa para terdakwa terbukti secara sah melakukan korupsi secara bersama-sama dan berlanjut, menyebabkan kerugian negara sebesar Rp 127 miliar, dengan vonis pidana penjara, denda, dan kewajiban restitusi. Penelitian ini memperlihatkan efektivitas sistem peradilan koneksitas dalam memastikan keadilan dan pemulihan kerugian negara, sekaligus memberikan kontribusi penting bagi pemberantasan korupsi di lingkungan militer.

Kata Kunci: Korupsi, Koneksitas, Peradilan Militer, Kerugian Negara

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A. Introduction

Corruption is one of the major problems facing Indonesia today, as it not only causes financial losses to the state but also jeopardizes social and economic development and has the potential to weaken democratic institutions and the rule of law.¹ Corruption is a product of weak law enforcement and public oversight of state power practices.² The prevalence of corruption threatens democratic principles that uphold transparency, accountability, and integrity.³ Based on data from the Corruption Eradication Commission (hereinafter referred to as KPK) over recent years, corruption committed by public officials, including heads of institutions, cabinet members, and officials at echelons 1, 2, and 3, has been found to be higher than that committed by executives of private companies.⁴ These findings show that corruption often involves strategic actors within the government structure. Corruption crimes often involve multiple parties, including public officials, businesspeople, the military, and the general public. When two different judicial parties, namely the civilian and military parties, collaborate to commit a crime, they are connected in a case referred to as a conspiracy.⁵

Connectivity refers to the fact that a criminal case is committed jointly by civilians and military personnel, who are tried by a general court, unless the damage caused by the criminal act is in the interests of the military, in which case it is tried by a military court.⁶ The matter of connectivity was first regulated in Article 5 of Law Number 7 of 1946 concerning Military Courts and also Article 4 of Law Number 5 of 1950 concerning the Structure and Authority of Courts/Prosecutors within the Military Justice System, where the provisions stipulate that crimes or offenses committed by

¹Johannes Wachs et al., "Social Capital Predicts Corruption Risk in Towns," *Royal Society Open Science* 6, no. 4 (2019); Raditya Feda Rifandhana et al., "Legal Urgency in the Establishment of the Anti-Corruption Corps in the Indonesian National Army," *International Journal of Law, Social Science, and Humanities* 2, no. 2 (2025); Simon Butt, *Corruption and Law in Indonesia* (New York: Routledge Contemporary Southeast Asia Series, 2012); Abd. Choliq, "Peringatan Hakordia 2023, Korupsi Adalah Parasit Masyarakat dan Negara," Directorate General of State Assets, December 1, 2023, <https://www.djkn.kemenkeu.go.id/kanwil-rsk/baca-artikel/16641/Peringatan-Hakordia-2023-Korupsi-Adalah-Parasit-Masyarakat-dan-Negara.html>.

²Robert Klitgaard, *Membasmi Korupsi* (Jakarta: Yayasan Obor Indonesia, 2001); Handar Subhandi Bakhtiar, "Peluang Korupsi Di Masa Pandemi COVID-19," in *Pemberantasan Korupsi Di Indonesia Pada Masa Pandemi COVID-19* (Yogyakarta: Deepublish, 2022), 39.

³La Uli, "Strengthening The Institutional System for The Management of Confiscated Objects and Evidence of Collateral Objects in Corruption Crimes in Indonesia," *International Conference on Law, Economy, Social and Sharia* 2 (2024); Bambang Waluyo, *Pemberantasan Tindak Pidana Korupsi: Strategi Dan Optimalisasi* (Jakarta: Sinar Grafika, 2016), 14.

⁴Dewi Asri Yustia and Firdaus Arifin, "Bureaucratic Reform as an Effort to Prevent Corruption in Indonesia," *Cogent Social Sciences* 9, no. 1 (2023): 2; Fahrizal S. Siagian, Saied Firouzfar, and Najuasah Putra, "The Obligation of Military Institutions to Comply with the Anti-Corruption Act," *Mulawarman Law Review*, 2023.

⁵Article 89 of the Criminal Procedure Code.

⁶Vasyl Shybiko, "The Evolution of Criminal Procedure in Ukraine over 30 Years of Independence," *Access to Justice in Eastern Europe* 4, no. 3 (2021); A Hamzah, *Hukum Acara Pidana Indonesia* (Jakarta: Sinar Grafika, 2010); Supriyono, "Sistem Peradilan Pidana Berdasarkan Rancangan Undang-Undang Hukum Acara Pidana," *Fenomena* 17, no. 2 (2023): 194–205; Roni Efendi and Hebby Rahmatul Utamy, *Pembaruan Hukum Acara Pidana Di Indonesia* (Yogyakarta: Deepublish Digital, 2023), 10.

those who are members of the armed forces or who are equated/considered members of the armed forces under the law, together with civilians, shall be tried by a court within the general court system, unless, based on a decision by the Minister of Defense with the approval of the Minister of Justice, the case must be tried by a court within the military court system.⁷ The issue of judicial authority between the general courts and the military courts is important because of the difference in status between civilians and military personnel, each of whom has its own judicial mechanisms.⁸ The concept of criminal acts committed jointly by civilians and military personnel, whether specific or general, falls under the jurisdiction of the connected court, which is tasked with adjudicating them.⁹ The positive implications of military courts include strengthening law enforcement and discipline within the military, as well as enhancing the institution's integrity. This will contribute significantly to broader efforts to eradicate corruption in Indonesia.¹⁰

