

The Juridical Analysis of Constitutional Court Decision No. 87/PUU-XXI/2023 on KPK

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Abstract. *This study analyzes Constitutional Court Decision Number 87/PUU-XXI/2023 concerning the authority of the Corruption Eradication Commission in coordinating and controlling the investigation, prosecution, and trial of concurrent jurisdiction corruption cases. The research employs normative legal methods with statute and historical approach. The findings indicate that the decision does not alter the justiciability of military courts in handling corruption cases committed exclusively by members of the Indonesian National Armed Forces as the non-concurrent jurisdiction. However, in corruption cases involving both civilian and military elements, the determination of the competent court whether from the general judiciary or military judiciary depends on the defined primary impact of the offense on public or military interests through joint assessment by the Military Prosecution Authority and the State Prosecutor. The legal implications of this decision affirm that the Corruption Eradication Commission retains its authority to handle connectivity corruption cases by adhering to the procedural law on concurrent jurisdiction as regulated in the Indonesian Criminal Procedure Code and Law No. 31 of 1997 on Military Judiciary. During the investigation phase, the Corruption Eradication Commission collaborates with a dedicated concurrent investigation team from the military judiciary comprising military prosecutors and military police. The examination of investigation results is conducted by the State Prosecutor of the Attorney General's Office instead of the Commission's prosecutors or the Military Prosecutor. If the case proceeds to trial at the Corruption Court, the prosecution is led by Commission prosecutors, whereas if it is tried in a military court, the prosecution is led by the Military Prosecutor.*

Keywords: *Concurrent; Corruption; Criminal; Jurisdiction; Military.*

1. INTRODUCTION

The Third Amendment to the 1945 Constitution of the Republic of Indonesia (UUD 1945) in 2001 explicitly states in Article 1, paragraph (3) that "The State of Indonesia is a state based on the rule of law." This implies that all aspects of national, governmental, and societal life must be based on legal principles (Winarno, 2013). Regarding the rule of law

in Indonesia, Mahfud MD stated that through the amendment of the 1945 Constitution, the explanation of Indonesia's rule of law concept was removed and instead explicitly stated in Article 1, paragraph (3), which declares that Indonesia is a state based on the rule of law. This omission was intentional not merely a semantic simplification with the aim of providing broader space for the fulfillment of justice (the rule of law) without being dominated by legal certainty and formalities (*rechtsstaat*) (Mahfud, 2007). Thus, the implementation of the rule of law in Indonesia is based on the nation's legal ideals, namely the fundamental values of Pancasila and the 1945 Constitution, including the administration of judicial power in criminal justice (Mulyana, A. N., Manthovani, R., & Jatna, 2020).

Based on Article 24, paragraph (2) of the 1945 Constitution regarding the implementation of judicial power, it is mandated that, "Judicial power is exercised by a Supreme Court and judicial bodies under it in the general judicial environment, religious judicial environment, military judicial environment, state administrative judicial environment, and by a Constitutional Court". Referring to Article 24 paragraph (2) of the 1945 Constitution, there are two judicial environments that have the authority to try criminal acts, namely courts from the general judicial environment and courts from the military judicial environment." (Marzuki, 2005).

One of the instruments in governing a country is the defense and security sector, which plays a crucial role in maintaining the integrity of the Unitary State of the Republic of Indonesia (NKRI). The institution that holds full responsibility in the field of defense and security is the military institution, commonly known as the Indonesian National Armed Forces (TNI) (Wijaya, A. A., Gultom, P., 2023). The justiciability of general and military courts is outlined in (Undang-Undang Nomor 2 Tahun 1986 Tentang Peradilan Umum, n.d.) on General Courts, which states that "General Courts are one of the judicial authorities for justice seekers in general." Meanwhile, the justiciability of military courts is regulated in (Undang-Undang Nomor 31 Tahun 1997 Tentang Peradilan Militer, n.d.), which essentially stipulates that military courts have the authority to adjudicate criminal offenses committed by TNI/military personnel or those legally equated with TNI/military personnel (e.g., TNI cadets). According to this law, military courts have jurisdiction over all types of criminal offenses committed by TNI/military personnel, whether regulated under (Undang-Undang Nomor 39 Tahun 1947 Tentang Kitab Undang-Undang Hukum Pidana Militer, n.d.) on the Military Penal Code (KUHPM) or general criminal laws, unless specific deviations or exceptions are stipulated by law, as outlined in Article 2 of the KUHPM. An exception under the law applies to serious human rights violations, where the status of the perpetrator whether civilian or TNI/military personnel is not a distinguishing factor. If the perpetrator is a TNI/military member, they fall under the jurisdiction of the Human Rights Court, a specialized court within the General Court system, as stipulated in (Undang-Undang Nomor 26 Tahun 2000 Tentang Pengadilan Hak Asasi Manusia, n.d.) on Human Rights Courts. Consequently, the legal *principle lex specialis derogat legi generali* applies, whereby investigations are conducted by the National Human Rights Commission (Komnas HAM), while prosecution and indictment are carried out by the Attorney General (Sari, 2018).

