

The Role and Responsibilities of the Military Police in Handling Criminal Acts of Fraud by Members (Case Study in Military Region IV/Diponegoro and Military Police Detachment IV/5)

Sudiyanto Surejo¹⁾ & Muhammad Ngazis²⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: Sudiyantosuroejo.std@unissula.ac.id

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: Muhhammadngazis@unissula.ac.id

Abstract. *A case study in Military Region IV/Diponegoro shows the importance of Military Police professionalism in resolving legal violations firmly, fairly, and transparently. The aim of this research is to examine and analyze the role and responsibility of the military police in dealing with fraud crimes by members (Case Study in Military Region IV/Diponegoro and Military Police Detachment IV/5) and to identify obstacles in carrying out the role and responsibility of the military police in addressing fraud crimes by members (Case Study in Military Region IV/Diponegoro and Military Police Detachment IV/5) and how to overcome them. This study uses a sociological juridical method with descriptive-analytical specifications. Primary data were obtained directly through interviews and analyzed using legal theory. The results of this study concern the role and responsibility of the military police in handling fraud committed by members (Case Study in Military Region IV/Diponegoro and Military Police Detachment IV/5). The Military Police have a strategic role in handling fraud committed by TNI members, as regulated in Law Number 3 of 2025 concerning the Amendment to Law Number 34 of 2004 on the Indonesian National Armed Forces and Law Number 31 of 1997. In the case of Sertu NSW which occurred in the Kodam IV/Diponegoro area, Military Police Detachment IV/5 concerned an investigation based on Article 378 of the Criminal Code. The investigation process followed Article 75, including the summoning of witnesses, seizure of evidence, and detention. In handling fraud committed by TNI members, the Military Police face several obstacles, such as difficulty obtaining testimony from witnesses due to fear, and pressure from families to settle the case amicably. In the case of Sertu NSW, witnesses were reluctant to come to the Denpom, even though the loss amounted to IDR 114,700,000. Solutions to these problems include providing legal protection to witnesses according to the principle of witness and victim protection, educating all parties about criminal sanctions, and guaranteeing the confidentiality of witness identities so they are willing to provide honest testimony.*

Keywords: *Fraud Crime; Military Law Enforcement; Military Police.*

1. Introduction

In the context of a state of law, the supremacy of law is a principle that binds all elements of the nation. No individual, institution, or party is above the law. Every unlawful act, whether committed by ordinary people or high-ranking state officials, must be processed according to applicable legal procedures. This is a concrete form of the principle of equality before the law which is a characteristic of a democratic state. Consistent law enforcement that is free from political power intervention is the key to maintaining public trust in legal institutions and strengthening the legitimacy of the state as a protector of the constitutional rights of its people. Law in Indonesia not only functions to regulate and punish, but also as a means to create social order, reconcile conflicts, and build a social order.¹

With laws that are firmly enforced but still based on humanitarian values, Indonesia can continue to move forward as a sovereign, dignified country that upholds human rights. Therefore, the role of law is very vital, not only as a collection of norms written in the law book, but as a spirit that revives the spirit of unity, protects the freedom of citizens, and becomes a guide towards a just and prosperous society. Law enforcement is one of the efforts to create order, security, and peace in society. This is done as a preventive measure, eradication, or action against any violation of the law that occurs. The task of law enforcement is the responsibility of the state, with one of its main objectives being the establishment of a judicial institution that functions to update the applicable positive law, so that it is in accordance with the development of the times and reflects the values of justice. The state may not act arbitrarily in determining whether an action is a criminal act, and the sanctions imposed on the accused must be based on the principle of equality before the law, as a manifestation of justice.²

This prevention is in line with the objectives of fostering military personnel as stipulated in Law Number 34 of 2004. In handling fraud cases, the Military Police must pay attention to the rights of victims, including the right to receive compensation and restoration of good name. This is in accordance with the provisions of Article 98 of the Criminal Procedure Code which regulates the rights of victims to file a claim for compensation in the criminal process. This protection is important to ensure that the aspect of substantive justice is truly realized. Despite having a strong legal basis, handling fraud cases in the military environment is not free from challenges. Factors such as corps solidarity, military hierarchy, and internal pressure can affect the legal process. Therefore, high integrity and professionalism are needed from Military Police officers to overcome these challenges and ensure that the legal process runs objectively.³

¹ Sri Endah Wahyuningsih, Urgency of Reforming Indonesian Material Criminal Law Based on the Values of Belief in the Almighty God, *Journal of Legal Reform*, Volume 1 January-April 2014, p. 17

