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Reformulation of Connexity Arrangements in Corruption Cases

Rahmat Harfi Wirayanu[1], Slamet Tri Wahyudi[2], Handar Subhandi Bakhtiar[3]

[1,2,3]Law Study Program Master Program Faculty of Law, Universitas Pembangunan Nasional "Veteran" Jakarta, Jalan RS. Fatmawati Raya, Pd. Labu, Kec. Cilandak, Kota Depok, Jawa Barat

ABSTRACT: Corruption crimes are not only carried out by civilians, but also occur in the military, namely the TNI (Indonesian National Army). In this situation, the civil society in question is all people, both those who work in the government and those who receive wages from the state. It is said that the TNI can commit corruption because the TNI is one of the subjects of the Corruption Eradication Law. The reason reformulation efforts are needed to regulate connectivity in cases of criminal acts of corruption is that there is a specificity given because the criminal act is different from other criminal acts in general. In terms of crime, eradicating corruption must be carried out in extraordinary ways. The ideal formulation for regulating connectivity in the case of criminal acts of corruption is that the connectivity mechanism as regulated in statutory regulations is felt to have several shortcomings, including requiring a long time, so it is felt that it ignores the principles of simple, fast and low-cost justice. So in this case the investigator prefers a split examination even though the connectivity mechanism is a mechanism that can make the case handling process into a complete series of connectivity examinations that can achieve justice for perpetrators from different jurisdictions.

KEYWORDS: Reformulation, Regulation, Connectivity, Corruption..

A. INTRODUCTION

The crime of corruption as an extra ordinary crime is the root cause of the problems of smooth national and economic development that often occur in a country and is a disease that is very difficult to eliminate. The crime of corruption is said to be an extraordinary crime because it has caused extraordinary losses that damage the fabric of society, the trust given (mandate) and injustice in economic terms. An act is considered a criminal act if it violates economic and social rights in society, in the case of corruption, it requires extraordinary efforts in handling it so that it is said to be an extraordinary crime because the act violates the rights of society.[1]

Studied from a juridical perspective, corruption is an extraordinary crime as stated by Romli Atmasasmita, that: by paying attention to the development of corruption, both in terms of quantity and quality, and after studying it in depth, it is not an exaggeration to say that corruption in Indonesia is not an ordinary crime but is already an extraordinary crime (extra-ordinary crimes). Furthermore, if examined in terms of the consequences or negative impacts that have greatly damaged the order of life of the Indonesian nation since the New Order government until now, it is clear that acts of corruption are deprivation of economic and social rights of the Indonesian people. Corruption has developed into an extra ordinary crime and its development is increasingly massive at every level of government. Regional autonomy, which is actually intended to decentralize governance to create a clean and good governance, has actually become an arena for decentralizing corrupt behavior. This is evident from the number of regional heads who have been prosecuted for alleged corruption.[2]

The crime of corruption is an extraordinary crime, as an extraordinary crime, the handling of corruption cannot be done in an ordinary way. Therefore, an extraordinary law enforcement method (extraordinary measures) is needed to eradicate corruption with extraordinary corruption authority as well. One of the other resources that is essential for the effective prevention and eradication of corruption is the Corruption Court (Tipikor Court). In addition to the Corruption Court, these conditions triggered the establishment of the Corruption Eradication Commission (KPK) as a body that has broad and efficient authority in combating corruption.[3]

[1] Evi Hartanti, Tindak Pidana Korupsi, (Jakarta: Sinar Grafika, 2016), hlm. 9.

[2] Romli Atmasasmita, *Korupsi, Good Governance Dan Komisi Anti Korupsi di Indonesia*, (Jakarta: Penerbit Badan Pembinaan Hukum Nasional Departemen Kehakiman dan HAM RI, 2002), hlm. 25.

[3] Lilik Mulyadi, *Tindak Pidana Korupsi di Indonesia (Normatif, Teoritis, Praktik dan Masalahnya)*, (Bandung: PT. Alumni, 2007), hlm. 2.

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The crime of corruption is not only committed by civilians, but also occurs in the military, namely the TNI (Indonesian National Army). In this situation, the civilians in question are all people who work in the government and those who receive wages from the state. The TNI is said to be able to commit corruption because the TNI is one of the subjects of the Corruption Eradication Law.[4]

In an effort to ensure and support the implementation of the role and important tasks of the military, special regulations have been made that apply to members of the military in addition to the general rules. This special regulation that applies to military members is called Military Criminal Law. Indonesian citizens who are appointed to the military in carrying out their duties, in addition to obeying the values of Pancasila, Sapta Marga and the Soldier's Oath and 8 (Eight) Mandatory TNI are required to always obey and comply with all laws and regulations that are specific to military members such as the Military Criminal Code, the Law on Military Discipline, the Military Discipline Regulations, and other rules related to military life, as well as general laws and regulations such as the Criminal Code and laws and regulations governing certain criminal acts. These regulations should be obeyed by every member of the military, both enlisted, non-commissioned officers, and officers so that military members in carrying out their duties do not conflict and harm military institutions.

For military members who are proven to have committed unlawful acts, sanctions must be carried out in accordance with applicable law. If the behavior committed is a criminal offense, it must be resolved according to applicable rules without discriminating against people, guided by the values of justice based on "everyone is treated equally before the law (equality before the law)".[5] From the principle of Equality Before the Law, and in accordance with Article 3 Paragraph (1) of Law Number 48 of 2009 concerning Judicial Power, it can be interpreted that all forms of irregularities committed by all agencies both in civilian and military circles must be subject to sanctions in a comprehensive, transparent, indiscriminate and accountable manner.

The behavior of corruption crimes in terms of structural aspects is a special judicial institution authorized to handle corruption cases. This is also regulated in Article 5 of Law Number 46 of 2009 concerning the Corruption Court, which states that the corruption court is the only court authorized to examine, try and decide corruption cases. The military judicial institution handling corruption cases is a bold step in taking consequences, but the action seems to break through the authority of the corruption judicial institution.

The results of Poli's research found that the criminal liability received by the legal subject of TNI members with the length in accordance with what has been regulated in Article 12B of the Law of the Republic of Indonesia Number 31 of 1999 as amended and supplemented by the Law of the Republic of Indonesia Number 20 of 2001 concerning Eradication of Corruption, by the final decision (ein vonis) of the Military Judge at the Military Court.[6]

Utami and Supriyadi's research revealed that the conception of the court authorized to try TNI soldiers who commit criminal acts, both military crimes and general crimes, is still tried in the jurisdiction of the Military Court. So it can be concluded, corruption crimes committed by members of the military should be tried by the military court.[7]

The handling of corruption cases committed by TNI soldiers is handled by the Military Court, but the handling of corruption cases committed by TNI soldiers together with civilians is handled through a koneksitas trial, the koneksitas trial is regulated in Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP).