In society, there is a factual occurrence of criminal acts committed jointly, known as *delik penyertaan and perbantuan* (participation and complicity, as stated in Articles 55 and 56 of the Indonesian Criminal Code/KUHP or Wetboek van Strafrecht/WvS). These offenses involve individuals subject to the jurisdiction of both the General Judiciary and the Military Judiciary, commonly referred to as connected criminal cases (Salim, H., &

Nurbani, 2010). Such cases can include both general and special criminal offenses, such as corruption crimes. An example of this is the alleged corruption case involving the Head of Basarnas, which resulted in an official apology and the case being handed over to the Military Police Center (Puspom) of the Indonesian National Armed Forces Headquarters (Mabes TNI). Similarly, previous cases, such as the alleged corruption case related to the procurement of the AW 101 Helicopter (2016-2017) and the alleged corruption case involving the Indonesian Maritime Security Agency (Bakamla) in 2017, also fall under the category of connected criminal cases (Putusan Mahkamah Konstitusi Nomor 87/PUU-XXI/2023, n.d.). In cases of connected corruption crimes, the proceedings and trials are conducted separately (splittings) by each judicial environment. Civilian perpetrators are tried in the General Judiciary, while military perpetrators are tried in the Military Judiciary. Several legal experts argue that the Corruption Eradication Commission (KPK) has the authority to handle all corruption cases, regardless of whether the perpetrators fall under the jurisdiction of the General or Military Judiciary. This applies to both connected and non-connected corruption cases. Their argument is based on (Undang-Undang Nomor 30 Tahun 2002 Tentang Komisi Pemberantasan Tindak Pidana Korupsi, n.d.) on the Corruption Eradication Commission (including its amendments) and (Undang-Undang Nomor 46 Tahun 2009 Tentang Pengadilan Tindak Pidana Korupsi, n.d.) on the Corruption Court, which states: "The Corruption Court is the sole court authorized to examine, adjudicate, and decide on corruption crimes."

With regard to the provisions regulating the authority of the Corruption Eradication Commission (KPK) in handling connectivity corruption cases, Gugum Ridho Putra argues that these provisions do not reflect legal certainty. Therefore, through his legal counsel, Gugum Ridho Putra, acting as the Petitioner, believes that his constitutional rights and/or authority have been harmed by the enforcement of these laws. As a result, he filed a judicial review with the Constitutional Court of the Republic of Indonesia (MK RI), which was recorded in the Electronic Constitutional Case Registration Book (e-BRPK) on August 7, 2023, under Case Number 87/PUU-XXI/2023. The Petitioner primarily argues that he has suffered legal harm due to the ambiguity of the provisions he is challenging, which creates legal uncertainty regarding KPK RI's authority in handling corruption cases involving both civilians and military personnel. The provisions in question mainly pertain to connectivity procedural law, specifically Articles 89 to 94 of Law No. 8 of 1981 concerning Criminal Procedure Law (KUHP) particularly Article 89(2) as well as Articles 198 to 203 of (Undang-Undang Nomor 31 Tahun 1997 Tentang Peradilan Militer, n.d.) concerning Military Judiciary, especially Article 198(2). Furthermore, the Petitioner has the right to recognition, guarantees, protection, and legal certainty in a fair manner, as guaranteed by Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The Petitioner's constitutional rights have been violated by the provisions of the articles submitted for judicial review, as these articles have resulted in legal uncertainty in the investigation of connectivity corruption cases by KPK RI (Putusan Mahkamah Konstitusi Nomor 87/PUU-XXI/2023, n.d.), where these provisions may cause doubt or uncertainty regarding whether the Corruption Eradication Commission (KPK RI) has the authority to handle connectivity corruption cases.