² Sri Endah Wahyuningsih, Agus Sunaryo, The Role of the Prosecutor's Office in the Eradication of Corruption Criminal Acts in Indonesia, *Journal of Legal Updates*, Vol 4, No 2 2017, p. 72

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Examples of cases that occurred in the IV/Diponegoro Military and IV/5 Military Police Detachment include the suspect Sergeant NSW, Ba Intel Kodim 0733/Semarang City, suspected of violating Article 378 of the Criminal Code. related to fraud. On October 26, 2021, the suspect offered DAS assistance in passing the CPNS through a special route without a test, with a payment requirement of IDR 114,700,000. The money was apparently used for personal interests, including stock trading. The suspect had previously been involved in a similar case and was sentenced to probation. The case files have been submitted to Kaotmil 11-09 Semarang for further processing. The victim suffered significant financial losses, and until now the money has not been returned. Given the complexity in handling criminal acts of fraud by military personnel, this study is important to further explore how the Military Police carry out its role. Examining the legal aspects, practical challenges, and strategic solutions will provide valuable contributions to strengthening the military justice system. Ultimately, this study is expected to enrich the military law literature and become a recommendation for more effective and just law enforcement policies.⁴

2. Research Methods

In this study, the approach method used is the sociological legal approach, which means a type of legal research that is sociologically based and also known as field research. This method examines existing legal provisions and the realities that occur in society.⁵

3. Results and Discussion

3.1. The Role and Responsibilities of the Military Police in Handling Criminal Acts of Fraud by Members (Case Study in Military Region IV/Diponegoro and Military Police Detachment IV/5)

Criminal law has a strategic role as a means to resolve problems that arise due to increasing crime in society. This role is expected to provide an effective and solution-oriented way out of various cases that occur. Improving the quality of criminal law must be done through serious and targeted efforts in order to be able to answer the needs of the times. Adjustment and strengthening of the criminal law system is a must in dealing with the dynamics of crime that continue to develop in society. Legal instruments must be arranged systematically in order to optimally reach unlawful acts.

The development of criminal law requires an integrated and consistent approach. This effort includes updates in the form of codification and unification of certain branches of law. The preparation of new laws that are more relevant and contextual is an important part of the

³ Agus Santoso, *The Role of Military Police in Law Enforcement in the TNI Environment*, Pustaka Utama, Bandung, 2014, p. 51

⁴ Andi Hamzah, *Military Criminal Law in Indonesia*, Sinar Grafika, Jakarta, 2008, p. 45.

⁵ Suharsimi Arikunto, *Research Procedures: A Practical Approach*, Rineka Cipta, Jakarta, 2002, p. 126.

renewal agenda.⁶ The need for strong legal instruments cannot be avoided because various forms of criminal acts are increasingly complex. Social change and technological advances have presented new challenges in the practice of law enforcement.

Without concrete and measurable steps, the law will lag behind developments in society. One form of crime that often occurs in society is fraud. This crime not only harms the victim financially, but also damages social relationships. Fraud appears in various forms and often involves increasingly sophisticated modes. This phenomenon shows that perpetrators of fraud continue to develop new ways of carrying out their actions. Fraud is a serious threat to social stability because its impact is very broad. The distrust that arises due to fraud can damage the joints of harmonious community life.⁷

Fraud crimes are increasingly worrying because they involve a high level of intellectualism of the perpetrators. The perpetrators not only exploit the weaknesses of the victims, but also exploit existing legal loopholes. The complexity of this crime demands an adaptive and responsive criminal law system. Law enforcers need to have a deep understanding of new patterns in fraud crimes. Otherwise, the law enforcement process will be slow and ineffective. The ever-changing dynamics of fraud require regulations that are continually updated and adjusted to real conditions.⁸

Fraudulent acts have become a part of social reality that is difficult to avoid. Its development is increasingly rapid along with progress economy and technology. In this context, society becomes more vulnerable to various forms of increasingly cunning deception. The increasing existence of fraud shows that the legal protection system needs to be strengthened. The community must be empowered through legal education so that they are able to recognize and avoid potential fraud. This empowerment is important so that the community does not only rely on law enforcement officers to resolve cases.