Andi Hamzah stated that: connexity court is a judicial system for suspects who make offenses of participation between civilians and military people. Thus, it is certain that the koneksitas trial must involve the offense of participation between civilians together with military persons as regulated in Articles 55 and 56 of the Criminal Code. If there is participation between a military person (who is subject to military justice) and a civilian (who is subject to general justice), then the primus interpares who is authorized to try is the court within the scope of general justice. Suspects (civilian and military) are tried by courts within the military judiciary, which is an exception.[8]

The provisions of the Criminal Procedure Code on conflicting trials are regulated in Chapter XI, Articles 89 to 94. The definition of connexity is contained in Article 89 Paragraph (1) which states:

(1) Criminal offenses committed jointly by persons belonging to the general judicial system and the military judicial system shall be examined and tried by a court within the general judicial system unless by decision of the Minister of Defense and Security with the approval of the Minister of Justice the case is to be examined and tried by a court within the military judicial system.

The provisions regarding connexity are also specifically regulated in Article 198 through Article 203 of Law Number 31 of 1997 Concerning Military Courts. Article 198 Paragraph (1) reads: (1) Criminal offenses committed jointly by those who belong to the jurisdiction of the military court, and the jurisdiction of the general court, shall be examined and tried by a court within the

[4] A. Zainuri, *Akal Kultural Korupsi di Indonesia*, (Depok: Cahaya Baru, 2007), hlm. 67.

[5] Romli Atmasasmita, *Sistem Peradilan Pidana Kontemporer*, (Jakarta: Kencana Prenada Media Group), 2010, hlm. 26..

[6] Poli R.K, Pertanggungjawaban Bagi Anggota Militer Yang Melakukan Tindak Pidana Gratifikasi. *Lex Privatum*, 5(10), 2017, hlm. 19-26. Retrieved from https://ejournal.unsrat.ac.id/index.php/ lexprivatum/article/view/18741

[7] Utami N. S. B., & Supriyadi, Yurisdiksi Peradilan Terhadap Prajurit Tentara Nasional Indonesia Sebagai Pelaku Tindak Pidana. *Yustisia Jurnal Hukum*, 3(2), 2014, hlm. 100–107. Retrieved from https://doi.org/10.20961/ yustisia.v3i2.11102.

[8] Andi Hamzah, *Hukum Acara Pidana Indonesia Edisi Kedua*, Sinar Grafika, Jakarta, 2015, hlm. 214.

general court, unless by decision of the Minister with the approval of the Minister of Justice the case must be examined and tried by a court within the military court.

The mechanism of koneksitas examination is also regulated in Law Number 31 of 1997 concerning Military Courts, koneksitas courts are tasked with trying when there is a criminal offense committed jointly by civilians and TNI soldiers, both general crimes and special crimes such as corruption. Although there are rules governing, there is still a discrepancy, because based on Article 89 of the Criminal Procedure Code that in the event of a criminal offense jointly committed by military personnel and civilian personnel, they are tried within the scope of the general court, unless there is approval from the Minister of Defense and Security and the Minister of Justice, they must be tried in the military court environment.

Military Criminal Law is a special criminal law because it has special characteristics that are different from general criminal law. Special criminal law is a law made for several special legal subjects or for certain events, therefore special criminal law contains provisions and principles that can only be carried out by certain legal subjects. In other words, the criteria of special criminal law are the subject or the perpetrator and the special act. Based on these criteria, Military Criminal Law is included in special criminal law, namely criminal law with certain legal subjects or certain actions that can only be carried out by certain legal subjects.[9]

It is very clear in Law Number 31 of 1997 concerning Military Justice that the Court within the military justice environment is authorized to try criminal offenses committed by someone who at the time of committing a criminal offense is a member of the TNI. It is intended that the enforcement of law and justice in the military environment is in accordance with what is desired by Law Number 48 of 2009 concerning Judicial Power in order to organize a court to uphold law and justice based on Pancasila for the implementation of the rule of law of the Republic of Indonesia.

The implementation of judicial power is submitted to judicial bodies and is determined by law with the main task of receiving, examining and adjudicating and resolving each case submitted. However, in Law Number 31 of 1997 concerning Military Justice there are several provisions that are no longer in accordance with the development of community life, so that changes need to be made, one of which is regarding the jurisdiction of military courts over TNI members who commit corruption. The current Military Justice Law stipulates that the judiciary is authorized to try members of the TNI who commit military crimes only as regulated in the Criminal Code, but not for crimes that are not regulated in the Criminal Code. In practice, military courts also try crimes that are not regulated in the Military Criminal Code, one example is the Military Court trying corruption crimes committed by members of the TNI. The article used in the trial is the article in Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption.[10]

This is understandable considering that the corruption committed by the TNI personnel is related to something that in the military and state environment is confidential and related to national security defense. As stated in one of the articles in the Military Justice Law that Military Justice is the executor of judicial power within the Armed Forces to uphold law and justice by taking into account the interests of the implementation of national defense and security. This means that aspects of state defense and security are one of the priority considerations, so it would be better if this related to the revision of the law in the military environment, but the changes to this law have never been completed or realized until now.[11]

Indonesia as a country that due to its historical process inherited colonial law products, the criminal law system was formed following the Dutch colonial legal system, at least for the legal substance of the Criminal Code, which is colored by the Continental European legal family system (civil law system). However, although the Indonesian criminal law system can be said to be born from the same legal system as the Dutch criminal law system, it turns out that there are differences in its development. The condition of the similarity of roots and differences in development has been conveyed by legal experts at a lecture of Professors of Indonesian and Dutch criminal law, at the University of Indonesia some time ago, by raising a very interesting theme, namely: Same root, different development. In the perspective of criminal law reform, this condition is very interesting, first, from the similarities, it can be studied, for example which principles, norms, legal methods can still be maintained and which ones must be abandoned and replaced. Secondly, after a long period of implementation in the community since the era of Nederlands Indie until the era of independence, it has certainly formed its own legal system that is distinctive and different from its parent. For example, the type of closure punishment that was born and formed from the needs of the Indonesian people and has no equivalent in other countries, where the judge may replace imprisonment with closure punishment in the event that the perpetrator commits a criminal offense because he is motivated by a respectable intention.[12]

Parallel to the birth and development of general criminal law, the military criminal law system seems to be no different. The military criminal law currently applicable in Indonesia is a legacy and at the same time was born from the roots of the military

[9] Buchari Said, *Sekilas Pandang Tentang Hukum Pidana Militer (Militair Strafrecht)*, (Bandung: Fakultas Hukum Universitas Pasundan, 2008), hlm 33.