The author summarizes that in the judicial review petition submitted by the Petitioner to the Constitutional Court, the Petitioner filed 10 (ten) requests with the Panel of Judges of the Constitutional Court of the Republic of Indonesia (Mahkamah Konstitusi RI, 2025). The substantive request (without disregarding the others) was for the Constitutional Court to declare that Article 42 of the Corruption Eradication Commission Law does not contradict the 1945 Constitution and to rule that the term "investigator" in Article 89(2)

of the Criminal Procedure Code (KUHP) and Article 198(2) of Law No. 31 of 1997 on Military Judiciary contradicts the 1945 Constitution unless it is interpreted to also include investigators from the Corruption Eradication Commission (KPK RI). In response, the Panel of Judges of the Constitutional Court, in its verdict, partially granted the Petitioner's request and rejected the remaining claims. The core of the granted request was: "Declaring that Article 42 of Law No. 30 of 2002 concerning the Corruption Eradication Commission (KPK) (State Gazette of the Republic of Indonesia Year 2002 Number 137, Supplement to the State Gazette Number 4250), which states that 'the Corruption Eradication Commission has the authority to coordinate and supervise investigations, inquiries, and prosecutions of corruption crimes committed jointly by individuals subject to military and general jurisdiction,' is conditionally unconstitutional and has no binding legal force unless it is interpreted as: 'The Corruption Eradication Commission has the authority to coordinate and supervise investigations, inquiries, and prosecutions of corruption crimes committed jointly by individuals subject to military and general jurisdiction, as long as the case in question was handled from the beginning or initiated/discovered by the Corruption Eradication Commission.' Thus, the essence of the Constitutional Court's ruling can be understood to mean that the KPK has the authority to coordinate and supervise investigations, inquiries, and prosecutions of connectivity corruption cases (i.e., cases involving both military and civilian perpetrators), only if the KPK was involved from the outset of the law enforcement process. According to the author, the ruling does not explicitly address whether the KPK has the authority to handle (investigate and prosecute) connectivity corruption cases directly. Instead, it only pertains to the KPK's authority to coordinate and supervise (not directly handle) investigations, inquiries, and prosecutions of connectivity corruption cases.

That the provisions that regulate and are related to this criminal procedure law of connectivity, and the provisions that regulate and are related to coordinating and controlling the handling of corruption cases in a connected manner are contained in several laws and the authority is also held by the Attorney General of the Republic of Indonesia, therefore in order to be able to understand the contents of the Constitutional Court's decision correctly and completely and to avoid multiple interpretations, it is necessary to conduct research on all provisions in the related laws.

Based on the description of the background of the problem in the introduction above, the following legal problems can be formulated: (1) Does the Decision of the Constitutional Court of the Republic of Indonesia Number 87/PUU-XXI/2023 change the judicial power of the court within the Military Court in handling corruption crimes committed by subjects of Indonesian National Army/military soldiers (not connectivity); (2) What are the legal implications of the Decision of the Constitutional Court of the Republic of Indonesia Number 87/PUU-XXI/2023 on the authority of the KPK in coordinating and controlling investigations, inquiries and prosecutions of corruption crimes through connectivity whose law enforcement has been handled or initiated by the KPK from the start?

2. RESEARCH METHODS

Based on its type, nature, and purpose, legal research is generally divided into two categories: normative legal research and empirical legal research. In practice, legal research in Indonesia also includes normative-empirical legal research. In this study, the author employs normative legal research using the statute approach, which involves examining all laws and regulations related to the legal issue at hand, as well as the

historical approach, which analyzes the development of regulations concerning the issue (Salim, H., & Nurbani, 2010).

3. RESULTS AND DISCUSSION

3.1 The Constitutional Court of the Republic of Indonesia's Decision No. 87/PUU-XXI/2023 Does Not Change the Jurisdiction of Military Courts in Handling Corruption Crimes Committed by Indonesian National Army (TNI) Personnel (Non-Connectivity Cases)