In a narrow sense, the institution responsible for handling a crime is the police.¹¹ However, in matters of connectivity, there are several parties or agencies that may be involved in the process of handling connectivity cases in accordance with their respective authorities and rights, such as the Military Police (hereinafter referred to as PM), Disciplinary Authority (hereinafter referred to as Ankum), Prosecutor, Military Prosecutor, Investigating Officer (hereinafter referred to as Papera), KPK, the General Court, and the Military Court.¹² Article 39 of Law No. 31 of 1999 on the Eradication of Corruption provides that the Prosecutor General coordinates and controls the investigation and prosecution of corruption committed jointly by persons subject to

⁷Marina Zaloznaya, "The Civic Crime of Corruption: Citizen Networks and Public Sector Bribery in the Non-Democracies," *Theoretical Criminology* 26, no. 4 (2022); Erni Agustina, "Prospeksi Peradilan Tata Usaha Militer Dalam Sistem Peradilan Di Indonesia," *Jurnal Hukum Militer* 16 (2017); Mia Amiati, "Private Sector Bribery as a Corruption Crime for Legal Certainty in Indonesia," *Journal of Law and Sustainable Development* 12, no. 1 (2024).

⁸Elvira Titko et al., "Civil-Military Cooperation And Gender Perspectives: European And Ukrainian Realities," *Revista Direito e Sexualidade* 4, no. 2 (2023); M Rafi Azhari and Hendrik Khoirul Muhid, "Perbedaan Mendasar Pengadilan Sipil dan Pengadilan Militer," *Tempo*, August 31, 2023 <https://www.tempo.co/hukum/perbedaan-mendasar-pengadilan-sipil-dan-pengadilan-militer-149968>.

⁹Rian Saputra, Josef Purwadi Setiodjati, and Jaco Barkhuizen, "Under-Legislation in Electronic Trials and Renewing Criminal Law Enforcement in Indonesia (Comparison with United States)," *Journal of Indonesian Legal Studies* 8, no. 1 (2023); Andi Hamzah, *Sistem Pidana Dan Pemidanaan Indonesia* (Jakarta: Pradnya Paramita, 1993).

¹⁰Heribertus Jaka Triyana, "Conscientious Objection Before the Indonesian Constitutional Court," *Constitutional Review* 8, no. 2 (2022); Sarjono Sarjono and Umar Ma'ruf, "Legal Analysis Of Authority On Military Judges In Judging Of Indonesian National Army (TNI)," *Law Development Journal* 3, no. 2 (2021); Mohammad Mahmudi and Ludfi, "Tanggung Jawab Hukum Anggota Militer Dalam Kasus Korupsi Melalui Peradilan Koneksitas Antara KPK Dan TNI," *HUNILA: Jurnal Ilmu Hukum Dan Integrasi Peradilan* 2, no. 1 (2023): 118-19.

¹¹Handar Subhandi, "Upaya Penanggulangan Kejahatan," blog, 2015, <https://handarsubhandi.blogspot.com/2015/01/upaya-penanggulangan-kejahatan.html?>

¹²Shai Farber and Rani Amer, "Bridging Justice: Arabic Language and Islamic Sources in Israeli Courts - a Study of Judicial Pluralism," *International Journal of Law in Context*, 2025; Sri Pujiarti, "Ahli: Koordinasi Kejaksaan, Peradilan Militer, dan KPK dalam Selesaikan Perkara Korupsi" Constitutional Court of the Republic of Indonesia, March 4, 2024 <https://www.mkri.id/berita/-20090>

the jurisdiction of the general courts and the military courts.¹³ This provision serves as the basis for inter-agency coordination in handling connectivity cases. According to Article 42 of Law Number 19 of 2019 concerning the Corruption Eradication Commission, it is emphasized that the KPK has the authority to coordinate and control the investigation, examination, and prosecution of criminal acts of corruption committed jointly by persons subject to military and general courts,¹⁴ so that the KPK can handle corruption cases within the military if the criminal acts are committed jointly with civilians, but in practice this authority is often hampered by institutional ego.¹⁵

Verdict Number 21-K/PMT-II/AD/II/2022, the subject of this final project, shows how the military court handled the case and how effectively it was handled in the Indonesian Army's Mandatory Housing Savings Program (hereinafter referred to as TWP TNI AD). Through this study, it is hoped that a deeper understanding can be gained of the mechanism for handling connected cases of corruption in the TWP TNI AD, as well as of how judges consider defendants in such cases. This research is important to contribute to efforts to prevent and eradicate corruption, particularly within the military, and to improve understanding of the application of law in related cases in Indonesia. A review of this ruling can contribute to improving legal understanding and practice in the eradication of corruption, particularly within the military, which has its own complexities in terms of law and judicial procedures.

Several studies have been conducted to understand this issue from various perspectives, such as a previous study that focused on the division of authority between the general court and the military court in handling connected cases,¹⁶ with differences in the approach linking aspects of general court law and military court law in the context of corruption crimes occurring in the TWP TNI AD program, thus providing a more specific perspective on the handling of connected cases in criminal acts of corruption. There is also previous research that focuses on the process of examining connected cases and the jurisdiction of the court over connected cases according to the Criminal Procedure Code,¹⁷ with differences in the handling of connected cases in corruption crimes in the TWP TNI AD program, thus providing an update in analyzing the handling of connected cases of corruption crimes in the

¹³Article 39 of Law Number 31 of 1999 concerning Eradication of Corruption Crimes.