[10] Edward Febriyatri Kusuma, *Dihukum Seumur Hidup, Ini Modus Brigjen Teddy Korupsi Dana Alusista*, https://news.detik.com/berita/, diunduh 20 September 2023, Pukul 10.00 WIB.

[11] http://repository.unpas.ac.id/36522/5/BAB%20III. pdf, diunduh 20 September 2023, Pukul 10.00 WIB.

[12] Sustandyo Wignyosubroto, *Hukum dalam Masyarakat, Perkembangan dan Masalah, Sebuah Pengantar Kearah Kajian Sosiologi Hukum*, (Malang: Bayu Media Publishing, 2008), hlm. 107

criminal law system in the Netherlands that was enforced in Indonesia, derived from the Wetboek van Militair Strafrech. However, in its development, military criminal law has not undergone many changes, because there are guidelines stipulated in Indische Staats regeling art 132: "De Militaire Strafrechtspleging berust op Ordonanties, zoeveel mogelijk overeenkomende met de in Nederland bestaande wetten" (The implementation of Military Criminal Law is included in ordinances that are as far as possible in accordance with existing laws in the Netherlands). So that it is slightly different from the development of general criminal law (KUHP) which has undergone various changes, the KUHPM has relatively not experienced many changes and deviations. The possibility of deviation is only held in matters: 1) If there are special conditions in Indonesia that require such (deviation) (Specifieke Indische toetstanden daartoe noopten); 2) If in practice there is a strong need to make changes or additions (in de praktijk de noodzakelijkheid van wijziging of aanvulling had aangetoond), and 3) To clarify an article (verduidelijking van enig artikel gewenst bleek). It is probably for this reason that the KUHPM has not undergone many changes or deviations from the Wetboek van Militair Strafrecht. However, in the future, it seems that the Indonesian military criminal law system will undergo renewal as well as fundamental changes.[13]

The reform of military criminal law must be seen as part of the efforts to reform or develop the national legal system, which in essence is a major problem faced by the Indonesian people to renew or replace colonial laws. Although efforts for reform have been made for a long time, at least around 1964 for the general criminal law of the Criminal Code, these efforts are actually very late. Actually, the reformation of military criminal law is not only and not identical with the reformation of KUHPM. Military criminal law reform is certainly more comprehensive than just replacing or updating KUHPM. The reform of military criminal law includes reforms in the fields of legal structure, legal substance, and legal culture.

Corruption is not only committed by civilians, but TNI soldiers who are educated with discipline can also be involved in corruption. For example, the East Jakarta Military Court sentenced Brigadier General Teddy Hernayadi to a life sentence on Wednesday, November 30, 2016. The panel of judges led by Brigadier General Deddy Suryanto read out the verdict. Teddy was proven to have committed corruption in the 2010-2014 budget for the purchase of the main weaponry system (alutsista) amounting to US$ 12 million. In another case, the panel of judges of the Jakarta High Military Court II sentenced Lieutenant Colonel Cku Rahmat Hermawan to 6 years in prison, related to tax corruption cases in 2010 and 2011. The verdict was read out by the presiding judge Colonel Chk Deddy Suryanto, S.H., M.H. on December 8, 2016. In another case, a 4.5-year sentence was given to Admiral Bambang Udoyo in a case of alleged corruption at the Marine Security Agency (Bakamla). In the corruption verdict hearing at the Military Court, Chief Judge Brigadier General TNI Deddy Suryanto assessed that the defendant Admiral Bambang committed corruption.

Then the corruption case in 2018 that occurred in Indonesia involving TNI Soldiers, namely the corruption case of the purchase of the AW101 Heli allegedly costing the state finances up to Rp 220 billion which has ensnared three suspects from the military. POM TNI also named five suspects in the alleged corruption of the procurement of Agusta Westland (AW)-101 transport helicopters in the 2016-2017 Air Transport TNI. The five suspects are members of the Air Force, namely Colonel Kal FTS SE as Head of the Procurement Service Unit, Air Marshal FA who served as a commitment-making official (PPK) in the procurement of goods and services. The suspects presented by the KPK were examined in the general court environment, while the suspects from the TNI were examined in the Military Court environment. In this case, there was no connexity court, which would have resulted in different verdicts.

Another example is the case of the naming of Marshal Henri Alfiandi as a suspect, where the Corruption Eradication Commission's (KPK) hand-catching operation (OTT) against the Head of Basarnas Air Marshal Henri Alfiandi and his subordinate, Lieutenant Colonel Arif Budi Cahyanto has created a new polemic in the eradication of corruption in the country. The KPK's pro-justice action drew protests from the Commander of the TNI Military Police Center (Puspom) Air Marshal Agung Handoko. The KPK's OTT was not coordinated with the Indonesian National Army (TNI). As a result, indirectly there was a disagreement over which institution was more authorized to handle the corruption case allegedly involving the number one person at Basarnas. Although the KPK finally handed over suspects with military backgrounds to the TNI, while non-military suspects were still handled by the KPK, the handling of the case would be processed in parallel. Where, suspects from the military will be tried in military court. Meanwhile, civilian suspects will be tried in general courts, especially corruption courts.

There was a cross-opinion among the public about the general or military court that would handle the case of the number one person at Basarnas. For example, a number of civil society organizations and legal aid institutions (LBH) believe that the KPK has the authority to examine Air Marshal Henri Alfiandi and Lieutenant Colonel Arif Budi Cahyanto, even though both are active military members. Henri and Arif were involved in a bribery case in the management of a procurement project at Basarnas. KPK can use Article 27 Paragraph (1) and Article 28 D of the 1945 Constitution which regulates the position of all citizens, without exception, equal before the law. KPK can use Article 65 of Law No. 34/2004 on TNI and override Law No. 14/1970 on Basic Provisions of Judicial Power and Law No. 31/1997 on Military Justice. Article 65 Paragraph (2) of Law Number 34 of 2004 concerning the TNI which states: Soldiers are subject to military judicial power in the event of a violation of military criminal law

[13] SR Sianturi, *Hukum Pidana Militer di Indonesia*, (Jakarta: Alumni Ahaem Petehaem, 1985), hlm. 12

and are subject to general judicial power in the event of a violation of general criminal law regulated by law. With these provisions, the KPK is authorized to handle the bribery case of the Head of Basarnas because it is not included in the military criminal category.

