

ABSTRAK

Muhammad Arief Irchamsyah: PENEGAKAN HUKUM TERHADAP TINDAK PIDANA DESERSI OLEH ANGGOTA TNI DI ODITURAT MILITER II-08 BANDUNG

Pasal 64 Undang-Undang Nomor 31 Tahun 1997 memberi kewenangan kepada Oditurat Militer untuk menuntut, melaksanakan putusan, dan melakukan pemeriksaan tambahan terhadap prajurit berpangkat Kapten ke bawah. Namun, dalam praktiknya, penanganan perkara desersi di Oditurat Militer II-08 Bandung masih terkendala sulitnya akses dokumen, kurangnya kerja sama antar-satuan, dan keterlambatan penerbitan SKEPPERA. Kondisi ini menghambat pelimpahan perkara dan menciptakan ketidakpastian hukum. Penelitian ini menganalisis hambatan tersebut dan menawarkan solusi untuk meningkatkan efektivitas penegakan hukum militer.

Penelitian ini bertujuan untuk mengetahui 1). Bagaimana penegakan hukum terhadap tindak pidana desersi oleh anggota TNI di Oditurat Militer II-08 Bandung 2). Bagaimana kendala-kendala hukum yang memengaruhi proses penegakan hukum di Oditurat Militer II-08 Bandung 3). Bagaimana upaya-upaya hukum yang dilakukan untuk menangani tindak pidana desersi oleh anggota TNI di Oditurat Militer II-08 Bandung.

Penelitian ini menjadikan Pasal 64 Undang-Undang Nomor 31 Tahun 1997 tentang Peradilan Militer sebagai acuan dalam menganalisis kewenangan Oditurat Militer dalam proses penuntutan. Landasan teori yang digunakan adalah Teori Penegakan Hukum, yang memfokuskan pada bagaimana hukum dilaksanakan oleh aparat sesuai dengan tugas dan kewenangannya. Melalui teori ini, penelitian berupaya menilai sejauh mana Oditurat Militer menjalankan fungsi penuntutan secara efektif dan sesuai dengan ketentuan hukum yang berlaku.

Penelitian ini menggunakan spesifikasi deskriptif analisis dengan pendekatan yuridis empiris. Adapun teknik pengumpulan data dilakukan dengan studi kepustakaan, studi lapangan serta melakukan wawancara kepada pihak terkait.

Penanganan tindak pidana desersi oleh Oditurat Militer II-08 Bandung masih menghadapi kendala, seperti keterlambatan penerbitan SKEPPERA, kurangnya koordinasi antar-satuan, dan pelarian tersangka. Meskipun desersi merupakan pelanggaran berat terhadap disiplin militer, proses hukumnya belum sepenuhnya mencerminkan kepastian hukum. Berdasarkan Pasal 64 Undang-Undang Nomor 31 Tahun 1997, Oditurat Militer memiliki kewenangan penting dalam menindak kasus ini. Diperlukan sinergi kelembagaan dan pembenahan administratif untuk memperkuat penegakan hukum di lingkungan militer.

Kata Kunci: Desersi, Oditurat Militer, Penegakan Hukum, Kepastian Hukum, Undang-Undang Nomor 31 Tahun 1997 Tentang Peradilan Militer

ABSTRACT

Muhammad Arief Irchamsyah: LAW ENFORCEMENT AGAINST THE CRIME OF DESERTION BY TNI MEMBERS AT THE MILITARY PROSECUTOR'S OFFICE II-08 BANDUNG

Article 64 of Law Number 31 of 1997 grants the Military Prosecutor the authority to prosecute, execute court decisions, and conduct additional examinations of soldiers holding the rank of Captain and below. However, in practice, the handling of desertion cases at the Military Prosecutor's Office II-08 Bandung still faces several obstacles, such as limited access to documents, lack of inter-unit cooperation, and delays in issuing SKEPPERA. These issues hinder the transfer of cases and create legal uncertainty. This research analyzes these obstacles and proposes solutions to improve the effectiveness of military law enforcement.

The objectives of this research are: (1) to examine how law enforcement against desertion crimes committed by TNI members is implemented at the Military Prosecutor's Office II-08 Bandung, (2) to identify the legal obstacles that affect the law enforcement process at the Military Prosecutor's Office II-08 Bandung, and (3) to analyze the legal measures taken to address desertion crimes committed by TNI members at the Military Prosecutor's Office II-08 Bandung.

This research takes Article 64 of Law Number 31 of 1997 on Military Courts as the basis for analyzing the authority of the Military Prosecutor in the prosecution process. The theoretical foundation applied is the Theory of Law Enforcement, which focuses on how law is carried out by authorities in accordance with their duties and powers. Through this theory, the research assesses the extent to which the Military Prosecutor effectively performs its prosecutorial function in compliance with applicable legal provisions.

The issues were examined using a descriptive-analytical method with a juridical-empirical approach. Data collection techniques included literature review, field studies, and interviews with relevant parties.

The handling of desertion crimes by the Military Prosecutor's Office II-08 Bandung continues to face challenges, such as delays in issuing SKEPPERA, lack of inter-unit coordination, and fugitives. Although desertion constitutes a serious violation of military discipline, its legal process has not yet fully reflected legal certainty. Based on Article 64 of Law Number 31 of 1997, the Military Prosecutor holds an essential authority in prosecuting such cases. Institutional synergy and administrative improvements are therefore required to strengthen law enforcement within the military environment.

Keywords: Desertion, Military Prosecutor, Law Enforcement, Legal Certainty, Law Number 31 of 1997 on Military Courts