¹⁴Article 42 of Law Number 19 of 2019 concerning the Corruption Eradication Commission.

¹⁵Muhtar Hadi Wibowo, "Corporate Responsibility in Money Laundering Crime (Perspective Criminal Law Policy in Crime of Corruption in Indonesia)," *Journal of Indonesian Legal Studies* 3, no. 2 (2018); Jan Boesten, "Of Strategies, Ideas, and Deliberation: Judges, Courts, and Constitutions in Latin America," *Latin American Research Review* 52, no. 4 (2022).

¹⁶Por Julio Ríos-Figueroa, "Military Courts, Civil-Military Relations, and the Legal Battle for Democracy: The Politics of Military Justice," *Política y Gobierno* 28, no. 2 (2021); Austin Al Hariz, Hibnu Nugroho, and Ridwan Ridwan, "Reconstruction of Legal Protection for Civil Servants as Whistleblowers in Eradicating Corruption Crimes in Indonesia," *Journal of Law and Legal Reform* 5, no. 3 (2024).

¹⁷Maksym Shpak et al., "Provision of Legal Assistance for Compensation of Damages Caused by Military Aggression (Ukrainian Experience)," *International Annals of Criminology*, 2025; Choky R. Ramadhan, "Using Rational Choice Theory to Understand Corruption," *Integritas : Jurnal Antikorupsi* 9, no. 2 (2023).

military. Other previous studies have focused on the examination process of military personnel who commit crimes in connected cases and the sanctions imposed on military personnel who commit crimes in connected cases,¹⁸ with differences in the approach that links connected cases with corruption crimes in the TWP TNI AD program, thus presenting a new perspective in addressing connected cases that refer to corruption crimes in the military environment.

This study uses normative legal research, focusing on relevant legislation, legal doctrine, and jurisprudence to understand the applicable legal mechanisms and the application of law in the settlement of connectivity cases arising from criminal acts of corruption in the TWP TNI AD program. In preparing this research, the author used three problem-solving approaches: the statutory approach, the conceptual approach, and the case approach. The author also used three sources of legal materials, namely primary legal materials in the form of legislation related to the handling of corruption in connected cases, secondary legal materials in the form of books and scientific journals on connected cases, and tertiary legal materials to supplement the primary and secondary legal materials in the form of the Great Dictionary of the Indonesian Language. Using the literature review data collection technique, the author gathered comprehensive information on the process of handling connected cases in corruption crimes from various reliable and relevant sources. The data analysis technique used in this study was normative prescriptive, based on laws and regulations governing the mechanism for handling connected cases in corruption crimes within the TWP TNI AD program.

B. Mechanism for Handling Connected Cases in Corruption Crimes under the TWP TNI AD Program

1. Basic Concepts of Connectivity in Corruption Crimes in the TWP TNI AD Program

Connectivity case is a form of criminal case resolution involving perpetrators subject to two different jurisdictions, military and civil, so that the case must be handled in an integrated manner to avoid overlapping jurisdictions. This concept adheres to the principle that military and general court jurisdictions should not conflict with each other, but rather coordinate when a criminal act is committed jointly by members of the military and civilians. The corruption case in the TWP TNI AD program is one example of how the Indonesian judicial system handles cases involving legal subjects with different jurisdictions. The TWP TNI AD program aims to provide

¹⁸Marlina Samosir, Mella Ismelina Farma Rahayu, and Amad Sudiro, "Punishment For Revocation Of Political Rights For Public Officials Convicted Of Corruption Based On A Justice Perspective," *Revista de Gestao Social e Ambiental* 18, no. 8 (2024); Yusnita Mawarni, "Penetapan Tersangka Pada Peradilan Koneksitas Dalam Perkara Tindak Pidana Korupsi," *Lentera Hukum* 5, no. 2 (2018); Mark Pyman, "Addressing Corruption in Military Institutions," *Public Integrity* 19, no. 5 (2017); Sanjeev Gupta, Luiz De Mello, and Raju Sharan, "Corruption and Military Spending," *European Journal of Political Economy* 17, no. 4 (2001).

housing for members of the Indonesian Army as a form of support for their welfare.¹⁹ However, in practice, this program has become a means of committing corruption.

In this case, Brigadier General (Ret.) Yus Adi Kamrullah, S.E., M.Si., who served as Director of Finance for TWP AD since March 2019, hereinafter referred to as Defendant 1, transferred funds amounting to Rp 133.763 billion from the official account of TWP TNI AD to his personal account in several stages, then transferred it to the account of Ni Putu Purnamasari, as President Director of PT Griya Sari Harta, hereinafter referred to as Defendant 2, under the pretext of procuring housing plots for soldiers, but the money was used for personal gain.²⁰ This action shows how the abuse of authority and weak internal oversight create opportunities for corruption. In addition to causing losses to the state, this case also negatively affects the military institution's image and undermines public trust in the integrity of state institutions.²¹ This case also reinforces previous findings in studies of corruption in military institutions, which state that vulnerability to corruption often arises when there is a combination of significant authority, weak oversight, and business relationships with civilian parties.

