

Criminal Acts Investigation of Abuse of Authority in Criminal Acts of Embezzlement by The Military based on Justice (Case Study: Pomdam IV/Diponegoro)

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Abstract. *This study aims to determine the implementation of investigations into criminal acts of abuse of authority in criminal acts of embezzlement by the military and to analyze the obstacles to investigations into criminal acts of abuse of authority in criminal acts of embezzlement by the military and the solutions to these obstacles. In the research carried out, the writing used a sociological juridical approach. The results of this study are the Implementation of the investigation of the crime of abuse of authority in Police Report Number LP-01/A-01/1/2023/Idik. found the fact that Major T directed some of the funds to be used without the knowledge or direct orders of his superiors, with some of the funds being used for personal needs. The investigator concluded that the suspect's actions could be subject to sanctions based on Article 126 of the Criminal Code and/or Article 372 of the Criminal Code regarding abuse of authority and embezzlement. (2) Obstacles to the investigation of the crime of abuse of authority in the crime of embezzlement by the military, including: weaknesses in legal substance: there is a lack of synchronization between Article 69 and Article 74 of Law Number 31 of 1997, which causes the unclear authority of Ankum after delegating the authority to investigate to the Military Police or Oditur. Weaknesses in the legal structure: Ankum as an investigator does not have the necessary competence because it is not equipped with adequate knowledge or training in investigation. Weaknesses of legal culture: reluctance or fear of staff or subordinates to provide correct advice to their superiors. Solutions to these weaknesses include: revising laws, improving the quality of education, establishing internal monitoring mechanisms.*

Keywords: *Investigation; Military; Embezzlement.*

1. Introduction

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, has emphasized that the Republic of Indonesia is a state based on law, not a state of power (*Machstaat*). This has the consequence that the state, including the government and other state institutions, in carrying out any action must be held legally accountable, therefore every action must be based on law.¹

The consequence of a state of law is that the law is the commander in chief and does not discriminate against anyone, whether officials, businessmen, military personnel or ordinary people, they have the same rights and position before the law.² Law is a system created by humans to limit human behavior so that human behavior can be controlled, therefore every member of society has the right to receive defense before the law so that it can be interpreted that law is a written regulation or provision and unwritten rules that regulate social life and provide sanctions for those who violate them.³

The TNI is a military force that is educated and trained and prepared to uphold the sovereignty of the state, defend the territorial integrity of the Unitary State of the Republic of Indonesia from threats and disturbances to the integrity of the nation and state based on Pancasila and the Constitution of the Republic of Indonesia.⁴ TNI members are required to uphold honor and avoid actions that ultimately tarnish the good name of the TNI itself and its unit. Therefore, in order to prevent this, strict norms or rules are needed for military members. Norms which is stronger and heavier compared to legal norms in other general communities that are not military. The norms referred to here are Military Disciplinary Law and Military Criminal Law.⁵

In general, the military procedural law procedure or the process of enforcing substantive law, including in the case of investigations of suspects who are members of the military, will be subject to the Republic of Indonesia Law Number 31 of 1997 concerning Military Justice.⁶ The definition of investigation and inquiry in the Military Criminal Procedure Code (HAPMIL) does not differentiate between the definition of investigation and inquiry as regulated

¹Benyamin Sirait, The Role of the Air Force Military Police in the Investigation of Drug Cases in the Jurisdiction of Soewondo Air Force Base (Medan), *Mercatoria Journal* June, Vol. 7 No. 1, 2014

²Pribadi, Riky and Danny Rahadian Sumpono. "Implementation of Criminal Law Enforcement Against TNI Personnel Who Facilitate Narcotics Crimes Based on Law Number 31 of 1997 Concerning Military Justice". *Journal Presumption of Law*, Vol. 3, No. 1, 2021.