This research takes a standpoint that supports the KPK's authority to investigate, prosecute and prosecute tipikor cases in the tipikor court, and also reviews the claims by Puspom TNI regarding the basis they used to refer Kabasarnas Marshal Henri and Lieutenant Colonel Budi to military court. The OTT conducted by the KPK for alleged bribery in the procurement of goods and services at Basarnas has caused a polemic regarding the naming of Kabasarnas Air Marshal Henri Alfiandi as one of the suspects. KPK arrested 10 people during the raid. One of the arrested parties is known to be Kabasarna Expert Staff Coordinator Lieutenant Colonel Afri Budi Cahyanto. The results of the case title concluded that Lieutenant Colonel Afri Budi Cahyanto and Air Marshal Henri were suspects. KPK later apologized for the mistake of KPK investigators/investigators in naming a military member as a suspect and detaining him. This was done after the TNI Headquarters protested the KPK's actions. The polemics over the KPK's OTT in the Basarnas case must be understood that the KPK's legal subjects are not limited to civil servants but also high-ranking officials at the ministerial level, with no difference in legal treatment. If a military member commits a corruption crime, the Military Justice Law does not apply absolutely to a military member who commits a crime, especially a corruption crime. Kabasarnas is an administrative position as a state administrator and Marshal Henri's case has nothing to do with the defense and security of the state, the details of the case are explained in detail and therefore it should be tried in the typikor court.[14].

B. RESEARCH METHODS

Researchers use a type of normative juridical approach or legal research that only examines library material so it is also called library research. In research with a juridical approach there are two elements, namely the ideal element and the real element, the ideal element includes human morals and ratios, human ratios produce understanding / principles / basics in law such as legal society, legal events, legal subjects, legal objects, rights and obligations, and legal relations, so that the ideal element produces legal methods through legal philosophy and normwissenschaft or solenwissenshaft.[15]

The statutory approach in this research is carried out by examining all regulations or laws relating to the object under study, namely research on norms related to the reformulation of connexity arrangements in corruption cases. The data analysis method used in this research is a qualitative normative data analysis method. Normative because this research is based on laws and regulations related to the problem under study. Qualitative is an analysis carried out by understanding and assembling the data that has been collected and arranged systematically and described in regular, coherent, and logical sentences, then conclusions are drawn. Qualitative data analysis is data obtained that cannot be measured or assessed with numbers directly.

C. DISCUSSION

1. Reasons for Reformulation of Koneksitas Arrangement in Corruption Cases

Corruption is referred to as an invisible crime, so in this case its eradication requires a clear and firm political policy. Corruption is no longer considered an extraordinary crime, but there is a paradigm shift towards crimes against humanity. There are three phenomena included in the term corruption, namely bribery, extortion and nepotism. The anatomy of the crime of corruption is identified, namely corruption always involves more than one person, corruption generally involves secrecy, corruption involves elements of obligation and reciprocal benefits that are not always in the form of money, the act is veiled behind legal justifications and the perpetrator usually has a strong influence both economic status and high political status, contains elements of deception, contains elements of betrayal of trust and the act violates norms, duties and responsibilities in the community order.

When there are military personnel who together with civilians commit corruption crimes, what happens today is that the settlement of these cases is carried out separately in military courts and general courts even though the Criminal Procedure Code has regulated the settlement of cases through connexity. In the practice of law, there are various cases that occur, criminal offenses committed jointly by those who belong to the general judicial environment and the military judicial environment, according to the provisions should be resolved according to the law of connexity examination procedures. However, the case is resolved by splitting or in other words, the civilian criminal offender is tried by the district court, as a court within the scope of general justice, while the criminal offender committed by the Indonesian National Army (TNI) soldier is tried by the Military Court as a court within the scope of Military Justice.

Koneksitas crimes are regulated in Articles 89-94 of KUHAP, which contain a number of provisions regarding the settlement of cases through koneksitas, including the formation of koneksitas teams and the determination of the military court or general court that will handle criminal cases. Article 89 of KUHAP explains that a koneksitas criminal offense is a criminal offense committed jointly by those belonging to the general judicial environment and the military judicial environment. The investigation is carried out by a permanent team consisting of investigators, military police and military prosecutors or high military prosecutors.

[14] Beniharmoni Harefa, *KPK Tak Perlu Minta Maaf Kabasarnas Jadi Tersangka*, https://hukum.upnvj.ac.id/kpk-tak-perlu-minta-maaf-kabasarnas-jadi-tersangka/, diakses Tanggal 10 Februari 2024.

[15] Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif*, Jakarta: PT Raja Grafindo Persada, 2007,hlm 14.

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The existence of the koneksitas examination program is reaffirmed in Article 198 of Law Number 31 of 1997 concerning Military Justice, that: "Crimes committed jointly by those who are included in the justisiable military justice and justisiable in the general judicial environment, are examined and tried by the Court in the general judicial environment. Meanwhile, the investigation of criminal cases is carried out by a permanent team consisting of military police, prosecutors and investigators in the general judicial environment.

The separation of authority jurisdiction between the prosecutor and the prosecutor in the case of connexity has led to dualism of prosecution which ends up with a conflict of authority between the two spheres of justice. Not only is there a conflict over who has the right to prosecute, but there is also a conflict over which court will hear the case. This means that in koneksitas cases, there are two courts that can adjudicate, namely the general court for civilians and the military court for those who are members of the military. Civilians are subject to the Criminal Procedure Code, while members of the military are subject to the criminal procedure law set out in Law No. 31/1997 on Military Justice. However, in practice, this is not always the case, because what often happens is that cases of connexion are tried separately, with military justice justifiables being tried by the military court and non-military justifiables by the general court.

The higher the number of criminal offenses committed by members of the military, it will open the possibility of a scheme where the criminal offense that occurs is the result of the convergence of the Criminal Code and KUHPM when the act is in the form of concursus idealis or if an act is included in more than one criminal regulation as described in Article 63 of the Criminal Code. Then a criminal offense is committed jointly which also involves civil society. This event will bring consequences of dualism and disparity in prosecution. Dualism due to the handling of cases against different subjects in criminal offenses and disparity in prosecution between the public prosecutor and the prosecutor.

The complexity of the bureaucratic process of case settlement through connexity is indeed a reason that results in the non-use of case settlement through connexity. The increasing escalation of the findings of dualism in the prosecution of koneksitas crimes, accompanied by the high demand for handling koneksitas cases that have been handled separately, requires law enforcement measures to fulfill legal objectives in the form of justice, certainty and expediency. To implement the principles of realizing bureaucratic reform and accelerating the provision of legal services to the community, it is necessary to increase the effectiveness of the implementation of the duties and authority of the Prosecutor's Office of the Republic of Indonesia in the implementation of technical coordination of prosecution carried out by the district attorney and handling of koneksitas cases. This aspect raises the urgency of handling conflicting criminal offenses by the Deputy Attorney General for Military Criminal Affairs or abbreviated as Jampidmil.