The TWP TNI AD corruption case is an important example of the application of law in cases involving connectivity, where various law enforcement agencies, both military and civilian, collaborate to handle it. The legal process is carried out on the principle of connectivity because the perpetrators include both military and civilian elements, so that the case is handled simultaneously and in an integrated manner by the relevant agencies.²² This case was handled by the Connectivity Investigation and Prosecution Team, consisting of the Prosecutor, Military Police, Ankum, Papera, and the Military Prosecutor, and was tried by the Jakarta High Military Court II, the institution authorized to adjudicate this case.²³ Based on Verdict Number 21-K/PMT-II/AD/II/2022, Defendant 1 was sentenced to 16 years in prison and ordered to pay a

¹⁹Admin TNI AD, "TNI AD dan TWP AD Groundbreaking Pembangunan Ribuan Rumah Non Dinas Prajurit dan PNS," Indonesian National Armed Forces, March 9, 2025, <https://tniad.mil.id/tni-ad-dan-twp-ad-groundbreaking-pembangunan-ribuan-rumah-non-dinas-prajurit-dan-pns/>.

²⁰Yus Adi Kamrullah and Ni Putu Purnamasari. Number: 21-K/PMT-II/AD/II/2022, Jakarta High Military Court II, January 31, 2023.

²¹Andika Perkasa, "Panglima TNI Menerima Audiensi Jampidmil Terkait Masalah Penyalahgunaan Dana TWP AD", January 15, 2022, https://youtu.be/jXBxraS_7Xk?si=TUX8ZGkqX_zyqAqQ.

²²Raditya Feda Rifandhana et al., "Legal Urgency in the Establishment of the Anti-Corruption Corps in the Indonesian National Army.,"; Ganna Sobko et al., "Characteristics of Punishment for Property Embezzlement and Appropriation by Military Personnel through Abuse of Office," *Legality: Jurnal Ilmiah Hukum* 31, no. 1 (2023).

²³Howard Davis and Holly White, "For a Zemiology of Politics," *Journal of White Collar and Corporate Crime* 4, no. 2 (2023); Abdul Hayy Nasution, "Authority of Military Police Investigators Regarding Criminal Acts of Corruption According to Law Number 31 of 1997 Concerning Military Justice," *International Journal of Social Science* 4, no. 2 (2024).; Farras Audia Raihany, Aria Zurnetti, and Edita Elda, "Legal Policy of the Establishment of Deputy Attorney General for Military Affairs in the Structure of the Attorney General's Office of the Republic of Indonesia," *Nagari Law Review* 7, no. 3 (2024); Yusep Mulyana, "Implementation of Article 90 of Kuhap in Connection Cases Based on Presidential Regulation Number 15 of 2021 About the Working Procedure Organization," *Journal of Social Science* 2, no. 6 (2021).

penalty of Rp 750 million and compensation for state financial losses amounting to Rp 34.375 billion. Defendant 2 was also sentenced to 16 years in prison and a penalty of Rp 750 million, as well as ordered to pay compensation for state financial losses amounting to Rp 80.333 billion.²⁴ This case can serve as an example of the application of the connected justice system in corruption cases involving both military and civilian elements, with cooperation among various law enforcement agencies to ensure justice and recover state financial losses.

2. Stages of Handling Connected Cases in Corruption Crimes in the TWP TNI AD Program

a. Preliminary Investigation

The preliminary investigation commenced when the police discovered initial evidence of fund misuse in the TWP TNI AD program, which was then referred to the Deputy Prosecutor General for Military Crimes (hereinafter referred to as JAMPIDMIL).²⁵ The preliminary investigation aims to examine the extent to which a report or complaint of information or an incident caught red-handed by law enforcement officials is true, as well as to identify potential suspects.²⁶ In this case, it also includes the alleged misappropriation of funds and the fictitious land acquisition scheme. Preliminary investigations of military personnel are subject to specific rules regarding permission from superiors who have the authority to punish, whereas investigations of civilians do not have such requirements.²⁷ This indicates that the command structure can be an initial obstacle for law enforcement when dealing with military personnel. Although the investigation was conducted in an integrated manner, the requirement for Ankum's permission could create room for intervention and slow down the handling of connectivity cases. Thus, this case not only demonstrates the applicability of the theory of connectivity but also shows the limitations when dealing with a hierarchical military structure.

b. Investigation

A connectivity investigation is an investigation conducted jointly by a connectivity investigation team consisting of several agencies, each with jurisdiction over individuals subject to general or military courts.²⁸ The investigation was

²⁴Yus Adi Kamrullah and Ni Putu Purnamasari. Number: 21-K/PMT-II/AD/II/2022, Jakarta High Military Court II, January 31, 2023.

²⁵Report on Criminal Acts Regarding Alleged Corruption in the Indonesian Army's TWP Program, Deputy Prosecutor General for Military Crimes, June 7, 2021.

²⁶Murangira B Thierry and Fred K, "The Use of Forensic Evidences in Investigations and Prosecution in International Criminal Proceedings. Case Study of International Criminal Court (ICC)," *International Journal of Forensic Sciences* 9, no. 2 (2024); Kate Puddister and Danielle McNabb, "When the Police Break the Law: The Investigation, Prosecution and Sentencing of Ontario Police Officers," *Canadian Journal of Law and Society* 36, no. 3 (2021).