First, the author reiterates the core content of the Constitutional Court Decision No. 87/PUU-XXI/2023, which states that the Corruption Eradication Commission (KPK) has the authority to coordinate and supervise the investigation, inquiry, and prosecution of connectivity corruption crimes whose law enforcement process was initiated or started by KPK. Following this decision, a widespread perception emerged in society that KPK has independent authority to handle corruption crimes, including those committed by Indonesian National Army (TNI) personnel (non-connectivity cases). This interpretation is relevant to the expert testimony presented by Gandjar Laksamana Bonaparte during the judicial review hearing of petitioner Gugum Ridho Putro in Constitutional Court case No. 87/PUU-XXI/2023, as reported on the Constitutional Court's website on Thursday, January 25, 2024, at 17:58, with the title: Expert: Mechanism of Connectivity, Comprehensive Case Handling, stating that: "Regarding the position of the Corruption Eradication Commission (KPK), it has the authority to handle all corruption crimes committed by legal subjects as regulated in the law, including those committed through connectivity. Therefore, the concept of connectivity should be interpreted as a comprehensive or unified case handling process, rather than being separated, handed over, or relinquished." (Mahkamah Konstitusi RI, 2025). The legal subject in the statement above, according to the author, still requires clarification on whether it refers only to civil society subjects subject to the jurisdiction of the general judiciary, or whether it also includes Indonesian National Army (TNI) personnel/military subjects subject to the jurisdiction of the military judiciary when committing crimes (Keputusan Bersama Menteri Pertahanan RI, Jaksa Agung RI Dan Panglima Tentara Nasional Indonesia Nomor: 2196/M/XII/2021 – Nomor: 270 Tahun 2021 - Nomor: KEP/1135/XII/2021 Tentang Pembentukan Tim Tetap Penyidikan Perkara Pidana Connectivity, n.d.). This is because, according to S.R. Sianturi, "Article 2 of the KUHPM, together with Article 4 of the KUHPM, adheres to the principle of personality regarding the applicability of criminal provisions," so that military personnel carry their criminal law wherever they are (Sianturi, 2010).

Therefore, to obtain an answer or conclusion to the problem formulation above, the following legal provisions and opinions or responses are presented:

- a. Article 24 paragraph (2) of the 1945 Constitution states that, "Judicial power is exercised by a Supreme Court and judicial bodies under it within the jurisdictions of the general courts, religious courts, military courts, administrative courts, and by a Constitutional Court." Based on this constitutional provision, the Military Court holds an equal position in exercising judicial power alongside other courts, particularly the General Court, in examining and adjudicating criminal offenses, with both ultimately falling under the jurisdiction of the Supreme Court of the Republic of Indonesia.
- b. Article 2 of Law No. 2 of 1986 on General Judiciary states that "The General Judiciary is one of the executors of judicial power for the general public seeking justice." The

explanation of this article clarifies that "In addition to the judiciary that applies to the general public in civil and criminal cases, there are judicial bodies that serve as specialized courts for certain groups of people or specific types of cases, namely the Religious Court, the Military Court, and the Administrative Court." Thus, in relation to Article 24 paragraph (2) of the 1945 Constitution, the Military Court is a specialized court with the authority to exercise judicial power for a specific group of people, namely members of the Indonesian National Armed Forces (TNI)/military personnel.

- c. Article 9 of Law No. 31 of 1997 on Military Courts stipulates that: Courts within the military judiciary have the authority to: Adjudicate criminal offenses committed by a person who, at the time of committing the offense, is:

- a) *Soldier;*
- b) *Who, under the law, is equated with a soldier;*
- c) *Members of a group, department, or body that are equated with or considered as soldiers under the law; and*
- d) *A person who does not fall into the categories mentioned in points (a), (b), and (c) but, by decision of the Commander with the approval of the Minister of Justice, must be tried by a court within the military judiciary (Huda & Abdullah, 2024).*

The provisions of Article 9 to 1 letter d in the Author's opinion are those who are subject to the justice of the court from the General Court environment who together (the offense of participation and assistance) commit a crime with those who are subject to the justice of the court from the Military Court environment, where the consequences of the criminal act are the focus of the loss is the military interest, so that those who are subject to the justice of the court from the General Court environment based on the Decision of the Supreme Court of the Republic of Indonesia are tried by a court from the Military Court environment, as stipulated in Article 16 of (Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman, n.d.) concerning Judicial Power and its explanation which regulates that, "Criminal acts committed together by those who are included in the general court environment and the military court environment, are examined and tried by a court in the general court environment, except in certain circumstances according to the decision of the Chief Justice of the Supreme Court the case must be examined and tried by a court in the military court environment". Furthermore, the explanation states that, "what is meant by certain circumstances is seen from the focus of the loss caused by the crime. If the focus of the loss lies in military interests, the case will be tried by a court in the military justice system, but if the focus of the loss lies in the public interest, the case will be tried by a court in the general justice system."

Thus, the decision of the Commander in Chief with the approval of the Minister of Justice in Article 9 to 1 letter d of Law No. 31 of 1997 concerning Military Justice is read, "with the decision of the Chief Justice of the Republic of Indonesia" based on the principle of *lex posterior derogat legi priori*.

Based on the provisions of Article 9 of Law No. 31 of 1997 on Military Judiciary, the jurisdiction of military courts is to prosecute TNI/military personnel or those equated with TNI/military personnel if they commit criminal offenses, whether military crimes (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, n.d.), unless

otherwise stipulated by law, such as serious human rights violations (Markas Besar TNI AD, 2005).