Regarding the prosecution, it is further confirmed in Article 25B Paragraph (2) of Presidential Regulation of the Republic of Indonesia Number 15 of 2021 concerning the Second Amendment to Presidential Regulation Number 38 of 2010 concerning the Organization and Work Procedures of the Prosecutor's Office of the Republic of Indonesia that the scope of technical coordination of prosecution carried out by the prosecutor's office and handling of koneksitas cases includes investigation of koneksitas cases, research of investigation results, additional examination, The scope of the technical coordination of prosecution carried out by the public prosecutor and the handling of koneksitas cases includes investigation of koneksitas cases, research of investigation results, additional examination, provision of legal opinions to case submission officers, case closure, termination of prosecution, prosecution, resistance, legal remedies, implementation of judges' decisions and court decisions that have obtained permanent legal force, examination, supervision of the implementation of conditional criminal decisions, supervisory criminal decisions and conditional release decisions, and other legal actions in the field of technical coordination of prosecution carried out by the public prosecutor and handling of koneksitas cases.

The insistence on the role of Jampidmil is because so far criminal offenses committed by civilians have been prosecuted by the Prosecutor's Office in the General Court. Meanwhile, for criminal offenders from the military, the prosecution and trial are carried out specifically in the military court. With the prosecution team also from the military. The two separate courts between civilian and military have led to dualism and disparity in prosecution. When the two legal subjects are together in one criminal offense, it will lead to injustice in law enforcement.

Case settlement through connexity is a judicial system for suspects who make offenses of participation between civilians and military people. Thus, it is certain that the settlement of cases through connexity must involve the offense of participation between those committed by civilians together with military persons as regulated in Articles 56 and 56 of the Criminal Code. If there is participation between a military person (who is subject to military justice) and a civilian (who is subject to general justice), then the primus interpares who is authorized to try is the court within the scope of general justice. Suspects (civilians together with military) are tried by courts within the military judicial sphere, which is an exception. The exception as referred to in Article 16 of Law No. 48 of 2009 concerning Judicial Power which has determined the decision authority is with the Chief Justice of the Supreme Court, while in the provisions of Article 89 Paragraph (1) of Law No. 8 of 1981 concerning Criminal Procedure Code, Article 198 of Law No. 31 of 1997 concerning Military Justice is with the Decree of the Minister of Defense and Security with the approval of the Minister of Justice.

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The aims and objectives of connexity provide a guarantee for the speedy and fair resolution of cases through connexity, although it is possible that the process is not as easy as trying ordinary criminal cases. With the existence of connexity between the two groups who have different judicial environments in committing a criminal offense, the legislator is of the opinion that it is more effective to simultaneously attract and try them in a single judicial environment. In addition to the above aims and objectives. The regulation of connexity has a practical problem in that the bureaucracy of determining the court that will try the case is rather protracted, while the KUHAP adopts a speedy trial system (contante justitie).

As previously explained, a case can only be tried as a koneksitas case if there is a decision from the Minister of Defense and it has been approved by the Minister of Justice. Not to mention waiting for the results of the assessment of the investigating team formed to determine whether the case belongs to the general or military judicial environment, so you can imagine the time it will take to resolve the case. This issue should also be considered in order to ensure that the purpose of koneksitas is to provide a guarantee for the implementation of a quick and fair settlement of cases through koneksitas, without ignoring the true values of justice.

If the criminal act of participation is authorized to be tried by a court within the scope of general justice, it would be in line with if the emphasis of the harm caused by the criminal act lies in the public interest and therefore the criminal case must be tried by a court within the general judicial environment. However, the exception provision is to be tried by a court within the military judicial sphere, if the gravity of the harm caused by the criminal offense lies in the military interest and therefore the criminal case must be tried by a court within the military judicial sphere. The complexity of the disagreement and determination of the gravity of the loss between the public interest and the military interest at the investigation stage is a dynamic problem in legal practice. Even though this has been expressly regulated, if the difference of opinion between the investigators, the public prosecutor and the public prosecutor, then continues to the difference of opinion between the Attorney General and the Oditur General, the opinion of the Attorney General is decisive.

The koneksitas examination procedure or case settlement through koneksitas is a mechanism applied to criminal offenses where there is either participation (deelneming) or together (made dader) involving civilian perpetrators and military perpetrators. In this case, it also applies to the handling of cases of connexity of corruption crimes. The handling of criminal offenses examined through connexity is regulated, among others, in Law Number 5 of 1950, Law Number 14 of 1970, Joint Decree of the Minister of Justice, Menhankam / Pangab, Chief Justice of the Supreme Court, Attorney General, Law Number 3 of 1975, Law Number 8 of 1981 concerning Criminal Procedure, Law Number 31 of 1997 concerning Military Justice, Law Number 16 of 2004 concerning Prosecutors, Law Number 48 of 2009 concerning Judicial Power. In the Criminal Procedure Code, the examination of concurrency is regulated in Chapter XI on concurrency in Articles 89, 90, 91, 92, 93 and 94.[16]

The articles stipulate that criminal offenses committed jointly by those belonging to the general judicial system and the military judicial system shall be examined and tried in the general judicial system unless according to a decree of the Minister of Defense and Security (Menhankam) with the approval of the Minister of Justice (Menkeh) the case must be examined and tried by a military court. Furthermore, the investigation of the criminal case is carried out by a permanent team formed by a joint decree of the Menhankam and Menkeh consisting of general court investigators, military police and military prosecutors (Otmil) or high military prosecutors (Otmilti) in accordance with their authority and the law applicable to the investigation of criminal cases.

In koneksitas cases, separate examinations are often conducted (split) and it is not uncommon for koneksitas cases that should be investigated by a permanent team to be carried out by investigators who are not included in the permanent team category. This can lead to uncertainty because in the regulation of koneksitas cases both in the Criminal Procedure Code and the Military Justice Law, the mechanism related to the handling of koneksitas has been determined. Article 89 of the Criminal Procedure Code and Article 198 of the Military Justice Law stipulate that if there is a criminal case of connexity, it will be examined and tried by a court within the scope of general justice, unless according to the decision of the Minister of Defense with the approval of the Minister of Health, the case must be examined and tried by a court within the military justice environment.

The investigation of a criminal case is carried out by a permanent team consisting of investigators in the general court and military court, in accordance with their respective authorities under applicable law. In terms of criminal case investigation, the team was formed by a joint decree of the Minister of Defense and the Minister of Health. However, in its implementation, it is not carried out in accordance with these provisions, but is carried out by civilian investigators if the perpetrators of criminal acts of connexity from civilians with the applicable procedural law in the general court environment and carried out by military investigators if the perpetrators of criminal acts of connexity from members of the military with the applicable procedural law in the military justice environment without a permanent team being formed first.