Fraud is a highly reprehensible act and has significant social impacts. The result of this act is the emergence of a sense of distrust between citizens that disrupts social harmony. In the long term, this can damage the order of community life as a whole. Criminal law needs to play a strong preventive role so that fraud does not continue to develop. Strict regulations and an effective justice system will foster a sense of justice in society. Legal protection for victims of fraud must be a priority in the national legal system.⁹

Fraudulent acts are morally unacceptable in social life. Such attitudes create doubt and eliminate mutual trust in relationships between individuals. Their existence causes chaos and

⁶ Roeslan Saleh, *Other Aspects of Criminal Law*, Ghalia Indonesia, Jakarta, 1985, p. 73

⁷ Mardani Sudarmaji. *Criminal Acts of Fraud: Indonesian Criminal Law Perspective*. Jakarta: Rajawali Press, 2018. p. 230.

⁸ Eddy OS Hiariej, *Principles of Criminal Law*, Cahaya Atma Pustaka, Yogyakarta, 2014, p. 88

⁹ M. Syahrir Sulaiman. *Criminal Law and Criminal Acts of Fraud in Indonesia*. Bandung: Citra Aditya Bakti, 2017. p. 265.

damage to the social order that has been built by society. Legal norms also views this act as an unjustifiable violation. However, in practice this kind of action still continues in everyday life. The perpetrators come from various levels of society regardless of social status or the background of the institutions that protect them.

Reality shows that criminal acts of fraud are not only committed by civilians, but also by state officials such as members of the military. This is certainly a serious concern because it is contrary to the functions and responsibilities inherent in military institutions. Every military personnel is required to uphold discipline and compliance with applicable legal regulations. Deviant behavior such as fraud tarnishes the good name of an institution that should be a role model in national and state life. Public trust in the military can be eroded if violations of this kind continue to occur.¹⁰

The Indonesian National Armed Forces (TNI) institution was formed on the basis of upholding the values of discipline and integrity. Every action of its members is closely related to the image of the institution as a whole. Violations of the law by military personnel are a form of denial of the basic principles that serve as guidelines in carrying out their duties and responsibilities. The presence of military personnel in fraud cases reflects a failure to uphold the values of discipline that should be upheld. This situation requires serious handling so that the institution can maintain its authority and the trust of the wider community.

Military criminal law specifically regulates criminal acts committed by members of the TNI. This rule is stated in the Military Criminal Code (KUHPM) which is the legal basis for resolving violations of the law by soldiers. The KUHPM provides special space to take firm action against any military member who is proven to have committed a crime, including fraud. Handling of such cases cannot be equated with civilians because it is related to membership status and institutional responsibilities inherent in a military person. Law enforcement is carried out in a comprehensive and structured manner.¹¹

The Military Court is an institution that is authorized to try military members who commit crimes. The legal process is based on the provisions contained in Law Number 31 of 1997 concerning Military Justice. This regulation emphasizes that the military as part of the state apparatus must comply with legal mechanisms that have been specifically regulated. The implementation of military justice aims to maintain the integrity of the law and ensure that all unlawful acts receive appropriate sanctions. The existence of this court is a manifestation of the supremacy of law in the military environment. The Criminal Code explains that if a military member is proven to have committed a crime, then he will not only be subject to the main punishment. The perpetrator can also be given additional punishment as a form of

¹⁰ Interview, Lieutenant Colonel Chk Syawaluddin, Position: Kadilmil II-10 Semarang, Date May 1, 2025, 09.00 WIB

¹¹ US Admiral, Implementation of Military Law in Indonesia, Pustaka Elex Media Komputindo, Jakarta, 2015, p. 230.

responsibility for his actions. This provision shows that the military legal system has strict standards in enforcing the rules against its members. The goal is to provide a deterrent effect and prevent the recurrence of similar violations. This additional punishment reflects the seriousness of the law in maintaining discipline and protecting the honor of the TNI institution from deviant behavior.¹²

Legal action against TNI members involved in fraud is part of an effort to maintain public trust in the military institution. Firm and measured law enforcement will create legal certainty and provide a lesson for other members. Every form of deviation must be addressed professionally without discrimination so that justice is truly upheld. This action also proves that the military is not immune from the law and remains subject to applicable regulations. Consistent understanding and application of the law is key to creating a professional and responsible military.