- d. Article 5 of Law No. 46 of 2009 concerning the Corruption Court, which stipulates that, "The Corruption Court is the only court authorized to examine, try and decide corruption cases".

Based on this provision, it does not mean that Article 5 is a *lex specialis derogat legi generali* from Article 9 of Law No. 31 of 1997 concerning Military Justice, because the Corruption Court tries corruption cases whose prosecution is carried out by public prosecutors, where the public prosecutor according to the Criminal Procedure Code is a prosecutor authorized by law to conduct prosecutions (within the General Court), and this is in accordance with the explanation of Article 5 of the Law on Corruption Courts, which states "what is meant by "the only court" is a court that examines, hears, and decides cases whose prosecution is filed by a public prosecutor.

- e. After the 1998 reform, there was a separation of TNI and Polri institutions, accompanied by changes in national criminal law politics towards TNI and Polri soldiers, where TNI soldiers are subject to public justice if they commit general criminal offenses and Polri soldiers are subject to public justice if they commit criminal offenses. The provision that TNI soldiers are subject to public justice if they commit a public crime is contained in Article 65 paragraph (2) of Law No. 34 of 2004 concerning the Indonesian National Army which stipulates that, "soldiers are subject to military judicial authority in the event of a violation of military criminal law and are subject to general judicial authority in the event of a violation of general criminal law regulated by law". Furthermore, Article 74 paragraph (1) stipulates "that the provisions referred to in Article 65 shall apply when a new law on Military Justice is enacted, continued in paragraph (2) as long as the new military justice law has not been established, they shall remain subject to the provisions of Law No. 31 of 1997 concerning Military Justice". Considering that until now there has been no amendment to the Law on Military Justice, especially the jurisdiction of military courts, there is no change in the jurisdiction of the courts of the military judicial environment as referred to in Article 9 of Law No. 31/1997 on Military Justice.
- f. To be able to understand criminal procedural law in Military Justice correctly and completely, it is necessary to read Article 2 of Law No. 39 of 1947 concerning the Military Criminal Code (KUHPM), which regulates that, "for criminal acts not listed in this code (author's explanation: KUHPM) committed by people who are subject to the authority of military justice bodies, general criminal law is applied, unless there are deviations stipulated by law". Furthermore, S.R Sianturi is of the opinion that Article 2 of the KUHPM together with Article 4 of the KUHPM adheres to the principle of personality, regarding the application of criminal provisions, meaning that wherever, whenever a military person always carries his criminal statute (law). Such deviations can occur as a *lex specialist derogat legi generalis* such as Article 4 of Law No. 26 of 2000 concerning Human Rights Courts which regulates that human rights courts have the duty and authority to examine cases of serious human rights violations, furthermore in the Law concerning Human Rights Courts it is regulated that investigations into serious human rights violations are carried out by Komnas HAM, investigations and prosecutions by the Attorney General. Thus, if a TNI/military soldier commits a serious violation of human rights or a serious human

rights crime then the TNI soldier is subject to a court from the general justice environment, in this case a special court within the General Court environment, namely the Human Rights Court. Furthermore, outside of this special provision, TNI soldiers are subject to a court from the military justice environment if they commit a criminal act, including a criminal act of corruption.

- g. Furthermore, the Constitutional Court's ruling states that Article 42 of Law No. 30 of 2002 on the Corruption Eradication Commission (Undang-Undang Nomor 30 Tahun 2002 Tentang Komisi Pemberantasan Tindak Pidana Korupsi, n.d.), which states: "The Corruption Eradication Commission has the authority to coordinate and oversee the investigation, inquiry, and prosecution of corruption crimes committed jointly by individuals subject to military and general courts," is unconstitutional and has no binding legal force unless it is interpreted as follows: "The Corruption Eradication Commission has the authority to coordinate and oversee the investigation, inquiry, and prosecution of corruption crimes committed jointly by individuals subject to military and general courts, provided that the enforcement process of such cases has been handled from the outset or initiated/discovered by the Corruption Eradication Commission."

According to the author, this Constitutional Court Decision can be interpreted in practice as follows: in cases of corruption crimes committed jointly (delik penyertaan or perbantuan) by individuals subject to both military and general courts known as "corruption with connectivity" the KPK (Corruption Eradication Commission) has the authority to coordinate and control investigations, inquiries, and prosecutions, provided that the legal process was handled from the beginning by the KPK together with investigators from the military judiciary environment (Military Police or Military Prosecutors).