The complexity of the problem of connexity makes the choice of settlement resolved through splitting (separation) without using the mechanism of connexity. Due to the complexity of the koneksitas mechanism in a criminal case committed jointly by civilians in the settlement process there are two mechanisms, namely koneksitas cases where the settlement of the case is by

[16] Parluhutan Sagala, "Tinjauan Putusan terhadap Penyimpangan Ketentuan Hukum Acara Pemeriksaan Koneksitas", http://www.dilmil-jakarta.go.id/?p=2906, Pada Tanggal 2 Maret 2024, Pukul 22.08 WIB.

koneksitas, namely civilian perpetrators and perpetrators of military members submitted to the Military Court or District Court. Whereas, the case is resolved by splitting the case, i.e. the civilian perpetrator is resolved through the district court and the military perpetrator is resolved through the Military Court. The permanent team that examines koneksitas cases consists of elements of the general court and military court that examine koneksitas cases in one judicial scope examined in the scope of the general court only or examined in the scope of the military court by decision of the Minister of Defense with the approval of the Minister of Health. The examination conducted by the koneksitas team can make a case examined into a whole series of koneksitas examinations in terms of examination and proof of the perpetrators, both perpetrators from the civilian community and by members of the military.

In the case of corruption crimes when committed jointly by those who are subject to general justice and military justice, if an investigation is carried out between the Prosecutor's Office and the TNI POM or Military Oditur / High Military Oditur, then based on Article 91 of 1999 jo. Law No. 20 of 2001 on the Eradication of Corruption, the person who coordinates and controls the investigation and prosecution is the Attorney General of the Republic of Indonesia and the full text of Article 39 is as follows: The Attorney General coordinates and controls the investigation, investigation, and prosecution of corruption crimes committed jointly by persons subject to the general courts and military courts.[17]

If the Corruption Eradication Commission does not wish to coordinate or control the conexity investigation in question, it may hand over the case to the Attorney General's Office to coordinate and control, but according to Article 44 Paragraph (5), the implementation of the conexity investigation is still coordinated and its progress reported to the Corruption Eradication Commission. Corruption offenses that are tried in a concurrent manner in the military court are in accordance with the provisions of Article 40 of Law Number 31 Year 1999 jo. Law Number 20 of 2001 on the Eradication of Corruption, the authority of the Case Handling Officer (PEPERA) as stipulated in Article 123 Paragraph (1) letter g which determines the case to be resolved according to the disciplinary law of the soldier is ruled out.[18]

In addition to the several legal rules as stated above, the definition of a koneksitas investigation is an investigation conducted jointly by a team of investigators who each have authority over a person who is subject to the general court and military court. Thus, the case file resulting from the koneksitas investigation must be a single unit for suspects who are subject to the general court and military court, if the case files of these suspects are separate or disjointed, then the case file resulting from the koneksitas investigation does not meet the requirements of the law.

2. Ideal Formulation of Koneksitas Regulation in Corruption Cases

Corruption eradication must be done in an extraordinary way, but he continued, the position of the legal subject does not become something that has specialty but only for complete disclosure and resolution within the framework of law enforcement. This is because the crime of corruption is a comuna offense that can be committed by anyone and the crime of corruption is not a propria offense or a crime that can be committed by people with certain qualifications. Thus, the provisions of formal criminal law in Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP). Therefore, all procedures and procedures contained therein are also inherent and binding on the KPK. In short, the various phrases contained in the Criminal Procedure Code relating to the authority to handle corruption crimes should be interpreted functionally and systematically.

The examination process in corruption cases if carried out by members of the military alone without any involvement with civilians is tried in the general court environment. Examination in the Military Criminal Procedure Law only recognizes the term investigation, in contrast to the Criminal Procedure Code, which has investigations and investigations. Investigation in military justice is the action of investigators of the armed forces of the republic of Indonesia to collect evidence in finding suspected perpetrators of criminal acts. Investigators in military justice are superiors who have the right to punish, military police and prosecutors. Furthermore, at the prosecution stage after the Military Police investigator has completed the investigation of the suspect, then submits the case file to the military prosecutor to conduct research on the file. Examination in court is basically the same as the examination process in a general court. If you look at the provisions of the Military Criminal Procedure Law, the examination process in court is divided into several stages, namely preparation for trial, detention of the defendant, summoning witnesses and defendants, examination and proof, prosecution and defense, as well as deliberation and decision.

The results of the interview with Dr. Yanto, S.H., M.H., as the Supreme Court Justice of the Republic of Indonesia that Dr. Yanto, S.H., M.H. said that the Revision of the Corruption Law to only try civilians and military personnel is still tried by the military court, so far the implementation of case settlement through the Tipikor connexity is running normally, but there is disharmony caused by the existence of rules related to tipikor must be tried in the tipikor court. Regulations related to the koneksitas court are clearly regulated where the implementation if the case that occurs has a greater impact on the military then the civilian will follow military law and vice versa. Military personnel must still be tried in military courts due to the rules set out in the Military Law.

Courts for corruption crimes are special courts for perpetrators of corruption crimes that are within the scope of general justice because they already have their own regulatory provisions. This refers to the principle of lex specialis derogate legi generali, which

[17] Marwan Effendy, *Peradilan in Absentia dan Koneksitas*, (Jakarta: Timpani Publishing, 2010), hlm. 43.
[18] *Ibid*.

means that special provisions of the law override general provisions. The stages of the corruption court process are the stage in the police, the examination stage in the prosecutor's office and the examination stage in court. The investigation, investigation and prosecution of corruption crimes are not only handled by the police and the prosecutor's office, but also by the Corruption Eradication Commission, which has the authority. This authority has been specifically regulated in Article 11 of the Corruption Eradication Commission Law so that there is no need to worry about overlapping KPK authority with other agencies.

In the trial of corruption crimes, there is also the term trial in absentia, which is a judicial process in criminal cases that is not attended by the defendant. Provisions regarding trials in absentia are not found in the Criminal Procedure Code, but in the Corruption Law there are regulations regarding trials in absentia, namely in Article 38 Paragraph (1), Paragraph (2), Paragraph (3) and Paragraph (4) of Law Number 31 of 1999 concerning Eradication of Corruption. The urgency of Article 38 in relation to the implementation of the Corruption Court to continue the trial until the verdict in the event of an In Absentia defendant, is to save State assets due to the actions of the perpetrator.

