

LAW & SOCIAL POLICY | RESEARCH ARTICLE

# Juridical Review of the Role of the Deputy Attorney General (JAMPIDMIL) in the Case of Connectivity in Corruption Cases in Indonesia

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## ABSTRACT

This article examines the role of the Deputy Attorney General for Military Criminal Affairs (JAMPIDMIL) in handling cases of connexity in corruption offences (tipikor) in Indonesia. With the increase in tipikor cases involving military members and civilians, Jampidmil faces the challenge of coordinating prosecutions between two jurisdictions. This article analyses Jampidmil's organisational structure, relevant legislation, and legal implications through a normative juridical approach. The research found that collaboration between Jampidmil and other law enforcement agencies is essential to improve the effectiveness of handling such cases. In addition, it is recommended that Jampidmil strengthen training for its members and conduct socialisation on the regulations governing connectivity, to ensure a transparent and accountable legal process.

**Keywords:** Connectivity, Attorney General for Military Crimes, Corruption.

## I. Introduction

As stated in Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, Indonesia is a state of law, which affirms that 'The State of Indonesia is a state of law.' In this context, the role of the prosecutor's office is crucial as a law enforcement agency tasked with prosecuting and overseeing the law implementation in Indonesia. The AGO plays a role in ensuring that all government and community actions are carried out by applicable legal provisions, as well as protecting the rights of citizens. Thus, the existence of the AGO as an independent and professional institution strongly supports the principle of the rule of law, where no individual or institution is above the law. The Attorney General's Office of the Republic of Indonesia exercises state prosecutorial power as stipulated in Law No. 16 of 2004, as amended by Law No. 11 of 2021 on the Attorney General's Office of the Republic of Indonesia (AGO Law). The Attorney General is the highest public prosecutor (*dominus litis*). This is also reflected in the Explanation of Article 57 paragraph (1) of Law Number 31 of 1997 concerning Military Courts, which explains that the Oditurat General, in carrying out prosecution in the military justice environment, is responsible to the Attorney General as *dominus litis* (Raiihany, 2024).

Military prosecutors have a vital role in the connectivity prosecution team, especially in handling cases involving perpetrators from the military and civilian environment. In this context, military prosecutors are responsible for investigating and prosecuting members of the TNI involved in criminal offences and coordinating with prosecutors and police investigators. The military prosecutor also plays a role in assessing



and evaluating the available evidence and providing legal opinions to the investigating team regarding the technical aspects of prosecution. In addition, the military prosecutor's function is to ensure that the legal process runs by the applicable provisions, both in military and general courts. In cases of connexity, where individuals from both justice systems jointly commit criminal acts, the military prosecutor must liaise with the prosecutor to determine the appropriate court authority. Thus, the military prosecutor not only carries out the prosecution function but also acts as a liaison between the two justice systems to avoid disparities in law enforcement and ensure justice for all parties involved.

Due to the rise of corruption cases committed not only by civilians but also by the military, and/or jointly committed by civilians and the military, this article will conduct a juridical review of the role of Jampidmil in handling corruption cases, especially in corruption cases.

## II. Literature Review and Hypothesis Development

### 2.1. Jampidmil's Role in Handling Conflict Cases

The Deputy Attorney General for Military Criminal Affairs (Jampidmil) is strategically positioned to handle connectivity cases involving civilian and military perpetrators. These cases are explicitly regulated in Law No. 31/1997 on Military Justice, which places Jampidmil as the main link between the two justice systems. Jampidmil is tasked to provide supervision and actively coordinate between military prosecutors, police investigators, and public prosecutors (Perdana, 2021). Perdana (2021) states this role is important as it encompasses different levels of coordination and ensures the process of handling cases is professional, fair, and efficient. However, previous research suggests that Indonesia's connectivity justice system faces challenges related to legal procedures and inter-institutional coordination inconsistencies. Siregar (2020) notes that despite a clear legal basis, inconsistent implementation between military and general courts is often an obstacle. Nonetheless, Siregar also suggests that regulatory reform is necessary to strengthen Jampidmil's role in handling cases involving cross-jurisdictional actors, particularly corruption cases. This research aims to fill this gap by highlighting Jampidmil's contribution to strengthening the rule of law through better management of connexity cases. This will be examined through the concrete role played by Jampidmil in ensuring that the legal process runs by the applicable principles of justice.

