

ABSTRAK

ANALISIS KOMPETENSI PERADILAN MILITER DALAM MENGADILI TINDAK PIDANA KORUPSI PADA BASARNAS YANG PELAKUNYA TNI

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Hak-hak istimewa terhadap prajurit TNI terhadap permasalahan proses peradilan militer yang terjadi, misalnya peradilan militer dengan sistem yang berlaku sekarang di Indonesia berdasarkan Pasal 69 Undang-Undang No.31 Tahun 1997 tentang Peradilan Militer (Lembaran Negara Republik Indonesia Tahun 1997 Nomor 84, Tambahan Lembaran Negara Republik Indonesia Nomor 3713, untuk selanjutnya disebut sebagai, “UU Peradilan Militer”) bahwa seperti masalah penyidik dalam militer dilakukan oleh Ankuam, Polisi Militer, dan Oditur sehingga tidak adanya kontrol dari otoritas yang independen atau diluar kalangan militer seperti otoritas sipil. Sedangkan Pasal 6 Undang-Undang Nomor 8 Tahun 1981 tentang Hukum Acara Pidana (Lembaran Negara Republik Indonesia Tahun 1981 Nomor 76, Tambahan Lembaran Negara Republik Indonesia Nomor 3209, untuk selanjutnya disebut sebagai “KUHAP”) dilakukan oleh Polri dan Pejabat Pegawai Negeri Sipil. Seperti pada kasus tindak pidana korupsi yang dilakukan oleh anggota militer Mantan Kabasarnas Marsdya Henri Alfiandi bersaksi disidang kasus suap proyek pengadaan peralatan deteksi korban reruntuhan Basarnas tahun anggaran 2021-2023. Kesaksian Henri meliputi dana non-budgeter (dana komando) yang diakui diterimanya lewat mantan Koorsmin Kabasarnas Letkol Adm. Afri Budi Cahyanto.

Rumusan masalah dalam penelitian ini adalah : (1) Bagaimana kompetensi peradilan militer dalam mengadili tindak pidana korupsi pada BASARNAS?. (2) Bagaimana pelaksanaan perkara tindak pidana korupsi pada BASARNAS yang dilakukan pada peradilan militer?. Pendekatan yang digunakan adalah pendekatan secara yuridis normatif didukung dengan pendekatan secara yuridis empiris yang dilakukan melalui wawancara secara mendalam dengan narasumber dalam penelitian ini adalah Tim Koneksitas Penyidik Komisi Pemberantasan Korupsi (KPK), Kasat Tipidmilum Pusat Polisi Militer (PUSPOM) TNI, dan Akademisi Dosen Fakultas Hukum Universitas Lampung. Data yang digunakan adalah data primer dan data sekunder, lalu analisis data dilakukan secara yuridis kualitatif.

Hasil penelitian ini menunjukkan : (1) Kompetensi Peradilan Militer dalam mengadili tindak pidana korupsi pada BASARNAS, yaitu; Pada perkara Kepala Basarnas, KPK melakukan *splitzing*, dimana perkara itu di *split*, atau dipecah. Orang yang tunduk pada peradilan sipil diproses oleh Komisi Pemberantasan Tindak Pidana Korupsi, sedangkan orang yang tunduk pada peradilan militer diproses oleh Tentara Nasional Indonesia. Perbuatan Komisi Pemberantasan Tindak Pidana Korupsi yang melakukan *splitzing* pada proses hukum perkara koneksitas mengakibatkan terpecahnya perkara (yang seharusnya utuh) yang mengakibatkan terjadinya perbedaan hukuman antara orang yang tunduk pada peradilan militer dan orang yang tunduk pada peradilan umum. (2) Pelaksanaan perkara tindak pidana terhadap korupsi pada BASARNAS yang dilakukan oleh pengadilan militer, yaitu; a. Pengadilan Militer Tinggi, Mengingat status Henri Alfiandi sebagai anggota TNI, proses peradilannya dilakukan di Pengadilan Militer Tinggi II-08 Jakarta. Hal ini mengacu pada ketentuan dalam sistem peradilan militer Indonesia, yang mengatur bahwa anggota militer yang terlibat dalam tindak pidana disidangkan di pengadilan militer. b. Proses Hukum yang Berjalan, Meskipun ada kekhawatiran tersebut, proses hukum terus berjalan. Henri Alfiandi didakwa menerima suap dalam proyek pengadaan alat deteksi korban reruntuhan dan peralatan lainnya di Basarnas. Dalam sidang yang berlangsung pada April 2024, beliau dijerat dengan dakwaan suap sebesar Rp8,65 miliar yang diberikan oleh beberapa pihak terkait. Proses ini menunjukkan bahwa meskipun kasus ini di adili di pengadilan militer, hukum tetap berlaku dengan mengedepankan pembuktian yang sah. c. Tindak Lanjut Hukum, Proses hukum masih berlanjut, dan hingga kini, belum ada keputusan final mengenai vonis atau sanksi yang akan dijatuhkan kepada Henri Alfiandi. Hal ini mencerminkan bahwa peradilan militer tetap menjalankan prosedur hukum, meskipun dalam konteks yang mungkin berbeda dari pengadilan sipil.