Courts for members of the military who commit corruption crimes are military courts which are special courts for members of the military unless they commit Corruption Crimes with people who are subject to the General Court, then case settlement through connexity will apply. Courts in the Military are the implementation of Judicial Power within the Military to uphold law and justice with due regard to the interests of the implementation of the defense and security of the Unitary State of the Republic of Indonesia. For people who commit criminal acts of corruption only from the military without the involvement of civilians, they will still be tried in a military court because there are already separate provisions governing the criminal acts and if proven, namely from the Superior Authorized to Punish (Ankum) who will take action, unless they are together with civilians, another research will be carried out on the corruption case. It is this Ankum who takes what action should be obtained by those military members who commit criminal acts including corruption. As is also known as the settlement of cases through connexity is a judicial process against the perpetrators of the offense of participation between people from civilians and people from the military. The koneksitas case is determined by the losses suffered, which one has suffered more losses, which will be used as a place to try the perpetrators of corruption crimes.

The definition of criminal procedural law or formal law is the law that regulates the procedures for implementing material law (criminal law). This means that criminal procedural law is the law that regulates the procedures for implementing/maintaining material criminal law. KUHAP does not explicitly mention the definition of criminal procedure law, but only explains several parts of criminal procedure law, namely investigation, prosecution, trial, pretrial, court decisions, legal remedies, confiscation, search, arrest, and detention. There are three main functions of criminal procedure law, namely seeking and finding the truth, making decisions by judges, and implementing decisions that have been taken.[19]

This is also the function of criminal procedure law which, in addition to enforcing formal law, also discovers the truth of the existence of criminal acts and perpetrators of criminal acts in cases of criminal acts of connexity, including connexity criminal acts related to corruption. Conflicting criminal offenses are criminal offenses committed by civilians together with members of the military, where the person/civilian should have the authority to try it is the general court, while members of the military are tried by the military court. For the military, a special court is held by taking into account the special factors contained in the military field.[20]

This is related to state secrecy in the military world that must be maintained because it is related to the security of the country itself. Connexity comes from the Latin word "Connexio". Which means that a criminal case is jointly committed by civilians and members of the military who are examined by the general court unless the loss caused by the criminal act lies in the interests of the military, then it is tried by the military court.[21]

The koneksitas examination procedure or case settlement through koneksitas is a mechanism applied to criminal offenses where there is either participation (deelneming) or together (made dader) involving civilian perpetrators and military perpetrators. In this case, it also applies to the handling of cases of connexity of corruption crimes. The handling of criminal offenses examined through connexity is regulated, among others, in Law Number 5 of 1950, Law Number 14 of 1970, Joint Decree of the Minister of Justice, Menhankam / Pangab, Chief Justice of the Supreme Court, Attorney General, Law Number 3 of 1975, Law Number 8 of 1981 concerning Criminal Procedure, Law Number 31 of 1997 concerning Military Justice, Law Number 16 of 2004 concerning Prosecutors, Law Number 48 of 2009 concerning Judicial Power. In the Criminal Procedure Code, the examination of concurrency is regulated in Chapter XI on concurrency in Articles 89, 90, 91, 92, 93 and 94.

The articles stipulate that criminal offenses committed jointly by those belonging to the general judicial environment and the military judicial environment shall be examined and tried in the general judicial environment unless according to the Decree of the Minister of Defense and Security (Menhankam) with the approval of the Minister of Justice (Menkeh) the case must be examined and tried by a military court. Furthermore, the investigation of the criminal case is carried out by a permanent team17 formed by a joint decree of the Minister of Defense and Security and the Minister of Health consisting of investigators from the general court,

[19] Andi Sofyan & Abd Asis, *Hukum Acara Pidana Suatu Pengantar*, (Yogyakarta: PT Rangkang Education, 2013), hlm. 3.
[20] Moch. Faisal Salam, *Peradilan Militer di Indonesia*, (Bandung, Mandar Maju, 2004), hlm. 148.
[21] Sumaryanti, *Peradilan Koneksitas di Indonesia: Suatu Tinjauan Ringkas*, (Jakarta: Bina Aksara, 2007), hlm. 26.

military police and military prosecutors (Otmil) or high military prosecutors (Otmilti) in accordance with their authority and the law applicable to the investigation of criminal cases.

Article 90 provides for joint examination by the prosecutor or high prosecutor and Otmil or Otmilti of the results of the team's investigation. Article 91 regulates the authority to adjudicate according to the gravity of the harm caused, i.e. if the gravity of the harm lies in civilian interests, it is examined within the scope of the general court, while if the gravity of the harm lies in military interests, it is examined within the scope of the military court. The rules in the Criminal Procedure Code are in principle the same as those in Law No. 31/1997 on Military Justice in Articles 198, 199, 200, 201, 202 and 203.

In relation to the establishment of a permanent team for koneksitas as stipulated in Article 89 Paragraph (3) of the Criminal Procedure Code and Article 198 Paragraph (3) of the Military Justice Law, there is an implementing regulation, namely the Decree of the Menhankam and Menkeh Number K.10/M/XII/1993 and Number: M.57.PR.09.03/1983 concerning the Establishment of a Permanent Team.19 Article 4 Paragraph (3) of the joint decree states that the head of the permanent team is tasked with coordinating and supervising the implementation of the investigation by the Permanent Team concerned so that it can run smoothly, purposefully, efficiently and successfully. Article 7 of the Joint Decree of the Menhankam and Menkeh Number K.10/M/XII/1993 and Number: M.57.PR.09.03/1983 states that in the event that the case of connexity is a certain criminal offense regulated in certain laws with special provisions of criminal procedure as referred to in Article 284 Paragraph (2) of the Criminal Procedure Code.

Elements of the prosecutor's office or other investigating officials authorized under statutory regulations are included as a permanent team. The joint decree is an implementation of Article 89 Paragraph (3) of the Criminal Procedure Code and Article 198 Paragraph (3) of the Military Justice Law, while in Paragraph (2) of each of the aforementioned articles, it is determined that the Permanent Team conducts investigations in accordance with their respective authorities according to the law applicable to the investigation of criminal cases. If a koneksitas case is examined through the koneksitas mechanism, the koneksitas investigating apparatus consists of a permanent team consisting of investigators from the prosecutor's office, police, military police and public prosecutors. Where the way of working is adjusted to the lines and limits of authority and if a separate examination is carried out or splitsing, the case is returned to the authorized investigator according to the procedural law in accordance with the respective court.

If a case is not splits, the investigation will continue to the prosecution and trial examination in accordance with the regulations on the mechanism of connexity in the legislation. As for the process of handling corruption, the flow is more or less the same as regulated in the legislation above. The rules regarding connexity in Law Number 31 of 1997 concerning Military Justice are generally the same as the provisions in Law Number 14 of 1970 concerning Basic Provisions of Judicial Power jo. Law No. 48 of 2009 on Judicial Power and the Criminal Procedure Code, namely being tried in a public court. Meanwhile, the examination procedure is exactly the same as the provisions of the koneksitas examination procedure in KUHAP. Currently, there is a growing understanding that koneksitas tends to be seen as a good thing, namely to bridge justice between general and military courts, which is triggered by cases of criminal acts committed by civilians and military together where civilian perpetrators have been convicted while military perpetrators have not yet been tried. However, in the context of the absolute competence of military courts, which violates the principle of equality before the law, connexity must be understood as a serious moderation of reform within the military judiciary.