³Jacob Hattu and Astuti Nur Fadillah, Investigation of Military Members Who Commit General Crimes and Corruption, *LUTUR Law Journal*, Volume 4 Number 2, November 2023, pp. 81-91

⁴Indra Yani, and Aji Titin Roswitha Nursanthy. Law Enforcement of Criminal Acts of Narcotics Abuse Committed by Authorities (Police and Military Members). *The Juris Journal of Law*, Vol. 5, No. 2, 2021

⁵Imam Saron (et. al) Legal Review of TNI AL Members Who Commit Narcotics Abuse Crimes, *Journal of Legal Reform: Cogito Ergo Sum*, Vol. 2, No. 1, January 2019, pp. 35-38

⁶Suryandoko (et. al) Strategy in Eradicating Corruption Crimes to Strengthen the Military Justice System. *Land Defense Strategy (JSPD)*, Vol. 4, No. 2. 2018

in Article 1 number 2 and 5 of the Criminal Procedure Code. The investigators referred to by HAPMIL as stated in Article 1 number 11 of Law Number 31 of 1997 are superiors who have the right to punish, Certain Military Police Officers and Military Auditors who are given special authority by this Law to conduct investigations in their units. In Constitution Number 31 of 1997 in article 69 paragraph 2 also contains assistant investigators, consisting of the Army Provost, Navy Provost, Air Force Provost. While the definition of investigation itself based on Article 1 number 16 of Law Number 31 of 1997 is a series of actions by the Indonesian Armed Forces Investigators in terms of and according to the methods regulated in this Law to search for and collect evidence that with that evidence makes clear about the crime that occurred and in order to find the suspect. In carrying out the investigation process, military investigators must carry out their duties as well as possible and in accordance with procedures, to ensure that the investigation process runs correctly and in accordance with procedures, therefore supervision must be carried out on military investigators in carrying out the investigation process.⁷

In general, the military procedural law procedure or the process of enforcing substantive law, including in the case of investigations of suspects who are members of the military, will be subject to Invite-Law of the Republic of Indonesia Number 31 of 1997 concerning Military Justice,⁸The definition of investigation and inquiry in the Military Criminal Procedure Code (HAPMIL) does not differentiate between the definition of investigation and inquiry as regulated in Article 1 number 2 and 5 of the Criminal Procedure Code. The investigators referred to by HAPMIL as stated in Article 1 number 11 of Law Number 31 of 1997 are superiors who have the right to punish, Certain Military Police Officers and Military Auditors who are given special authority by this Law to conduct investigations in their units. In Law Number 31 of 1997 in Article 69 paragraph 2 there are also assistant investigators, consisting of the Army Provost, Navy Provost, Air Force Provost. Meanwhile, the definition of investigation itself based on Article 1 number 16 of Law Number 31 of 1997 is a series of actions by the Indonesian Armed Forces Investigators in terms of and according to the methods regulated in this Law to search for and collect evidence with which the evidence sheds light on the criminal acts that have occurred and in order to find the suspect. In carrying out the investigation process, military investigators must carry out their duties as well as possible and in accordance with procedures, to ensure that the investigation process runs correctly and in accordance with procedures, therefore supervision must be carried out on military investigators in carrying out the investigation process.⁹

⁷SR Sianturi, *Military Criminal Law in Indonesia*, Alumni AHM-PTM, Jakarta, 1985, p. 21

⁸Suryandoko (et. al) *Strategy in Eradicating Corruption Crimes to Strengthen the Military Justice System*. Land Defense Strategy (JSPD), Vol. 4, No. 2. 2018

⁹SR Sianturi, *Military Criminal Law in Indonesia*, Alumni AHM-PTM, Jakarta, 1985, p. 21

One example of an embezzlement case related to COVID-19 funds at Kodam IV/Diponegoro with suspect T, in the police report number LP-01/A-01/1/2023/Idik dated January 2, 2023 regarding the criminal case of abuse of power, in the report suspect T used the funds of the Kodim 0719/Jepara Covid-19 Handling Task Force for personal interests amounting to 10,400,000. The suspect is threatened with Article 126 of the Criminal Code which reads "The military who intentionally abuses or assumes that they have power, forces someone to do, not do or allow something, is threatened with a maximum imprisonment of five years," and or Article 372 of the Criminal Code which reads "Anyone who intentionally owns against the rights of something that is wholly or partly owned by another person and the item is in his hands not because of a crime, is punished because embezzlement, with a maximum prison sentence of 4 (four) years." in conjunction with Article 55 paragraph 1 Ke-1 of the Criminal Code which states: "The perpetrator of a criminal act is a person who commits, orders it to be committed, and participates in committing it."