Saran dipenelitian ini adalah : Supaya masyarakat tidak bingung dalam hal ini, perlu ada komunikasi antara KPK dan Panglima. Jika dalam bahasanya KUHAP itu bahkan Menteri Pertahanan yang seharusnya berkomunikasi, Menteri Pertahanan dan Menteri Kehakiman. Ini karena Undang-Undang masalalu, jika sekarang Menteri Kehakiman sudah tidak ada. Kalau sekarang seharusnya Menhan karena atasan dari Panglima dengan KPK sebagai lembaga negara. Porsi prajurit aktif menduduki jabatan sipil dinilai mendesak untuk di evaluasi.

Kata kunci : Peradilan Militer Tindak Pidana Korupsi.

ABSTRACT

ANALYSIS OF MILITARY JUSTICE COMPETENCE IN ADDRESSING CRIMINAL ACTIONS OF CORRUPTION AT BASARNAS WHICH IS PLAYED BY THE

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Special rights for TNI soldiers regarding military justice process issues that occur, for example military justice with the system currently in effect in Indonesia based on Article 69 of Law No. 31 of 1997 concerning Military Justice (State Gazette of the Republic of Indonesia of 1997 Number 84, Supplement to State Gazette of the Republic of Indonesia Number 3713, hereinafter referred to as, "Military Justice Law") that such matters as investigators in the military are carried out by the Ankum, Military Police, and Prosecutors so that there is no control from independent authority or outside the military such as civil authority. Meanwhile, Article 6 of Law Number 8 of 1981 concerning Criminal Procedure Law (State Gazette of the Republic of Indonesia of 1981 Number 76, Supplement to State Gazette of the Republic of Indonesia Number 3209, hereinafter referred to as "KUHP") is carried out by the National Police and Civil Servant Officials. For example, in the case of criminal acts of corruption committed by members of the military, former Kabasarnas Marsdya Henri Alfiandi testified in the bribery case for the Basarnas ruin victim detection equipment procurement project for the 2021-2023 fiscal year. Henri's testimony included non-budgetary funds (command funds) which he admitted to receiving through former Coordinator of the National Headquarters Lt. Col. Adm. Afri Budi Cahyanto.

The formulation of the problem in this research is: (1) What is the competency of the military judiciary in adjudicating criminal acts of corruption at BASARNAS? (2) How are criminal corruption cases carried out at BASARNAS carried out in military courts? The approach used is a normative juridical approach supported by an empirical juridical approach carried out through in-depth interviews with resource persons in this research, namely the Corruption Eradication Commission (KPK) Investigator Connection Team, Head of the Military Police Center Tipidmilum Unit (PUSPOM) TNI, and Academic Lecturers at the Faculty of Law, University of Lampung. The data used is primary data and secondary data, then data analysis is carried out qualitatively.

The results of this research show: (1) The competency of the Military Court in adjudicating criminal acts of corruption at BASARNAS, namely; In the case of the Head of Basarnas, the Corruption Eradication Commission carried out splitting, where the case was split, or divided. People who are subject to civil justice are processed by the Corruption Eradication Commission, while people who are subject to military justice are processed by the Indonesian National Army. The actions of the Corruption Eradication Commission in splitting the legal process of connection cases resulted in the splitting of cases (which should have been intact) which resulted in differences in sentences between people who were subject to military justice and people who were subject to general court. (2) Implementation of criminal cases against corruption at BASARNAS carried out by military courts, namely; 1) High Military Court, Considering Henri Alfiandi's status as a member of the TNI, the trial process was carried out at the High Military Court II-08 Jakarta. This refers to the provisions in the Indonesian military justice system, which stipulate that military members involved in criminal acts are tried in military courts. (2) Implementation of criminal cases against corruption at BASARNAS carried out by military courts, namely; 1) High Military Court, Considering Henri Alfiandi's status as a member of the TNI, the trial process was carried out at the High Military Court II-08 Jakarta. This refers to the provisions in the Indonesian military justice system, which stipulate that military members involved in criminal acts are tried in military courts. 2) Ongoing Legal Process. Despite these concerns, the legal process continues. Henri Alfiandi was charged with accepting bribes in a project to procure rubble victim detection tools and other equipment at Basarnas. In the trial which took place in April 2024, he was charged with bribery amounting to IDR 8.65 billion given by several related parties. This process shows that even though this case was tried in a military court, the law still applies by prioritizing valid evidence. 3) Legal Follow-up, The legal process is still continuing, and up to now, there has been no final decision regarding the verdict or sanctions that will be imposed on Henri Alfiandi. This reflects that military justice continues to carry out legal procedures, although in a context that may be different from civilian courts.

The suggestions in this research are: So that the public is not confused in this matter, there needs to be communication between the Corruption Eradication Commission and the Commander in Chief. In the language of the Criminal Procedure Code, it is even the Minister of Defense who is supposed to communicate, the Minister of Defense and the Minister of Justice. This is because of past laws, if now the Minister of Justice is no longer there. Now the Minister of Defense should be the superior of the Commander in Chief with the Corruption Eradication Commission as a state institution. The portion of active soldiers occupying civilian positions is considered urgent for evaluation.

Keywords : Military Court Corruption Crimes.