The legal provisions that regulate the crime of fraud in its entirety can be found in Chapter XXV Book II of the Criminal Code. This crime is classified in Articles 378 to 395 of the Criminal Code. Fraud is one of the a form of criminal act that receives serious attention because of its nature that is detrimental to other parties economically and morally. In its regulation, this criminal act is distinguished based on the elements that compose it, both in terms of real actions and the intentions behind it. The preparation of these articles aims to provide strict limitations on acts that are classified as fraud.¹³

The elements in the crime of fraud are divided into two main parts, namely objective elements and subjective elements.¹⁴ This division aims to facilitate proof in the legal process. Objective elements relate to the external actions of the perpetrator, while subjective elements refer to the intent or intention in the perpetrator's mind. The difference between the two is very important in determining the form of legal responsibility that will be given. The existence of this element is an important indicator in determining whether an act can be categorized as fraud or not.

The objective element in the crime of fraud shows the actions carried out by the perpetrator in a real form. The perpetrator can persuade or encourage the victim by using certain driving tools. Fake identities are often a means of deception, as is the use of forged documents or objects. In some cases, the perpetrators compose a series of words lies or deception to obtain

¹² Interview, Lieutenant Colonel Chk Syawaluddin, Position: Kadilmil II-10 Semarang, Date May 1, 2025, 09.15 WIB

¹³ Asep Setiawan. Legal Aspects of Criminal Acts of Fraud in the Indonesian Criminal Justice System. Yogyakarta: Graha Ilmu, 2020. p. 310.

¹⁴ Rachmat Pratama. Law Enforcement against Criminal Acts of Fraud. Surabaya: Pustaka Utama, 2016. p. 185. The Role and Responsibilities of the Military Police in

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goods or services from the victim. All forms of these actions are part of the objective elements that can be observed in real terms by law enforcement.¹⁵

Fraudsters often use their ability to speak or persuade with the aim of making the victim believe. This trust is then used so that the victim gives something such as goods, money, or even erases debts. This objective element is very visible from the pattern of actions carried out consciously by the perpetrator. Fake identities and false information are the main tools in carrying out fraud. These actions prove that the perpetrator is actively involved in a series of actions that can harm other parties.

Subjective elements refer to the intention or purpose of the perpetrator when committing fraud.¹⁶ This purpose is usually to gain benefits for oneself or another party unlawfully. This intention is not physically visible, but can be traced through existing facts and evidence. Perpetrators who intend to deceive usually have designed a scenario from the start. In this element, the psychological or inner aspect of the perpetrator becomes the main focus. Analysis of subjective elements is important to determine the extent of the intention in the act of fraud. Fraudulent acts are not only judged from the final result, but also from the motive behind the perpetrator. Malicious intent or hidden intent is the basis for determining the existence of subjective elements. Perpetrators who consciously want to take advantage of the victim are included in this category. The benefits can be in the form of material, services, or exemption from a legal obligation. In this context, the perpetrator has utilized full knowledge and awareness of actions that are contrary to legal norms. This shows that the subjective element is crucial in the crime of fraud.¹⁷

In criminal law, the difference between objective and subjective elements greatly determines the form of charges that will be imposed on the perpetrator. Objective elements provide a concrete description of the action, while subjective elements describe the perpetrator's mental state. Both elements must be fulfilled together so that an act can be qualified as a criminal act of fraud. If one of the elements is not fulfilled, then the act may not necessarily be subject to criminal sanctions. Therefore, law enforcement officers must be careful in proving both elements in court.

Proving subjective elements is usually more difficult than objective elements because it concerns the perpetrator's inner aspects. Investigators must look for evidence that shows the existence of evil intentions before or when the act was committed. Communication records, witnesses, and supporting documents can be used as evidence to prove this element. While the objective element is easier to prove because it is in the form of real physical actions. A

¹⁵ Rina Aulia Dewi. *Criminal Acts of Fraud in the Perspective of Indonesian Criminal Law*. Malang: UMM Press, 2019. p. 220

¹⁶ I Wayan Sanjaya. *Legal Analysis of Fraud Crimes: Case Study in Indonesia*. Jakarta: Erlangga, 2021. p. 295.

¹⁷ Erlina Pujiyanthi. *Criminal Acts of Fraud and Law Enforcement in Indonesia*. Bandung: Alumni, 2015. p. 215.

combination of these two forms of evidence is needed so that the court's decision has a strong and fair basis for all parties involved.