The purpose of this research is to analyze the authority of military courts in trying members who commit general crimes and to analyze the authority of military courts in trying members who commit general crimes in the future.

2. Research Methods

In the research carried out, the writer uses a sociological juridical approach, namely research that uses an approach method to problems by looking at the norms or laws that apply as positive provisions.¹⁰

3. Results and Discussion

3.1 Implementation of Investigation of Criminal Acts of Abuse of Authority in Criminal Acts of Embezzlement by the Military at POMDAM IV/Diponegoro

In the investigation process, the National Police investigators conducted an investigation into suspect who has the status of a civilian and refers to Article 7 of the Criminal Procedure Code where in the end the case file will be submitted to the public prosecutor to be tried in a general court. While investigators from the Military Police conduct the investigation process against suspects who have the status of a military and refer to Law Number 31 of 1997 concerning the Military Criminal Code where in

¹⁰Soerjono Soekanto and Sri Mahmudji, Normative Legal Research, A Brief Review, Jakarta: Raja Grafindo Persada, 2003, p. 13

the end the case file will be submitted to the military prosecutor to be tried in a military court.¹¹

The provisions of military criminal procedure law stipulate that the investigation of a criminal event is the same as that regulated in the Criminal Procedure Code, except that if in the Criminal Procedure Code it is determined that the investigation is carried out by the Indonesian National Police Officer, while in military criminal procedure law the authority to conduct the investigation is the Military Police. The investigation carried out by the Military Police is not an independent authority but is separate from the authority to conduct an investigation but is part of the investigation function which is an initial action that precedes other actions such as arrest, detention, confiscation in order to resolve the criminal case.

Members of the Indonesian National Army who commit a crime will be processed according to applicable law up to the green shirt. The process in the green table is carried out by a special court, namely the military court, the same as the district court, the military court is also open to the public except for crimes against morality, but it is rare for civilians to attend the trial. When viewed from a legal perspective, soldiers of the Indonesian National Army have the same position as ordinary members of society, meaning that as citizens, all applicable legal provisions apply, both criminal law, civil law, criminal procedure and civil procedure, the difference is only because of the more specific duties and obligations than ordinary citizens, especially in matters related to national defense. There are 4 stages in the process of resolving cases in military courts: the investigation stage, the prosecution stage, the examination stage in court, and the implementation of the verdict.¹²

In the investigation of the crime of abuse of authority in the crime of embezzlement at Kodam IV/Diponegoro, with suspect Major T, with the following case summary:

1. Police Report

In the investigation process, an investigation and inquiry begins with a police report, in this case Police Report Number LP-01/A-01/1/2023/Idik on January 2, 2023.

- a. The police report to the military police contained:
 - 1) clear information about the time and place of the incident;
 - 2) description of the incident;

¹¹Fadhlurrahman (et. al), Investigation Process in Settlement of Domestic Violence Crimes Committed by the Indonesian Army (Study at the I-02 Medan Military Court), Juncto: Jurnal Ilmiah Hukum, Vol. 1, No. 1, 2019, pp. 52-64,

¹²Moch. Faisal Salam, Military Justice in Indonesia, CV. Mandar Maju, Bandung, 2004, p. 14

- 3) due to an incident (e.g. death, injury, violence or loss of property;
 - 4) name, age, occupation and address of the suspect and witnesses;
- b. The requirements for a police report are:
- 1) the reported incident must constitute a criminal act;
 - 2) the facts of the suspect's actions must fulfill the elements of a criminal act as regulated and threatened with punishment in criminal law;
 - 3) A suspect is one or more persons who at the time of committing a crime were members of the TNI or something similar.