²⁷Budi Pramono and Agung Pramono, "Problematics of the Legal Settlement of Connective Crimes in Indonesia," *Hang Tuah Law Journal*, 2024.

²⁸Dwi Agus Arfianto, Pujiyono, and Irma Cahanintyas, "Harmonizing Prosecution Agencies in Indonesia: Implementing the Dominus Litis Principle Policy," *Pakistan Journal of Criminology* 16, no. 1 (2024).

conducted collaboratively between the Military Police, JAMPIDMIL, and the Military Prosecutor.²⁹ The connectivity investigation team also conducted joint research to determine the focus of the losses, whether they were more dominant in military interests or public interests, which would influence the Chief Justice's decision in determining whether a connectivity case should be examined and tried based on the provisions of the law.³⁰ Investigations such as this reflect the principle of interagency cooperation, in which each agency acts collaborates to build a solid case structure. In the TWP TNI AD corruption case, investigators highlighted the involvement of several military and private officials in the transfer of funds, making the collection of relevant evidence, including documents, witnesses, and financial audits, crucial as a basis for the upcoming prosecution and trial.³¹

c. Determination of the Judicial Forum

The previous paragraph explained that the Supreme Court appointed the Jakarta High Military Court II as the court of jurisdiction based on the severity of the losses suffered by the military. In theory, this decision aligns with the mechanism of connectivity. The appointment of the Jakarta High Military Court II as the party examining and adjudicating cases of corruption in the TWP AD program was made based on Indonesian Supreme Court Verdict Number 45/KMA/SK/ II/2022 dated February 3, 2022, concerning the Appointment of the Second High Military Court in Jakarta for the Review and Adjudication of Cases Related to Corruption in Indonesia for the Indonesian Army's Mandatory Housing Savings Fund for 2019-2020.³² This indicates that the determination of the court forum in connectivity cases continues to follow the procedures established by law, with the Supreme Court serving as the highest authority to determine which court has jurisdiction.³³ Although Article 5 of Law Number 46 of 2009 concerning the Corruption Court states that the Corruption Court is the only court with the authority to examine, try, and decide cases of corruption,³⁴ however, the court's verdict was also based on the severity of the losses caused by the corruption offense,³⁵ As in this case, the embezzled funds were money saved by soldiers, so the burden of loss fell on the military, resulting in the appointment of the Jakarta High Military Court II as the party authorized to examine and adjudicate the case of criminal corruption in the TWP TNI AD program.

²⁹Sobko et al., "Characteristics of Punishment for Property Embezzlement and Appropriation by Military Personnel through Abuse of Office."

³⁰Delfina Gusman, "Handling Criminal Cases of Corruption Involving Active Indonesian National Army (TNI) Soldiers," *Journal of Law, Politic and Humanities* 3, no. 4 (2023).

³¹Darmukit, "Upaya Kejaksaan Dalam Pengembalian Aset Negara Sebagai Hasil Dari Tindak Pidana Korupsi," *Jurnal Hukum Unissula* 36, no. 1 (2020);

³²Muhammad Bayanullah et al., "Legal Implications of Dual Jurisdiction in Connectivity Cases: A Study of the Major Point of Loss of Criminal Acts from the Perspective of Legal Certainty," *Journal of Neonatal Surgery* 14, no. 9S (2025); Ali Ridlo, Siswantari Pratiwi, and Mardani, "Analisis Penyelesaian Perkara Koneksitas Dalam Perspektif Pidana Umum Dan Pidana Militer," *Pagaruyuang Law Journal* 8, no. 1 (2024): 53.

³³Article 16 of Law Number 48 of 2009 on Judicial Authority.

³⁴Article 5 of Law Number 46 of 2009 concerning the Corruption Court.

³⁵Article 91 paragraph (2) of the Criminal Procedure Code.

d. Prosecution

At this stage, the Connectivity Prosecution Team, chaired by JAMPIDMIL, brought together military prosecutors and prosecutors to coordinate the handling of TWP TNI AD connectivity cases, thereby strengthening institutions and implementing the principle of a single prosecution system whereby the Prosecutor General is the highest public prosecutor in Indonesia.³⁶ Prosecution is carried out in an integrated manner, ensuring good coordination between civilian and military prosecutors. The Connectivity Prosecution Team prepares indictments based on the results of investigations, then brings the case to trial, explains the indictments, and presents witnesses, experts, and evidence to support the trial.

e. Trial and Verdict

The trial was held at the Jakarta High Military Court, with a panel of judges consisting of a Presiding Judge and Associate Judge I, both military judges, and Associate Judge II, a general court judge.³⁷ Associate Judge II holds a titular rank, temporarily granted to citizens who are required and willing to perform certain military duties within the Indonesian National Armed Forces.³⁸ This is because a judge handling a case involving a defendant who is a member of the Indonesian Armed Forces must have the same rank or a higher rank than the defendant being tried.³⁹ During the trial, all evidence and testimony were examined to determine the validity of the indictments. After the examination was complete, the panel of judges handed down a verdict of imprisonment, a penalty, and an obligation to pay compensation for the state's financial losses. Although the panel of judges imposed heavy sentences on both defendants, the trial remained caught between maintaining military hierarchy and preserving full judicial independence.