Subjective and objective elements complement each other in the structure of a criminal act. It is not possible to pay attention to only one element, because both support each other in the legal process. Fair law enforcement requires harmony between external evidence and evidence that shows the perpetrator's intention. Therefore, a deep understanding of these two elements is mandatory for law enforcement officers and legal practitioners. A clear separation between objective and subjective elements also helps avoid mistakes in interpreting an act as a criminal act.¹⁸

The crime of fraud in the Criminal Code is not only a legal issue, but also relates to the moral values of society. The perpetrator who deceives means violating social trust and damaging the order of communal life. The elements in the articles of the Criminal Code are designed to maintain justice and provide a deterrent effect. Clarity of objective and subjective elements is an important foundation in the criminal justice system. By understanding both of them comprehensive, fraud prevention efforts can be carried out effectively and fairly. Victims of fraud who report their cases to the Military Police will be followed up in accordance with the provisions of Article 74 of Law Number 31 of 1997 concerning Military Justice. This provision gives authority to Military Police Investigators to handle criminal acts committed by members of the Indonesian National Army. The initial process after the report is received is to conduct an investigation to assess the existence of adequate preliminary evidence. This stage is an important basis in determining whether the case can be escalated to the investigation stage. This step is part of the legal procedures applicable in the military justice system.

The investigation conducted aims to ensure that the reported action has a legally valid criminal element. If sufficient preliminary evidence is found, the case will proceed to the formal investigation stage. In this stage, Military Police investigators examine whether there are acts that meet the elements of a criminal act according to the provisions of the Criminal Code (KUHP) or the Military Criminal Code (KUHPM).¹⁹

3.2. Obstacles in Carrying Out the Role and Responsibilities of the Military Police in Handling Criminal Acts of Fraud by Members (Case Study in Military Region IV/Diponegoro and Military Police Detachment IV/5) and How to Solve Them

The suspect in this case is Sergeant N.SW, a member of the Intelligence Unit of Kodim 0733/Semarang City, who is suspected of committing a criminal act of fraud as regulated in Article 378 of the Criminal Code (KUHP). The incident began on October 26, 2021 when the suspect offered assistance to DAS to pass the CPNS selection through a special route. In

¹⁸ Abdul Halim. Criminal Acts of Fraud in Indonesian Criminal Law. Jakarta: Kencana, 2014. p. 198.

¹⁹ Kurniawan Adi, Military Law and the Challenges of the Modernization Era, Publisher of the Indonesian Legal Studies Center, Jakarta, 2020, p. 29

return, he asked for a number of money of Rp 200,000,000,-. Because the DAS family was unable to meet the amount, the suspect then lowered his request to Rp 140,000,000,- and agreed to it in a written agreement.

After the agreement was signed, on October 27, 2021, the suspect received Rp110,000,000 from DAS's family. Furthermore, the suspect also asked for additional money on the pretext of processing costs for the CPNS test. However, in reality, the promise was never realized. DAS did not pass the CPNS selection as promised, and the money that had been given was not returned. This made DAS and his family feel cheated. The total loss they experienced reached Rp114,700,000.

It is known that the suspect has not committed similar acts for the first time. He was previously involved in other fraud cases that caused unrest and damaged the image of the military institution. This repeated behavior indicates an indication of evil intent (*mens rea*) and systematic actions carried out by the suspect to obtain personal gain through unlawful means. These facts further strengthen the reason that this case must be processed legally through formal channels to provide a deterrent effect.

The case file in the name of Sertu N was then compiled and submitted to the authorized official according to military legal procedures. The evidence that has been collected includes a letter of agreement between the suspect and the victim, documentation in the form of photos during the transaction, and proof of transfer of funds. All of these documents are considered strong enough to support evidence of fraud committed by the suspect. In addition, statements from witnesses who knew about this incident also strengthened the suspicion against the suspect.

Since the act committed is within the scope of military law, the handling of the case is directed to be tried at the Military Court II-10 Semarang. This step is in accordance with the legal jurisdiction over active military members who commit general crimes. This legal process is expected to be able to uphold justice and provide legal certainty, both for victims and the TNI institution. Strict law enforcement will also be a lesson for other members not to abuse their positions or authority for personal gain.

The obstacles in carrying out the role and responsibilities of the military police in handling criminal acts of fraud by members of the above case are:²⁰

1. Difficulty in Taking Statement from Witnesses

Witness testimony is an important stage in the criminal investigation process. In the context of the NSW Sergeant case, the difficulty in obtaining objective testimony is a serious obstacle

²⁰ Interview, Lieutenant Colonel Chk Syawaluddin, Position: Kadilmil II-10 Semarang, Date May 1, 2025, 09.50 WIB

to the law enforcement process. The fear of witnesses to provide information openly can damaging the integrity of the evidence needed in the investigation. Law Number 8 of 1981 concerning Criminal Procedure Law, Article 1 number 26, states that a witness is a person who can provide information for the purposes of investigation, prosecution, and trial of a criminal case.