The emphasis on the phrase "as long as the legal process of the case has been handled from the beginning or initiated/discovered by the Corruption Eradication Commission" in the Constitutional Court ruling aims to avoid overlapping authority with other institutions, particularly the Attorney General, who also holds jurisdiction over the handling of corruption cases involving connectivity, as stated in: Article 39 of Law No. 31 of 1999 on the Eradication of Corruption Crimes, which states: "The Attorney General coordinates and controls investigations, inquiries, and prosecutions of corruption crimes committed jointly by persons subject to general and military courts." Article 35 paragraph (1) letter g of Law No. 11 of 2021 on Amendments to Law No. 16 of 2004 on the Attorney General's Office of the Republic of Indonesia, which states: "The Attorney General has the duty and authority to coordinate, control, and conduct investigations, inquiries, and prosecutions of crimes committed jointly by persons subject to general and military courts." The explanation of this article states that the implementation of this provision is carried out within the framework of handling connectivity cases..

Taking into account the contents of the Constitutional Court's decision, which is then linked to the provisions governing the jurisdiction of the courts within the Military Tribunal and other related legislation, it can be concluded that it clearly does not reduce or remove the authority of the military judicial environment in handling corruption crimes committed by TNI / military soldier subjects (not corruption connexity), and if committed in connexity (offenses of civil and military participation and assistance) then the case can be tried by a court from the general judicial environment (if the focus of the loss is the public interest) or a court from the military judicial environment (if the focus of the

loss is the military interest), based on the results of joint research by the public prosecutor and the prosecutor on the results of the investigation of the permanent team of connexity investigators, namely whether the gravity of the loss resulting from the criminal act is public interest or military interest, and if the gravity of the loss is public interest, the court of the general judicial environment is authorized to hear it and if the gravity of the loss is military interest, the court of the military judicial environment is authorized to hear it.

3.2 Legal Implications of the Decision of the Constitutional Court of the Republic of Indonesia Number 87/PUU-XXI/2023 concerning the Authority of the Corruption Eradication Committee in Coordinating and Controlling Investigations, Investigations and Prosecution of Corruption Crimes in a Connected Way whose Law Enforcement is Handled or Initiated From the Beginning by the Corruption Eradication Commission.

That the formulation of this legal issue will discuss the legal consequences following the Constitutional Court's decision Number 87/PUU-XXI/2023 which can be divided into 2 (two) related to:

- 1) The authority of the Corruption Eradication Committee in "handling" criminal acts of corruption in a connected manner; And
- 2) The authority in terms of "coordinating and controlling" the investigation, investigation and prosecution of criminal acts of corruption in a connected manner, the law enforcement of which has been handled by the Corruption Eradication Committee from the start.

That in order to understand the content and implementation of the Constitutional Court's decision one must not forget about understanding the rules of connection criminal procedural law as regulated in Article 89 to Article 94 of the Criminal Procedure Code, the norms of which are systematically the same as articles 198 to article 203 of the Law on Military Justice, where the stages of resolving connection cases can be summarized as follows:

1) Investigation stage

Based on Article 89 paragraph (2) of the Indonesian Criminal Procedure Code (KUHP) in conjunction with Article 198 paragraph (2) of the Law on Military Judiciary, the investigation of connected criminal cases is principally carried out by a permanent team of investigators. This team consists of investigators from the General Judiciary (such as investigators from the National Police, Civil Servant Investigators (PPNS), and officials authorized by law to conduct investigations) and investigators from the Military Judiciary (Military Police and Military Prosecutors). Furthermore, this Permanent Team is established through a Joint Decree of the Minister of Defense and Security of the Republic of Indonesia and the Minister of Justice of the Republic of Indonesia, as stipulated in Article 89 paragraphs (2) and (3) of KUHP in conjunction with Article 198 paragraphs (2) and (3) of Law No. 31 of 1997 on Military Judiciary. As a derivative of these provisions, a Joint Decree was issued: Decree of the Minister of Defense and Security and the Minister of Justice No. Kep/10/M/XII/1983 - No. M.57.PR.09.03/1983, dated December 29, 1983, on the Establishment of a Permanent Team for the Investigation of Connected Criminal Cases, which was later replaced/repealed by Joint Decree of the Minister of Defense of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, and the Commander of the Indonesian National Armed Forces

No. 2196/M/XII/2021 – No. 270/2021 – No. KEP/1135/XII/2021 on the Establishment of a Permanent Investigation Team for Connected Criminal Cases.