The purpose of the koneksitas mechanism is to provide a guarantee for the speedy and fair resolution of koneksitas cases, although it is possible that the process is not as easy as in ordinary criminal cases. The reason why the koneksitas mechanism is often ignored by the parties is because koneksitas cases must wait for a decision from the Minister of Defense and Security and approval from the Minister of Health. Then waiting for the results of research from the investigating team formed whether the case is tried in the general court or military court, it takes a long time to resolve this koneksitas case. This includes time in the process of proposing a koneksitas judge.

The settlement of corruption crimes must be carried out quickly and accurately, as Article 25 of the Anti-Corruption Law states that investigation, prosecution and examination in a court session in a corruption crime case must take precedence over other cases in order to resolve it as soon as possible. This provision has relevance to the principles of simple, fast and low-cost justice. Corruption is an extraordinary crime in which the loss is the economy and state finances intended for the welfare of the community. Therefore, the handling of corruption cases takes precedence over the handling of other cases. Specifically, the procedural law in the corruption court is regulated in the Corruption Court Law, other general provisions that are not regulated in special laws use the Criminal Procedure Code. In general, the procedural law of the corruption court still refers to the principles of criminal law and existing criminal procedure law. So in this case, although there are no explicit provisions governing, the principles of special criminal procedure law. Thus, the principles of simple, fast, and low cost justice, which are one of the principles of general criminal procedure law, also apply to special criminal procedure law.[22]

A criminal offense committed by perpetrators in different environments, such as in this connexity case, if tried separately, will cause difficulties both in achieving a sense of justice, the legal material concerned and regarding uniformity in prosecution and

[22] Ermansyah Djaja & Tarmizi, *Meredesain Pengadilan Tindak Pidana Korupsi: Implikasi Putusan Mahkamah Konstitusi Nomor 012-016-019/Ppu-Iv/2006,* (Jakarta: Sinar Grafika, 2010), hlm. 52.

sentencing. In this case, according to the author, it is also related to the determination of suspects which is closely related to the investigation process of corruption cases in the settlement of cases through connexity, in connexity cases a separate examination is often carried out (split) and it is not uncommon for connexity cases that should be investigated by a permanent team to be carried out by investigators who are not included in the permanent team category.

This can lead to uncertainty because in the regulation of koneksitas cases, both in the Criminal Procedure Code and the Military Justice Law, mechanisms related to the handling of koneksitas have been determined. Article 89 of the Criminal Procedure Code and Article 198 of the Military Justice Law stipulate that if there is a criminal case of connexity, it will be examined and tried by a court within the scope of general justice, unless according to the decision of the Minister of Defense with the approval of the Minister of Health, the case must be examined and tried by a court within the military justice environment. The investigation of a criminal case is carried out by a permanent team consisting of investigators in the general court and military court, in accordance with their respective authorities under applicable law. In terms of criminal case investigation, the team was formed by a joint decree of the Minister of Defense and the Minister of Health. However, in its implementation, it is not carried out in accordance with these provisions, but is carried out by civilian investigators if the perpetrators of criminal acts of connexity from civilians with the applicable procedural law in the general court environment and carried out by military investigators if the perpetrators of criminal acts of connexity from members of the military with the applicable procedural law in the military justice environment without a permanent team being formed first.

D. CONCLUSIONS AND SUGGESTIONS

Based on the results of the research and discussion, the following conclusions can be drawn:

1. The reason for the need to reformulate the regulation of connexity in corruption cases is that there is a specificity given because the crime is different from other crimes in general. In terms of crime, the eradication of corruption must be done in an extraordinary way. However, he continued, the position of the legal subject does not become something that has specificity but only for complete disclosure and resolution within the framework of law enforcement. This is because corruption crimes are communal offenses that can be committed by anyone and corruption crimes are not propria offenses or crimes that can be committed by people with certain qualifications. Thus, the provisions of formal criminal law in Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP) also apply to the KPK. Therefore, all procedures and procedures contained therein are also inherent and binding on the KPK. In short, various phrases contained in the Criminal Procedure Code relating to the authority to handle corruption crimes should be interpreted functionally and systematically. Therefore, it is necessary to revise the military court law so that military courts can examine and decide on corruption cases committed by TNI personnel.
2. The ideal formulation of connexity arrangements in corruption cases is that the connexity mechanism as regulated in the legislation is felt to have several shortcomings, including requiring a long time so that it is felt to ignore the principles of simple, fast and low cost justice. So that in this case the investigator prefers a splitting examination even though the connectivity mechanism is a mechanism that can make the case handling process into a series of complete connectivity examinations that can realize justice for perpetrators with different judicial areas. In this case it concerns the prosecution, proof and sentencing. Therefore, in the future, it is necessary to establish koneksitas arrangements in the determination of a permanent team, for example related to the period of formation of a permanent team and coordination of the formation of a permanent team between civilian justice officials and military justice officials based on the principles of simple, fast and low cost justice and based on the principles of justice. Therefore, it is necessary to revise the Anti-Corruption Court Law so that the Anti-Corruption Court only examines and tries civilian perpetrators of corruption.

Based on the above conclusions, the following suggestions can be made:

1. The existence of case settlement through connexity in corruption cases after the birth of the Corruption Eradication Commission should be given more attention. Considering that case settlement through connexity has been regulated in the Law and the Criminal Procedure Code. The legal culture that occurs should also be more fair in handling the law. Law enforcement officials must also be more assertive in handling corruption cases between the two courts in order to create legal certainty, as well as the need for a revision of the military court law that military courts can examine and decide on corruption cases committed by TNI personnel.
2. The advantages and disadvantages of case settlement through connectivity should be a reference for using the court. Because case settlement through connectivity is designed to facilitate the coordination and resolution of corruption cases between the two courts. The sentencing process when using connectivity will also be fairer and more transparent because it is tried in one court. Case settlement through connexity also benefits both parties because military members have their own courts in handling corruption crimes committed by TNI members. It is necessary to reformulate the regulation of case settlement through connexity with regulations so that there is no disharmony with a simpler case handling process that accommodates the interests of APH in resolving corruption cases committed by civilian and military elements according to the principles of fast, simple and low cost justice. And it is hoped that there will be a revision of the Anti-Corruption Court Law that the Anti-Corruption Court only examines and tries civilian perpetrators of corruption.

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