Legal provisions require everyone who knows about a criminal event to provide testimony, but the reality on the ground shows that there are psychological obstacles. In this case, witness DAS experienced psychological pressure that hindered his courage to provide information. Fear of threats of retaliation from the perpetrator or other parties is the main reason for the reluctance of witnesses to appear before investigators. Article 224 of the Criminal Code states that anyone who is summoned as a witness and refuses to provide information can be subject to criminal sanctions.

The process of handling cases by the Military Police has its own complexity because it involves active military members. In the military legal system, investigations are carried out by the Military Auditorate, which refers to the Military Criminal Procedure Code. The reluctance of witnesses to provide information can slow down the stages of investigation, prosecution, and trial. The Military Police as the initial investigator has the responsibility to explore the truth objectively and thoroughly, including protecting witnesses so they feel safe during the legal process.

Protection for witnesses has actually been regulated in Law Number 13 of 2006 concerning Protection of Witnesses and Victims. Article 5 paragraph (1) states that witnesses have the right to receive protection for personal security from threats related to testimony that will or has been given. The public's ignorance of these rights often makes witnesses feel unsafe, so they prefer to remain silent or withdraw from the legal process. The lack of active involvement of witnesses ultimately weakens the evidence in ongoing criminal cases.²¹

In the military criminal justice system, the involvement of civilian witnesses, such as in the case of Sergeant N, is also a challenge. The relationship between civilian witnesses and military perpetrators often gives rise to psychological and social imbalances. Witnesses tend to feel intimidated by the status and position of the perpetrators who are members of the TNI. This imbalance makes them feel that they do not have adequate legal protection or support. As a result, the process of clarifying the facts needed by investigators is slow and ineffective.

The social conditions in which witnesses feel intimidated in military cases indicate that the law is not yet fully adaptive to the needs of society. The Theory of Utilitarianism requires the law to adapt to social realities in order to provide concrete solutions. In this context, legal protection for witnesses must be improved, not only in the form of written rules but also in

²¹ Koto, Ismail, Faisal. Textbook of Witness and Victim Protection Law. UMSU Press, Medan, 2022. p, 190
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its implementation. Regulations such as Law Number 13 of 2006 concerning Protection of Witnesses and Victims must be implemented consistently in order to create real benefits for witnesses who contribute to the judicial process.

The distributive justice aspect in this theory requires that every individual, including witnesses, have the same opportunity to obtain legal protection. The balance between protection of the interests of the perpetrator and the rights of witnesses must be maintained to avoid inequality. In this case, DAS's courage as the main witness must be protected by a legal mechanism that guarantees the safety of himself and his family. Without such a guarantee, witnesses tend to withdraw and as a result the criminal evidence process becomes weak, which means that the law fails to create comprehensive social benefits.

The effectiveness of law enforcement is an important key in creating real benefits from the law itself. If witnesses do not dare to give testimony, then the law loses its usefulness. The Military Police and the Audit Office must ensure that witness protection is implemented firmly so that the law does not become just a meaningless text. In this case, the effectiveness of the implementation of the Witness Protection Law determines the achievement of legal benefits. Without consistent and fair enforcement, the law will only be a formal symbol without a concrete contribution to social justice.

Laws that have high efficacy must be able to prevent further conflict and create order. In the case of Sertu N, if the law is unable to guarantee protection for witnesses, then there will be public distrust of the legal process. Laws that fail to protect will cause social trauma and create collective fear. The Theory of Utilization encourages the law to function preventively, protecting witnesses before they are intimidated. In this way, the law not only resolves conflicts, but also prevents the birth of new injustices in society.

2. Efforts to resolve amicably or peacefully

Amicable settlement is often the first choice in criminal cases involving people who are close acquaintances. This approach is usually taken to avoid a long and tiring legal process. In the case of alleged fraud by Sertu NSW, the victim's family DAS tried to resolve the problem peacefully. The main goal of this amicable approach is for the suspect to be willing to return the money that has been received. This effort is part of a non-litigation mechanism as recognized in the principle of alternative dispute resolution according to Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution.