C. Judicial Considerations in Sentencing Perpetrators of Corruption in the TWP TNI AD Program Based on Verdict Number: 21-K/PMT-II/AD/II/2022

1. Overview of Verdict Number: 21-K/PMT-II/AD/II/2022 Regarding Corruption in the TWP TNI AD Program

Verdict Number 21-K/PMT-II/AD/II/2022 is a verdict of the Jakarta High Military Court II, decided on Tuesday, January 31, 2023, regarding the connection between the criminal act of corruption of TWP TNI TNI program funds and the two main defendants. In this verdict, the panel of judges declared that both defendants were legally and convincingly proven to have committed corruption jointly and continuously, as stipulated in Article 2 paragraph (1) in conjunction with Article 18 of

³⁶Fergus Kerrigan and Paul Dalton, "The Human Rights Courts and Other Mechanisms to Combat Impunity in Indonesia," *Indonesia* 5, no. 2 (2006);

³⁷Judge's Determination Letter from the Head of the Jakarta High Military Court II Number: TAPKIM/21-K/PMT-II/AD/II/2022, April 3, 2022.

³⁸Article 27 Paragraph (2) letter c of Law Number 34 of 2004 concerning the Indonesian National Armed Forces.

³⁹Hery Baskoro, Head of Section I, Sub-Directorate of Prosecution, at the Internship Student Briefing at JAMPIDMIL, January 13, 2025.

Law Number 31 of 1999 concerning Eradication of Corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes in conjunction with Article 55 Paragraph (1) of the Criminal Code in conjunction with Article 64 Paragraph (1) of the Criminal Code.

Defendant 1, as the Finance Director of TWP AD, was found guilty of abusing his authority in managing TWP AD funds, which should have been used for the benefit of soldiers' housing, but were instead transferred to his personal account for his own benefit. Meanwhile, Defendant 2 was found to have received these funds and participated in the corruption. This verdict exemplifies the implementation of the connectivity mechanism in military courts to ensure the effective enforcement of the law against corruption in the TWP TNI AD program. In addition, this verdict is an important step in efforts to recover state financial losses resulting from the corruption.

In the verdict, Defendant 1 was sentenced to 16 years in prison and a penalty of Rp 750 million, with the provision that if the fine is not paid, it will be replaced with a 6-month prison sentence. He was also ordered to pay Rp 34.375 billion in compensation for state losses, with the provision that if he did not pay within one month after the verdict became final, his property would be confiscated and auctioned. If his assets were insufficient, he would be sentenced to an additional 4 years in prison. Defendant 2 received a similar sentence of 16 years in prison, a penalty of Rp 750 million, and an obligation to pay Rp 80.333 billion in compensation, with similar provisions regarding confiscation and an additional 6 years in prison if the fine is not paid. The total state losses from this crime amounted to approximately Rp 127 billion, which was transferred in stages through various disbursement stages.

2. Legal Considerations in the Punishment of Perpetrators of Corruption in the TWP AD Program

a. The element of every person

“Every person” means an individual or a corporation.⁴⁰ Meanwhile, in judicial practice, the term “every person” is commonly formulated as an element of “Whoever”. This refers to humans as subjects of law capable of being held responsible under applicable law, and in this case, the Defendants.⁴¹ “Whoever” in criminal acts of corruption does not only refer to civil servants, but must also be interpreted broadly to include private individuals, entrepreneurs, and legal entities.⁴² Basically, the words “every person” or “whoever” indicate who is responsible for the alleged act/incident or, at the very least, who should be named as the defendant in this case.⁴³

⁴⁰Article 1 paragraph (3) of Law Number 31 of 1999 concerning Eradication of Corruption Crimes.

⁴¹Yus Adi Kamrullah and Ni Putu Purnamasari. Number: 21-K/PMT-II/AD/II/2022, Jakarta High Military Court II, January 31, 2023.

⁴²Supreme Court of the Republic of Indonesia Verdict Number: 892 K/PID/1983, December 18, 1984.

⁴³Yus Adi Kamrullah and Ni Putu Purnamasari. Number: 21-K/PMT-II/AD/II/2022, Jakarta High Military Court II, January 31, 2023.

The panel of judges carefully considered the facts of the trial and the evidence presented, which showed that Defendant 1 was a soldier in the Indonesian Army and, at the time of the alleged offense, was serving as the Director of Finance of TWP AD with the rank of Brigadier General. Meanwhile, Defendant 2 was the President Director of PT. Griya Sari Harta (PT. GSH), based on the Deed of Establishment of PT. GSH Number 11 dated November 7, 2012, so that the Defendants were legal subjects who could be held accountable for all their actions. Therefore, the element of “every person” had been fulfilled.

b. The element of in violation of the law

The Supreme Court holds that the element of “in violation of the law” in criminal acts of corruption encompasses violations of the law in both a formal and a material sense. Acts that violate the law in a material sense include positive and negative functions. The Supreme Court is guided by the purpose of expanding the element of “acts that violate the law” beyond its formal meaning but includes acts against the law in a material sense, is to facilitate proof in court, so that an act that is considered by society to be against the law in a material sense or reprehensible can result in the perpetrator being punished for corruption, even if the act is not against the law in a formal sense.⁴⁴

