

ABSTRAK

Nu'man Sofari Hafid (2249310021): “Pertanggungjawaban Tindak Pidana Anggota Militer Atas Penyebaran Informasi Rahasia Negara Melalui Media Sosial Pada Lingkup Pengadilan Militer II-09 Bandung.”

Penelitian ini menganalisis mekanisme pertanggungjawaban pidana anggota militer terhadap penyebaran informasi rahasia via media sosial di Indonesia, menyoroti ketidakjelasan pengaturan dan penerapan hukum dalam peradilan militer. Fenomena ini tampak dari meningkatnya ancaman siber terhadap pertahanan negara, yang berisiko memicu kebocoran data sensitif, data taktis operasional, informasi intelijen. Secara empiris, konvergensi teknologi informasi dan media sosial melahirkan kejahatan siber baru yang mengancam keamanan nasional, sementara secara normatif, diperlukan payung hukum pidana yang komprehensif. KUHPM belum spesifik mengatur kejahatan ini, dan UU ITE belum sepenuhnya mengakomodasi subjek hukum militer. Kesenjangan tersebut memperkuat urgensi penelitian ini untuk menganalisis mekanisme pertanggungjawaban pidana militer terhadap penyebaran informasi rahasia melalui media sosial di Pengadilan Militer II-09 Bandung serta mengkonstruksi model hukum yang ideal dalam menangani konvergensi tindak pidana militer dan kejahatan siber berdasarkan teori sistem peradilan pidana.

Penelitian ini bertujuan menganalisis mekanisme pertanggungjawaban pidana militer terhadap penyebaran informasi rahasia melalui media sosial di Pengadilan Militer II-09 Bandung. Tujuannya adalah mengkonstruksi model hukum yang ideal untuk menangani konvergensi tindak pidana militer dan kejahatan siber, berdasarkan teori sistem peradilan pidana.

Teori yang digunakan dalam penelitian ini meliputi teori Teori Negara Hukum sebagai *grand theory*, Teori Penegakan Hukum Pidana sebagai *middle theory*, dan Teori Pertanggungjawaban Pidana sebagai *applied theory*. Ketiga teori tersebut digunakan untuk menelaah hubungan antara penegakan hukum terhadap anggota militer dalam pertanggungjawaban pidana tindak pembocoran informasi rahasia melalui media sosial.

Metode penelitian yang digunakan ialah pendekatan yuridis empiris yang menitikberatkan pada implementasi hukum dalam kenyataan sosial, termasuk bagaimana ketentuan hukum pidana militer diterapkan terhadap anggota militer yang melakukan pelanggaran hukum terkait penyebaran informasi rahasia militer melalui media sosial.

Hasil penelitian menunjukkan bahwa penyebaran informasi rahasia militer melalui media sosial didominasi penggunaan WhatsApp dan Facebook, dengan penerapan Pasal 126 KUHPM yang sering dikombinasikan dengan ketentuan UU ITE. Hakim mempertimbangkan unsur kesengajaan, klasifikasi informasi, dan motif pelaku dalam menjatuhkan pidana. Temuan ini menunjukkan bahwa hukum pidana militer belum sepenuhnya mengakomodasi perkembangan kejahatan siber, sehingga diperlukan reformulasi hukum, penguatan kapasitas penegak hukum, dan pengembangan doktrin pertanggungjawaban pidana yang adaptif terhadap perkembangan teknologi guna mewujudkan kepastian hukum dan efektivitas penegakan hukum di bidang pertahanan siber.

ABSTRACT

Nu'man Sofari Hafid (2249310021): “Criminal Responsibility of Military Personnel for the Dissemination of State Secrets Through Social Media Within the Scope of Military Court II-09 Bandung.”

This research analyses the mechanism of military criminal liability for the dissemination of classified information via social media in Indonesia, highlighting the ambiguity in the regulation and application of law within the military judiciary. This phenomenon is evident from the increasing cyber threats to national defence, which risk triggering leaks of sensitive data, operational tactical data, and intelligence information. Empirically, the convergence of information technology and social media has given rise to new cybercrimes that threaten national security, while normatively, a comprehensive criminal legal framework is needed. The KUHPM has not specifically regulated this crime, and the ITE Law has not fully accommodated military legal subjects. The gap reinforces the urgency of this research to analyse the mechanisms of military criminal liability for the dissemination of confidential information through social media at the Military Court II-09 Bandung and to construct an ideal legal model for addressing the convergence of military crimes and cybercrimes based on the criminal justice system theory.

This research aims to analyse the mechanisms of military criminal liability for the dissemination of confidential information through social media at the Military Court II-09 Bandung. The goal is to construct an ideal legal model for addressing the convergence of military crimes and cybercrimes based on the criminal justice system theory.

The theories used in this research include the Theory of the Rule of Law as the grand theory, the Theory of Criminal Law Enforcement as the middle theory, and the Theory of Criminal Responsibility as the applied theory. These three theories are used to examine the relationship between law enforcement against military personnel in criminal responsibility for the act of leaking classified information through social media.

The research method used is an empirical juridical approach that emphasises the implementation of law in social reality, including how military criminal law provisions are applied to military personnel who commit legal violations related to the dissemination of military confidential information through social media.

The research results show that the dissemination of military confidential information through social media is dominated by the use of WhatsApp and Facebook, with the application of Article 126 of the Military Criminal Code often combined with the provisions of the Electronic Information and Transactions Law. Judges consider elements of intent, information classification, and the motives of the perpetrators in imposing penalties. These findings indicate that military criminal law has not fully accommodated the development of cybercrime, necessitating a reformulation of the law, strengthening the capacity of law enforcement, and the development of a criminal liability doctrine that is adaptive to technological advancements in order to achieve legal certainty and the effectiveness of law enforcement in the field of cyber defence.