The suspect in this case is an active military member of the Kodim 0733/Semarang City Intelligence Unit, namely Sertu NSW. He is strongly suspected of committing a criminal act of fraud against DAS. The fraud was carried out by promising assistance in passing the Civil Servant Candidate (CPNS) test through a special route. This action fulfills the elements as regulated in Article 378 of the Criminal Code, which states that a person who intends to benefit himself unlawfully by deception can be subject to criminal penalties.

On October 26, 2021, Sergeant NSW offered his services to help D pass the CPNS selection by paying a sum of money. Initially, he asked for Rp200,000,000, but because D's family could not afford to pay, the amount was reduced to Rp140,000,000. This action indicates an element of coaxing and false promises to obtain illegal benefits. This kind of practice not only harms public trust in the CPNS recruitment process, but is also an unlawful act as prohibited in Article 378 of the Criminal Code.

The agreement between the suspect and the victim was made in writing and became one of the pieces of evidence submitted. Although it did not involve an official institution, the agreement stated that D would be helped to pass the CPNS selection by paying money in several stages. The suspect then received Rp110,000,000 on October 27, 2021. In addition, he also asked for addition funds with reason For speed up administration of CPNS. This action adds to the suspicion of fraud that he committed and strengthens the element of bad faith.

The losses experienced by DAS and his family were not only material, but also psychological. The total loss reached Rp 114,700,000, - which until now has not been returned by the suspect. Although mediation efforts have been made amicably, the suspect has not shown a cooperative attitude. This shows that peaceful resolution is not always effective if it is not accompanied by good intentions from the perpetrator. This situation requires the victim to take formal legal action as a form of protection of his rights based on Law Number 8 of 1981 concerning Criminal Procedure Law.

The suspect's action of promising something that cannot be fulfilled is a form of fraud that clearly violates legal norms. According to Article 378 of the Criminal Code, fraud is an act carried out by trickery, using a false name, false dignity, a series of lies, to obtain goods or benefits from others. In this case, the suspect gave false hope to the victim regarding the opportunity to pass the CPNS by paying a sum of money. This is a form of psychological manipulation to achieve goals that are detrimental to others.

The peaceful efforts undertaken by the victim's family were carried out before an official report was made to the authorities. Family D hoped that with a family approach, the suspect would return the money that had been given. However, because there was no positive response from the suspect, the case was finally reported and handled by the military. This confirms that a non-litigation approach must be accompanied by good faith from both parties in order to be successful. Provisions regarding alternative dispute resolution still does not close the path of litigation if a peace agreement is not reached.

The suspect is known to have a history of involvement in other fraud cases, which strengthens the belief that this is not the first time he has done this. This bad history is one of the important considerations in the ongoing legal process. Law enforcement against military members is subject to the provisions of Law Number 31 of 1997 concerning Military Justice. In this case, Sergeant N will be processed through the Military Court II-10 Semarang because

he is an active soldier. This institution has the authority to try criminal cases involving military members.

The evidence that has been collected and submitted in the case file includes a letter of agreement, transaction photos, and proof of bank transfer. All of this evidence strengthens the charge that the suspect has committed a criminal act of fraud. Military investigators have the authority to investigate and submit cases to the Military Auditorate to be continued to court. Article 1 number 10 of Law Number 31 of 1997 explains that the Military Auditorate is a public prosecutor within the military justice system that has the task of prosecuting criminal cases of TNI members.

The DAS victim and his family have provided complete information regarding the chronology of the incident and the evidence they have. This step is important to strengthen the evidence in the process military court. The rights of victims in criminal proceedings are guaranteed in Law Number 13 of 2006 concerning Protection of Witnesses and Victims, which has been amended by Law Number 31 of 2014. These provisions provide protection for victims from pressure or threats during the legal process and provide an opportunity to obtain compensation or restitution.

Fraud committed by military personnel not only harms the victims personally, but also tarnishes the good name of the TNI institution. Therefore, law enforcement must be carried out transparently and professionally. The TNI Commander has an obligation to ensure that all members are subject to the law, as stated in Article 65 of Law Number 34 of 2004 concerning the Indonesian National Army. This provision states that soldiers are subject to military law and general criminal law, depending on the type of violation committed.

The failed family settlement shows that the formal legal system remains the main route to justice. The military justice system is designed to provide equal legal process for TNI members who commit crimes. In addition, the community has the right to seek justice through the courts. In this context, the integrity of the military institution is tested in dealing with its members who break the law. The II-10 Semarang Military Court has jurisdiction over

This case is in accordance with the provisions of Law Number 31 of 1997. The legal process against military members must fulfill the principles of justice, legal certainty, and benefit. These three are the main principles in the Indonesian national legal system. In this case, law enforcement officers must ensure that victims receive their rights and suspects receive a fair legal process. The principle of justice demands that perpetrators be punished according to their actions. The principle of legal certainty emphasizes consistent application of the law. The principle of benefit is oriented towards protecting victims and the wider community from similar acts.