The panel of judges carefully considered the facts of the trial and the evidence presented that the actions committed by Defendant 1, namely withdrawing money from the TWP AD account and transferring it to Defendant 1's personal account and then transferring it again to Defendant 2's personal account, were contrary to the provisions of:

- a) Article 3 Paragraph (1) of Law Number 17 of 2003 concerning State Finances.
- b) Article 8 Paragraph (1) letter c of Kasad Regulation Number 60 of 2014 concerning the Organization and Duties of the Army Mandatory Housing Savings (Orgas TWP AD).
- c) Article 8 Paragraph (1) letter d of Kasad Regulation Number 60 of 2014 concerning Orgas TWP AD.
- d) Chapter II Article 9 letter a of the Army Chief of Staff Decree Number KEP/181/III/2018 dated March 12, 2018, guidelines on the management of mandatory housing savings and the distribution of self-managed home ownership credit (KPR) for army personnel.

It can be concluded that the Defendants have disbursed and used TWP AD funds in a manner inconsistent with their intended purpose, which is to generate added value and profits for TWP AD and to benefit soldiers and civil servants within the Indonesian Army. Therefore, the element of “by violation of the law” has been fulfilled.

⁴⁴Yus Adi Kamrullah and Ni Putu Purnamasari. Number: 21-K/PMT-II/AD/II/2022, Jakarta High Military Court II, January 31, 2023.

c. The Element of Committing Acts of Self-Enrichment or Enriching Others or A Corporation

“Self-enrichment” means an act of violation of the law whereby the perpetrator enjoys an increase in his or her own wealth or property. Meanwhile, “enriching others” means that, as a result of the perpetrator's act of violating the law, other people enjoy an increase in their wealth or property. So, in this case, it is not the perpetrator who directly benefits, or perhaps the one who benefits from the act of violation of the law committed by the perpetrator is a corporation or entity, namely a group of people or a collection of wealth that is well-organized, whether it is a legal entity or not.⁴⁵ “Enriching” can also be interpreted as obtaining the proceeds of corruption, even if only partially.⁴⁶

The panel of judges carefully considered the trial's facts and the evidence that the defendants transferred TWP TNI AD funds to their personal accounts and used them for both personal and corporate interests. These funds, which were deducted from soldiers' salaries, were intended for the welfare of Indonesian Army personnel but were diverted under the pretext of procuring housing plots for soldiers. However, the defendants used the funds for purposes other than stock investments, land purchases, and company operating costs, including personal expenses for the defendants and other parties. Therefore, the element of “committing acts of self-enrichment or enriching others or a corporation” has been fulfilled.

d. The element of “may cause losses to the State finances and/or the State economy

“State finances” in this element are all state assets in any form, whether separated or not, including all parts of state assets and all rights and obligations arising from being under the control, management, and responsibility of state officials, both at the central and regional levels, and under the control, management and accountability of state officials/regional-owned enterprises, legal entity foundations and companies that include state capital or companies that include third-party capital based on agreements with the state. Meanwhile, the State Economy refers to economic life organized as a joint venture based on the principle of kinship or independent community ventures based on Government policy, both at the central and regional levels, in accordance with the provisions of applicable laws and regulations, which aim to provide benefits, prosperity, and welfare to the entire population.⁴⁷

The panel of judges carefully considered the facts of the trial and the evidence submitted that based on the Audit Report of the Jakarta Provincial Representative Office of the Financial and Development Supervisory Agency (BPKP) in calculating the state financial losses from alleged corruption in the management of TWP TNI AD Funds

⁴⁵Yus Adi Kamrullah and Ni Putu Purnamasari. Number: 21-K/PMT-II/AD/II/2022, Jakarta High Military Court II, January 31, 2023.

⁴⁶Supreme Court of the Republic of Indonesia Verdict Number: 951 K/Pid/1982, August 10, 1983.

⁴⁷General explanation of Law No. 31 of 1999 concerning the Eradication of Corruption Crimes.

for 2019 to 2020 Number: SR 1098/D5/12/2001 dated December 28, 2021, found irregularities that caused total state financial losses amounting to Rp 133,763,305,600.00 with a refund of funds from PT. GSH and an entry into the TWP AD treasury of Rp 6,000,000,000.00 for the repayment of PT. GSH and Rp 763,305,600.00 for Stand By Letter of Credit (SLBC) provision costs. Thus, the actual state financial loss amounted to Rp 127,000,000,000.00. Therefore, the element of “may cause losses to the State finances and/or the State economy” has been fulfilled.

e. The element of carried out jointly or individually

Perpetrators of criminal acts under this article are divided into three types, namely: ⁴⁸

- 1) The person who commits, orders, or participates in the crime. The person who commits (pleger) is someone who alone has carried out all the elements or components of the criminal act.
- 2) The person who orders the crime (doen pleger) is not the person who commits the criminal act, but someone who orders another person to do so.
- 3) A person who “participates in committing” (medepleger) means a subject or perpetrator who acts together with another person in committing an act, and the perpetrators are punished as perpetrators, as described in the Hoge Raad that every person who jointly commits a criminal act is referred to as a perpetrator, or in other words, a participant or accomplice, even if they only carried out part of the act but cooperated in committing the criminal act, they can be classified as participating perpetrators.