Thus, investigators from the Corruption Eradication Commission (KPK) fall under the category of investigators from the General Judiciary (as officials authorized by law to conduct investigations). Consequently, under Article 89 paragraph (2) of KUHAP, KPK has the authority to investigate corruption cases within a connected case framework in collaboration with investigators from the Military Judiciary (Military Police and Military Prosecutors).

2) Research Results of Investigation

Article 90 of the Criminal Procedure Code in conjunction with Article 199 of the Law. No. 31 of 1997 concerning Military Justice essentially regulates that prosecutors/High Prosecutors and Military Prosecutors/High Military Prosecutors carry out joint research on the results of investigations by a permanent team of connection investigators to determine whether a court within the military justice environment or a court within the general justice environment will try the connection criminal case. Furthermore, the opinion from the results of the joint research is stated in an official report signed by the parties, namely the prosecutor/high prosecutor and the military prosecutor/high military prosecutor. If there is a disagreement between the prosecutor / high-ranking prosecutor and the military prosecutor / high-ranking military prosecutor regarding the court that has the authority to try the connected criminal case, then the high-ranking prosecutor/prosecutor reports to the Attorney General and the high-ranking military prosecutor reports to the TNI Prosecutor General.

Observing the provisions of Article 90 of the Criminal Procedure Code, research on the results of the investigation will be carried out by the high prosecutor/prosecutor together with the military prosecutor/high military prosecutor, but not by the prosecutor at the Corruption Eradication Commission. Therefore, it has legal implications that the files resulting from investigations carried out by the permanent team of connectivity corruption investigators (KPK investigators together with investigators from the military justice environment) must be submitted to the prosecutor/high prosecutor and the military prosecutor/high military prosecutor for joint research. This is a legal implication of the provisions of Article 90 paragraph (3) of the Criminal Procedure Code in conjunction with Article 199 paragraph (3) of the Law on Military Justice, which essentially requires prosecutors/high-ranking prosecutors and military prosecutors/high-ranking military prosecutors to report the results of research on the results of investigations to the Attorney General and the TNI Auditor General, and in accordance with the provisions of Article 93 of the Criminal Procedure Code in conjunction with Article 202 of the Law on Military Justice, which determines if there is a difference of opinion between the public prosecutor and the prosecutor. military/high military prosecutor regarding the focus of losses resulting from criminal acts, whether public interests or military interests, then the Attorney General and the TNI Auditor General consult, and if there is a difference of opinion then the Attorney General's opinion determines. Such provisions are in accordance with the principles of *dominus litis* and single prosecution system. Universally, the principle of *dominus litis* is that prosecutorial authority is only held by the public prosecutor as a monopoly and is absolute, in this case by the prosecutor as the owner of the case. Therefore, the principle of *dominus litis* has legal implications. The Attorney General of the Republic of Indonesia has duties and responsibilities in controlling prosecution policies for criminal law enforcement in a single and highest prosecution system in a country (Single Prosecution System Principle).

3) Delegation Stage or Submission of the Case to Court (Prosecution Stage)

Article 91 of the Criminal Procedure Code (KUHP) and Article 200 of Law No. 31 of 1997 on Military Courts essentially stipulate that if a connected criminal case is to be examined and adjudicated by a court within the general judiciary (where the primary loss caused by the crime concerns public interest), the Case Submission Officer (Perwira Penyerah Perkara/Papera) must issue a Case Submission Decision (Surat Keputusan Penyerahan Perkara/Skeppera), which is then handed over to the Military Prosecutor (Oditur) for submission to the Public Prosecutor. Subsequently, the Skeppera serves as the basis for the Public Prosecutor to bring the case before the competent court (a court within the general judiciary). Accordingly, the investigation report prepared by the permanent connected-case investigation team must be annotated by the Public Prosecutor, indicating that the report has been officially taken over by the Public Prosecutor.

Furthermore, if a connected criminal case is to be examined and adjudicated by a court within the military judiciary (where the primary loss caused by the crime concerns military interests), the Judge Advocate General (Oditur Jenderal) must propose to the Chief Justice of the Supreme Court (pursuant to Article 16 of the Law on Judicial Authority) that the case be adjudicated within the military judiciary. The Supreme Court's decision serves as the basis for the Case Submission Officer (Perwira Penyerah Perkara) and the Prosecutor/High Prosecutor to submit the case to the Military Court (if the defendant holds the rank of Captain or below) or the High Military Court (if the defendant holds the rank of Major or above). Subsequently, the Military Prosecutor (Oditur Militer) must annotate the investigation report, indicating that it has been officially taken over by the Military Prosecutor.