After the Military Police investigator or auditor receives a report and complaint about a criminal act, he is obliged to immediately conduct an investigation, in the case of receiving an ankum report, he immediately submits the investigation to the Military Police investigator or auditor, then the Military Police investigator or auditor conducts an investigation and reports it to the Superior Who Has the Right to Punish. In the case of investigators handling victims of criminal acts, whether injured, poisoned or dead, they are authorized to ask for expert information from forensic medicine experts / doctors / other experts in writing. If it is absolutely necessary, an autopsy can be requested for the benefit or exhumation of the body. After completing the investigation, the investigator is obliged to submit the case files to the ANKUM, the papera and the original to the auditor. The papera can stop the investigation with a decision letter based on the auditor's legal opinion. After receiving the report, the investigator conducts an examination and other necessary actions.

In response to a summons from a suspect or witness, a soldier is required to comply through the commander or head of the unit, and if the second summons is also ignored, the commander or head concerned is required to order his members to comply with the summons.

Based on the results of the interview with Mrs. Daniek Martian H, SH. as an investigator at Kodam IV/Diponegoro, based on the police report:¹³

¹³Results of an interview with Mrs. Daniek Martian H, SH. as an investigator at Kodam IV/Diponegoro on August 1, 2024

a. The military police summon suspects and witnesses who are members of the Indonesian National Army by means of a summons letter addressed to their respective officers with a request that the person concerned be ordered to comply with the summons.

b. The summons for witnesses who are not members of the Indonesian National Army is carried out by means of a summons letter and delivered to the person concerned at their place of residence / if the address is unclear, it can be done through the sub-district / if the witness is an employee, it can be done through their agency.

2. Examination of Witnesses and Suspects

Examination of suspects and witnesses conducted by investigators to obtain information about a case/event suspected of being a criminal act. After it is proven that there has been abuse or other violence that falls into the category of domestic violence, an arrest and detention will be made. Then continued with the prosecution stage where after the investigator in this case the Military Police has completed the investigation of the suspect, the case file will be submitted to the military prosecutor.

During the examination of witnesses and suspects, the following facts were obtained: Major (Har) T, former Pasiops Kodim 0719/Jepara, was examined in good health and willing to provide honest information. During his tenure, Major T assisted the Dandim in personnel operations and discipline and reported operational incidents. Kodim 0719/Jepara received Covid-19 Task Force funds in 2021 five times with a total of IDR 1.575 billion. The funds were not only given to the Task Force personnel listed in the order, but were also distributed to all members of the Kodim, according to the Dandim's orders, because all personnel were involved in handling Covid-19.

The funds received were then distributed based on rank, with details of the use of funds for each period. However, there were remaining funds of Rp 557 million which were used for other purposes, such as accelerating vaccinations and providing oxygen, without direct orders from the Dandim. In addition, Major T used funds of Rp 44.6 million without the Dandim's knowledge, including Rp 10.4 million for personal needs. The funds were used for office needs, Opsdim members, and other personal expenses.

3. Confiscation of Evidence

Evidence is very vital in the process of investigating criminal acts carried out by investigators, evidence that exists or can be collected by investigators will be able to provide a description and conclusion about the type of crime that occurred, what resulted, what tools were used, and how to commit the crime. The type of evidence is movable or immovable objects, solid or liquid, which have been confiscated by investigators for the purposes of examination at the level of investigation, prosecution and examination in court.

Evidence is objects related to a crime, either when the object is in the hands of the perpetrator or after it has been confiscated. Evidence is then referred to as confiscated objects when the object or evidence is confiscated by investigators based on a permit from the local District Court chairman in accordance with Article 38 paragraph (1) of the Criminal Procedure Code. In addition, evidence is also referred to in several articles of Law No. 8 of 1981 concerning Criminal Procedure, Article 40 states as follows "In the event of being caught red-handed, investigators can confiscate objects and tools that are proven or reasonably suspected to have been used to commit a crime or other objects that can be used as evidence". Valid evidence is goods that are obtained and have the criteria as evidence to support evidence. As evidence that is determined by its criteria as valid evidence, of course the evidence in question must have its validity.