The panel of judges carefully considered the facts of the trial and the evidence presented, which showed that Defendant 2 initially introduced herself and offered a housing development investment partnership to Defendant 1 in accordance with the TWP TNI AD program. Subsequently, Defendant 2 also involved a Bank BNI witness who offered to transfer funds to Bank BNI in the name of Defendant 1, which were then used as a deposit to secure a loan application with Bank BNI by Defendant 2. Additionally, Defendant 1 withdrew funds from the TWP AD account and transferred them to his personal account, which were then used as collateral for the credit facility applied for by Defendant 2. The withdrawal of funds and their use as collateral for credit were carried out several times by the two defendants to support loan applications at Bank BNI related to various land parcel procurement and investment projects that did not comply with procedures and ultimately caused financial losses to the state due to the actions of Defendant 1 and Defendant 2, which were carried out jointly. Therefore, the element of “carried out jointly or individually” has been fulfilled.

⁴⁸Yus Adi Kamrullah and Ni Putu Purnamasari. Number: 21-K/PMT-II/AD/II/2022, Jakarta High Military Court II, January 31, 2023.

f. The element of “committed in several acts as a continuing act

“Committed in several acts as a continuing act” can be interpreted as several acts which, although each is a crime or offense, are related in such a way that they must be regarded as one continuing act, so that only one criminal provision is applied. If they differ, the provision with the most severe basic criminal penalty is applied.⁴⁹ So that with the connection between one action and another, these actions must be considered as one action.

The panel of judges carefully considered the facts of the trial and the evidence presented that, since May 2019, Defendant 1 had withdrawn funds from the TWP AD account by transferring and withdrawing cash, which was then deposited in his name as collateral for a loan facility in the form of Cash Collateral Credit applied for by Defendant 2 at Bank BNI. These funds were transferred to Defendant 1's personal account, and some were deposited into Defendant 2's personal account. This process was carried out several times on different dates and months throughout 2019 to support Defendant 2's credit application. The actions carried out by Defendant 1 and Defendant 2 are considered continuous, in that there has never been a verdict with permanent legal force between one action and another. Therefore, the element of “committed in several acts as a continuing act” has been fulfilled.

It can be concluded that the Defendants have fulfilled all the elements listed in Article 2 paragraph (1) in conjunction with Article 18 of Law Number 31 of 1999 concerning Eradication of Corruption Crimes as amended by Law Number 20 of 2001 in conjunction with Article 55 paragraph (1) 1th of the Criminal Code (KUHP) in conjunction with Article 64 paragraph (1) of the Criminal Code. The two defendants, as clear and valid legal subjects, have enriched themselves and others by gradually transferring TNI AD TWP funds to their personal accounts in a series of joint actions. These acts have clearly caused significant losses to state finances. The panel of judges found that the consequences of the defendants' actions met the requirements for criminal punishment under the law, namely a basic punishment of imprisonment and a fine, as well as an additional punishment in the form of an obligation to pay compensation for state losses. In addition, the panel of judges considered that the defendants' actions to enrich themselves and others jointly and continuously constituted a criminal act of corruption that was highly detrimental to the state and must be dealt with firmly to deter and serve as a lesson for government officials and the entire community. Therefore, all legal and factual elements of the criminal act of corruption have been proven legally and convincingly, which strengthens and forms the basis for the panel of judges' consideration in handing down a verdict against the defendants in the corruption case involving the TWP TNI AD program.

⁴⁹Article 64 paragraph (1) of the Criminal Code.

D. Conclusion

Corruption cases in the TWP TNI AD program show that handling cases involving both military and civilian actors requires not only a clear legal basis but also effective coordination mechanisms between institutions. This study found that although the theory of connectivity is designed to bridge two jurisdictions, its application in practice still faces challenges, such as the dominance of the military command structure and debates over the most appropriate judicial forum. However, the TWP TNI AD case also proves that through inter-agency collaboration, the connectivity mechanism can function effectively. In my opinion, the steps taken in handling this case were appropriate. Collaboration between military and civilian agencies at every stage made the handling of the TWP TNI AD corruption case effective, despite the complexity of the two different jurisdictions. The appointment of the Jakarta High Military Court II as the judicial forum demonstrates that the location of the damage served as the basis for determining jurisdiction, and this step is legally consistent with the provisions on connected cases. Although the choice of forum still raises questions about the transparency of military courts in corruption cases, the trial process proved the criminal acts committed by the two defendants in a lawful and convincing manner.

The verdict was imprisonment, a penalty, and the obligation to pay compensation for financial losses to the state as a means of recovering lost state funds. The judge's considerations in the verdict confirm that all elements of the corruption crime have been established, providing concrete evidence and affirming the effectiveness of the judicial mechanism in handling the complexity of corruption cases involving both military and civilian officials. Thus, this study concludes that the connectivity mechanism can effectively handle cross-jurisdictional corruption; however, it still requires improvement to be more transparent, accountable, and free from potential institutional bias. The TWP TNI AD case serves as an important lesson that eradicating corruption in the military requires more than just law enforcement; it also necessitates improvements to the internal oversight system, harmonization of jurisdictions, and increased transparency in the judicial process. With these reforms, connectivity will not only be a procedural solution but also an instrument that strengthens the integrity and governance of a clean government trusted by the public.

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