This incident is an important lesson about the risks of non-litigation settlement in criminal cases. In many cases, when the perpetrators do not show good faith, a peaceful approach

actually slows down justice. Law enforcement must be carried out immediately to prevent perpetrators from repeating their actions against other victims. In addition, the public must also be more careful about the lure of promising shortcuts in CPNS recruitment. Legal education efforts and increasing legal literacy are very important to prevent this kind of fraud.

Theory Analysis

The fraudulent actions committed by Sergeant NSW can be analyzed through the Theory of Punishment which focuses on purpose of punishment. In this context, criminal punishment does not only serve as a response to evil deeds, but also as a means of rehabilitation and prevention. The punishment imposed on the perpetrator is expected to provide a deterrent effect, prevent repetition of the act, and protect society from similar crimes. Based on Article 378 of the Criminal Code, perpetrators of fraud can be sentenced to imprisonment, which in this case also reflects an effort to create order and legal justice.

In modern criminal theory, there is an approach that emphasizes the humanitarian aspect of the perpetrator, but still maintains a sense of justice for the victim. In this case, the perpetrator is a member of the military who should be an example in obeying the law. The imposition of criminal penalties must take into account the perpetrator's social position and the impact of his actions on public trust. Deception of civilians with false promises shows a violation of integrity and creates unrest. Therefore, punishment must have a moral dimension that shows that the law applies to all citizens without discrimination.

The Theory of Punishment also contains aspects of prevention, both specific prevention of perpetrators and general prevention of society. If the perpetrators are not punished firmly, this can create a bad precedent and encourage similar crimes. In this framework, the military justice system has a role strategic to show that TNI soldiers remain subject to the law. The criminalization process carried out by the II-10 Semarang Military Court in accordance with Law Number 31 of 1997 concerning Military Justice, is expected to restore public trust and provide educational legal lessons.

The Theory of Legal Utilities highlights that the law must provide maximum benefits to society. In this case, the application of the law to the perpetrators of fraud aims to restore a sense of security, prevent further losses, and strengthen legal certainty. By imposing appropriate punishment, the state shows that manipulative actions that harm civilians cannot be tolerated. This is in line with the principle that law is not only a repressive tool, but also an instrument for creating order and social welfare as emphasized in the Theory of Utilities by Jeremy Bentham.²²

²² Melanie Pita Lestari. Legal Protection for Witnesses and Victims of Serious Human Rights Violations. PT. Literasi Nusantara Abadi Group, Jakarta, 2023. p. 188
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Handling Criminal Acts of Fraud by Members
(Sudiyanto Surejo & Muhammad Ngazis)

4. Conclusion

The role and responsibility of the military police in handling criminal acts of fraud by members (Case Study in Military Region IV/Diponegoro and Military Police Detachment IV/5). The Military Police has a strategic role in handling criminal acts of fraud by members of the TNI, as regulated in Law Number 3 of 2025 concerning Amendments to Law Number 34 of 2004 concerning the Indonesian National Army and Law Number 31 of 1997. In the case of Sertu NSW which occurred in the IV/Diponegoro Military Command area, Military Police Detachment IV/5 conducted an investigation based on Article 378 of the Criminal Code. The investigation process was carried out in accordance with Article 75, including summoning witnesses, confiscating evidence, and detention. After the files were declared complete, the case was submitted to the Military Audit Office and continued to the II-10 Semarang Military Court, to ensure that justice was upheld. Obstacles in implementing the role and responsibilities of the military police in handling criminal acts of fraud by members (Case Study in Military Region IV/Diponegoro and Military Police Detachment IV/5) and how to solve them. In handling criminal acts of fraud by TNI members, the Military Police faces a number of obstacles, such as difficulty in obtaining information from witnesses due to fear, and pressure from the family to resolve the case peacefully. The case of Sertu NSW shows that witnesses are reluctant to come to Denpom, even though the loss reached Rp 114,700,000. Solutions to these obstacles include providing legal protection to witnesses in accordance with the principles of witness and victim protection, educating all parties about criminal law sanctions, and ensuring the confidentiality of witnesses' identities so that they dare to provide honest statements.

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