4. Detention

As for the act of detaining, since the case is submitted to the court, the authority to detain is transferred to the court handling the case. Previously, arresting and detaining were the authority held by Ankum, except if caught red-handed where everyone has the right to arrest, but the suspect needs to be given to the nearest TNI agency accompanied by evidence, then the suspect is handed over to the Military Police as investigators, POM itself must first notify the Ankum concerned.

Detention is the placement of a suspect or defendant in a certain place by an investigator or public prosecutor or judge with his/her determination in the case and according to the method regulated in this law, this is regulated in the Criminal Procedure Code, namely in Chapter 1 point 21. The Criminal Procedure Code only regulates in detail the article on the material for the suspension of detention concerning monetary or personal guarantees and officials who are authorized to determine the suspension of detention and the whereabouts of the suspect or defendant if they escape from the status of suspension of detention.

In addition to regulating subjective reasons for detention, the Criminal Code also regulates objective reasons for detention in Article 21 Paragraph (4). Objective reasons for detention are reasons for detention based on the type of crime that can be subject to detention. From this objective reason, it is clear that not all crimes can be subject to detention of suspects or defendants. The crimes that can be subject to detention are crimes with a maximum penalty of 5 and above and crimes as stated in a limited manner in Article 21 Paragraph (4) sub d.

Article 21 paragraph (1) of the Criminal Procedure Code states, "A detention or further detention order is issued against a suspect or defendant who is strongly suspected of committing a crime based on sufficient evidence, in the event of circumstances that give rise to concerns that the suspect or defendant will flee, damage or remove evidence and/or repeat the crime."

In this case, the suspect Major (Har) T, former Pasiops Unit of Kodim 0719/Jepara, did not make any arrest.

According to an interview with Mrs. Daniek Martian H, SH. as an investigator at Kodam IV/Diponegoro. If a crime occurs involving soldiers, Ankum/AYBM usually after conducting an examination/investigation in their unit, then hands over the suspect to the Military Police investigator (not to the Military Auditor), then the Military Police investigator conducts an investigation of the suspect without guidance from the Military Auditor, because Military Police investigators currently have quite good investigative resources. However, in the investigation process, the Military Police coordinate with the Military Auditor to seek an understanding regarding the perfection of the suspect's case files.¹⁴

The process of investigation/examination of the crime of abuse of authority in the crime of embezzlement above, if we pay attention to the investigation procedures and working relationships between the three investigators (Ankum, Military Police and Military Auditor) in the current military justice environment (according to the procedural law in Law Number 31 of 1997), then there are several problems/issues, especially concerning the investigative institution, the authority of investigation between the investigators that need further study, considering that the investigation problem (especially the preliminary examination) will produce an investigation product in the form of a suspect's Case File (BP). This suspect's BP is actually fundamental to the interests of the suspect, victim and other parties involved in the military justice process, in order to obtain legal certainty and justice for all parties.

¹⁴Resultsinterview with Mrs. Daniek Martian H, SH. as an investigator at Kodam IV/Diponegoro on August 1, 2024

3.2 Obstacle And Solutions for Investigating Criminal Acts of Abuse of Authority in Criminal Acts of Embezzlement by the Military

This theory explains that the legal system consists of elements of legal structure, legal substance, and legal culture. This legal system is defined as a unity between primary regulations that are basic in nature including customs with secondary regulations in the form of norms that will determine whether customary norms are valid to be applied or otherwise. The weaknesses of investigating criminal acts of abuse of authority in criminal acts of embezzlement include:

1. Legal Substance

The weakness of the normative aspect, between the substance of Article 69 paragraph (1) letter a and paragraph (2) and its explanation with Article 74 of Law Number 31 of 1997, there is a lack of synchronicity or conflict. (Already explained in Chapter III above), but it needs to be explained briefly so as not to cause misunderstanding. As the essence of the research results, the occurrence of the lack of synchronicity or conflict concerns the authority of Ankum as an investigator, which normatively Ankum has delegated its investigative authority to Military Police investigators or Auditors (Article Article 69 paragraph (1) letter a and its explanation). With the delegation of investigative authority according to the theory of authority, Ankum should no longer be able to carry out/implement the investigative authority, because the investigative authority and responsibility for the investigation have been/shifted to the Military Police investigator/Auditor. However, in Article 74 letter d, Ankum still has the authority to detain suspects (Ankum's subordinates), even though the authority to detain is included in the realm of investigative authority. In addition, there is a conflict of norms between the provisions of Article 71 (regarding the authority of investigators) and Article 74 (regarding the authority of Ankum), especially letters a and b. This conflict of norms occurs if Ankum does not want to hand over/transfer its subordinate members who are guilty of committing a crime to Military Police investigators. This can happen considering that there are no provisions that require the following sanctions if Ankum does not transfer its subordinate members to be investigated by Military Police investigators/Oditur.

In addition to the weaknesses in the normative aspect, there are also weaknesses in the empirical aspect (reality in practice), where Ankum is appointed as an investigator, but Ankum cannot and has never conducted an investigation, Ankum has never been sworn in as an investigator so that Ankum as an institution and the product of Ankum's investigations are legally invalid. In addition, Ankum is not

actually classified as a judicial institution, because Ankum's function has nothing to do with the functions of judicial power. Thus, in terms of eligibility, capacity and professionalism, Ankum is not worthy of being an investigator, because Ankum in the process of enforcing criminal law, especially in the implementation of investigations, will not be able to realize the values of justice as in the principle of Due Process of Law which is accommodated in criminal procedural law.

2. Legal Structure

Ankum's professionalism aspect does not meet the requirements as an investigator, where the profession of investigator requires special expertise in the field of investigation. However, Ankum was made an investigator to help determine the fate of his subordinates who were processed by investigative law, in resolving his subordinates' cases.

The regulation of the Ankum investigative institution was deliberately made for the TNI in accordance with the principle of unity of command and the principle that the commander is responsible for his unit and his subordinates. In this case, the interested parties are the law-making institutions, especially the government at that time and the TNI institution itself which is oriented towards the interests of the TNI and the defense of the country.

The weaknesses of the structural aspects (especially investigators), in law enforcement in the military environment, are internal to the investigators themselves. These weaknesses are in the form of the quality of human resources of investigators, especially Military Police investigators. The quality of investigators here is seen from the aspect of formal education, both in the form of knowledge of software in the form of laws and regulations (positive law), and in the form of operational skills of equipment/criminal laboratories. Investigator education is the focus of attention because the quality of investigator education will greatly influence and be directly related to the resolution of military soldier criminal cases.¹⁵

3. Legal Culture

Weaknesses in legal culture, especially in law enforcement in the current military environment, under certain conditions (not generally applicable), there is still a feeling of reluctance or fear from staff or subordinates, to provide correct advice to their superiors, in the event of actions/deeds from their superiors that are considered not in accordance with the provisions. An example of a case of a condition like this, often occurs in the procurement of goods and services for the

¹⁵Romli Atmasasmita, *Contemporary Criminal Justice System*, Jakarta: Kencana Predana Media Group, 2010, p.20.

benefit of the unit. It often happens that the procurement process for goods and services is not in accordance with the procedures that have been regulated in the administrative instructions for the procurement of goods and services. The procurement committee for goods and services already knows about the deviation, but because it is already the desire of their superiors, the committee does not dare to provide advice to correct/correct the deviation. After a deviation occurs and enters the criminal realm, then the law enforcement elements are also reluctant to take legal action, because it involves and is dealing with their superiors. Even if legal enforcement action is taken, it is not optimal, because those subject to legal action are personnel at a certain level.

The existence of a sense of respect for superiors in law enforcement like this, so that law enforcement is not optimal. This aspect of legal culture (including a sense of respect for certain figures) is one of the weaknesses in law enforcement in the military/military environment.