Thus, in the author's opinion, prosecutors at the Corruption Eradication Commission (KPK) have the authority to act as public prosecutors in corruption cases involving connectivity (connectivity), which will be examined, tried, and decided in the Corruption Court (Pengadilan Tindak Pidana Korupsi) a special court within the General Judiciary, based on Article 6(c) of the Law on the Corruption Eradication Commission, which states that KPK has the duty to prosecute corruption crimes, and Article 5 of the Law on the Corruption Court, which states that the Corruption Court has jurisdiction over corruption cases. However, if a connectivity corruption case is tried in a military court, then the prosecution is conducted by Military Prosecutors (Oditur Militer) instead of KPK prosecutors. The author's argument follows the systematic or logical legal interpretation method, which asserts that legal provisions are interrelated meaning no legal rule stands alone, and each has its place within the legal framework (Prakoso, 2010). In this context, the authority of the Corruption Eradication Commission (KPK) in prosecuting connected corruption crimes must be understood as an integral part of the procedural law governing connected cases, as stipulated in Articles 89 to 94 of the Criminal Procedure Code (KUHP) (Huda, A. K. N., & Abdullah, 2024).

4) Case Examination in Court

In principle, cases of connected crimes, including corruption, are examined and adjudicated by courts within the General Judiciary. However, under certain circumstances when the primary impact of the crime concerns military interests the case must be examined and adjudicated by a court within the Military Judiciary, based on a decision by the Chief Justice of the Supreme Court, as stipulated in Article 16 of the Law on Judicial Power. Accordingly, the composition of the panel of judges, based on Article 94 of the Criminal Procedure Code (KUHP) in conjunction with Article 203 of the Law on Military Judiciary, consists of judges from both the General Judiciary and the Military

Judiciary, with at least three judges in a balanced composition. If a connected criminal case is tried in a court within the General Judiciary, the presiding judge must come from the General Judiciary, with the panel members being equally drawn from both the General and Military Judiciaries. Conversely, if the case is tried in a court within the Military Judiciary, the presiding judge must come from the Military Judiciary, while the panel members are equally drawn from both judicial environments.

Based on the above explanation, it can be concluded that the Corruption Eradication Commission (KPK) has the authority to handle cases of connected corruption by adhering to the procedural law on connected cases. During the investigation stage, KPK acts as an investigator alongside the permanent investigation team from the military judicial environment (Military Police and Military Prosecutors). Subsequently, in the examination of the investigation results, the determination of the primary impact of the crime remains the responsibility of prosecutors from the Attorney General's Office of the Republic of Indonesia (Kejaksaan RI) in collaboration with Military Prosecutors. Finally, at the prosecution stage in the general judicial environment (Corruption Court), prosecutors from KPK have the authority to act as public prosecutors.

The researcher believes that a coordinated examination of corruption cases involving both civilians and military personnel will lead to a more comprehensive resolution, reduce the potential for injustice in law enforcement, and uphold the independence of legal proceedings. For instance, Constitutional Court Decision Number 012-016-019/PUU-IV/2006 on page 269 states that "the affirmation of the independence and freedom of the Corruption Eradication Commission (KPK) from any influence of power in carrying out its duties and authorities is crucial to ensure that there is no doubt within KPK officials."

4. CONCLUSION

The Constitutional Court of the Republic of Indonesia Decision No. 87/PUU-XXI/2023 does not reduce or eliminate the authority of the military judiciary in handling corruption crimes committed by TNI/military personnel (excluding connectivity cases). However, if the crime is committed in a connectivity manner (co-perpetration and complicity between civilians and military personnel as stipulated in Articles 55 and 56 of the Indonesian Penal Code), the case may be tried either by a court within the general judiciary system (if the primary impact of the crime concerns public interest) or by a court within the military judiciary system (if the primary impact concerns military interests). This determination is made based on a joint review by military prosecutors (oditur) and state prosecutors (jaksa) following an investigation conducted by the permanent connectivity investigative team. The Corruption Eradication Commission (KPK) has the authority to handle connectivity corruption cases based on connectivity procedural law as regulated in the Indonesian Criminal Procedure Code (KUHP) and the Law on Military Courts. At the investigation stage, KPK acts as an investigator alongside a permanent connectivity investigative team from the military justice system (Military Police and Military Prosecutor). Subsequently, at the case review stage, the examination of the primary impact and losses resulting from the crime is conducted by prosecutors from the Indonesian Attorney General's Office (not KPK prosecutors) together with the Military Prosecutor. At the prosecution stage within the general judiciary system (Corruption Court), KPK prosecutors have the authority to act as public prosecutors.

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