The solutions to the weaknesses in investigating criminal acts of abuse of authority in criminal acts of embezzlement by the military include:

1. Revision of the Law

To overcome the inconsistency and normative weaknesses between Article 69 and Article 74 of Law Number 31 of 1997, it is necessary to revise the provisions that cause ambiguity and legal uncertainty. This revision must clarify the limitations and separation of authority between Anikum and Military Police investigators or Oditur, especially regarding the delegation of investigative authority and detention authority.

The elimination or adjustment of provisions that give authority to Anikum to carry out detention after delegating investigative authority, needs to be considered so that it is in accordance with the basic principles of the theory of authority. The authority to detain which is part of the investigative authority must be fully handed over to the authorized investigator, namely the Military Police or the Prosecutor, so that there is no overlapping authority that can cause confusion in practice.

2. Revision of regulations and improvement of education quality

Regulatory revisions need to be made to ensure that the role of investigators in the military environment is only carried out by parties who have special competence and expertise in the field of investigation. Anikum should no longer be given responsibility as investigators because they do not have adequate background or training in this matter. Investigators should be individuals who have undergone intensive training, are certified, and are sworn in to carry out investigative duties professionally.

Improving the quality of education and training for military investigators, especially the Military Police, is crucial. Educational programs must include in-depth legal knowledge as well as technical skills in the use of modern investigative tools and technology. Investigators must be trained continuously to keep up with the development of increasingly sophisticated criminal modus operandi.

3. Establishment of internal oversight mechanisms

A more independent and robust internal oversight mechanism should be established to ensure that any violations of law or procedures are promptly identified and addressed without fear or favour from superiors. This could include the creation of a dedicated unit or an increased role for the inspectorate, which is equipped with the authority to act effectively.

4. Conclusion

The implementation of the investigation into the crime of abuse of authority in Police Report Number LP-01/A-01/1/2023/Idik. found the fact that Major T directed some of the funds to be used without the knowledge or direct orders from his superiors, with some of the funds being used for personal needs. The investigator concluded that the suspect's actions could be subject to sanctions under Article 126 of the Criminal Code and/or Article 372 of the Criminal Code regarding abuse of authority and embezzlement. There is a conflict of authority between Ankum, Military Police, and Oditur in the process of investigating criminal acts in the military justice environment. This conflict is mainly caused by the lack of synchronization and ambiguity in the regulations stipulated in Law Number 31 of 1997. Although Ankum should have delegated investigative authority to the Military Police or Oditur, in reality, Ankum often still wants to investigate its subordinates themselves, which causes legal uncertainty. The ambiguity in the regulations regarding Ankum's obligation to hand over suspects to the Military Police for investigation results in a conflict of norms that has an impact on the suboptimal process of investigating and resolving soldiers' criminal cases. As a result, there is injustice and legal uncertainty that is detrimental to all parties involved, including suspects, victims, and other parties in the military justice process. Obstacles to investigating criminal acts of abuse of authority in criminal acts of embezzlement by the military include: weaknesses in legal substance: in the regulation and implementation of law enforcement in the military justice environment, especially related to the role of Ankum as an investigator. Normatively, there is a lack of synchronization between Article 69 and Article 74 of Law Number 31 of 1997, which causes the authority of Ankum to be unclear after delegating investigative authority to the Military Police or Oditur. Weaknesses in the legal structure: Ankum as an investigator does not

have the necessary competence because it is not equipped with adequate knowledge or training in investigation, and empirically, Ankum often does not play an effective role in the investigation process. Weaknesses in legal culture: reluctance or fear of staff or subordinates to provide correct advice to their superiors, especially if the superior's actions are considered inconsistent with legal provisions, conflicts between military interests and law enforcement often lead to legal uncertainty and injustice, especially when the role of authoritative figures in the military is more dominant compared to the applicable legal rules. Solutions to these weaknesses include: revising laws, improving the quality of education, and establishing internal monitoring mechanisms.

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