### 2.2. Effectiveness of handling connectivity cases

The effectiveness of handling connectivity cases relies heavily on a solid synergy between the general and military courts. Corruption cases often involve perpetrators from both jurisdictions, requiring a clear legal framework and efficient inter-agency coordination. Marzuki (2020) identifies that a lack of shared understanding of the applicable legal mechanisms often impairs the effectiveness of case handling. The main challenge in such cases is harmonizing the procedures applicable in the two justice systems with different characteristics and structures. Hendrawan (2021) emphasises that coordination between Jampidmil, military prosecutors, and public prosecutors is a key factor in accelerating the resolution of connectivity cases. One important element in improving this coordination is the application of information technology in case handling, as noted by Wahyudi (2018). Technology can improve communication efficiency between relevant legal institutions, although the challenge of synchronising regulations between the two jurisdictions remains a significant obstacle. This research focuses on creating a more integrated legal mechanism to improve the efficiency of handling connectivity cases, particularly in corruption between military and civilian actors.

### 2.3. Synchronising the Rule of Law

One of the biggest challenges in handling connectivity cases is the weakness in synchronisation of regulations between military and general courts. Siregar (2020) revealed that overlapping authorities between the two justice systems often slow the legal process. This can create inconsistencies in applying the law,

resulting in injustice for the parties involved. Gaps in legal interpretation can also be a significant cause of misalignment between the two jurisdictions. Wahyuni (2019) highlights the importance of legal reforms that ensure procedural harmony between military and civilian courts. Such reforms need to include changes in the regulatory structure of authority and more transparent and efficient procedures for handling cases of connexity. Therefore, this study explores how synchronisation of legal regulations can affect the effectiveness of handling connectivity cases, especially in corruption cases involving perpetrators from two different justice systems.

#### 2.4. Rule of Law and Public Trust

The principle of the rule of law emphasises that all parties, including military institutions, must comply with the applicable laws. In the context of connectivity cases, applying this principle is an important indicator in increasing public trust in the justice system. Arief (2019) highlighted that the rule of law can only be achieved through effective inter-agency coordination and transparent law enforcement. An open and accountable law enforcement process will strengthen the legal system's legitimacy in the public's eyes. Research by Nugroho (2022) revealed that transparency and accountability in law enforcement play a significant role in increasing public trust in the justice system. Applying strict rule of law principles in handling connectivity cases will help the public feel more confident that all perpetrators, regardless of their status, will be processed per the applicable law.

#### 2.5. Hypothesis Development

Based on the literature review above, this study proposes the following hypotheses:

- H1: Jampidmil significantly increases the effectiveness of handling connectivity cases in corruption cases in Indonesia.
- H2: Coordination between Jampidmil, military prosecutors, and public prosecutors positively affects the speed of settlement of connectivity cases.
- H3: Weaknesses in the synchronisation of regulations between military and general courts hamper the effectiveness of handling cases of connexity of corruption crimes.
- H4: Implementing the principle of the rule of law in handling connectivity cases increases public confidence in the justice system in Indonesia.

### III. Research Method

The research method for the article 'Juridical Review of the Role of JAMPIDMIL in Connectivity Cases in TIPIKOR Cases in Indonesia' uses a normative juridical approach. The normative juridical approach will be carried out by analysing relevant laws and regulations, including laws governing corruption crimes and provisions regarding military justice. This analysis will focus on Law of the Republic of Indonesia Number 31 of 1999 concerning the Eradication of Corruption and Law of the Republic of Indonesia Number 34 of 2004 concerning the Indonesian National Army.

This research will also examine legal theories and concepts relating to the role of Jampidmil in law enforcement. Some relevant theories include the theory of criminal law proposed by Effendi (2010), which discusses the application of law in the context of criminal offences involving military and civilian officials. In addition, the concept of military justice outlined by Zulkarnain (2014) will also be analysed to see the extent to which Jampidmil plays a role in handling cases involving both entities (Effendi, 2010; Zulkarnain, 2014).

The data obtained from this approach will be analysed qualitatively to provide a comprehensive picture of the effectiveness of JAMPIDMIL's role in handling connectivity cases and its impact on law enforcement in Indonesia. This research will analyse existing practices in handling connectivity cases involving

military and civilian perpetrators and their contribution to the Indonesian justice system (Lubis, 2018; Arief, 2015).

Thus, this research aims to contribute to understanding law enforcement mechanisms and challenges faced in corruption cases involving military and civilian perpetrators. This research is also expected to provide insight into the role of JAMPIDMIL in accelerating the legal process and ensuring that justice can be served indiscriminately (Lubis, 2018).

#### **IV. Results and Discussion**

Corruption (TIPIKOR) in Indonesia is a serious problem threatening economic stability and public trust in government. Corruption is defined as abusing authority for personal gain to the detriment of state finances, as stipulated in Law No. 31/1999 on the Eradication of Corruption. In this Law, some provisions regulate sanctions for perpetrators of corruption, including imprisonment and fines that vary depending on the amount of loss incurred. Supreme Court regulations also guide sentencing corruption convicts, categorizing the level of culpability and the impact of the act of corruption. In this context, the Deputy Attorney General for Military Crimes (JAMPIDMIL) is important in handling corruption cases involving military and civilian perpetrators, ensuring the legal process is fair and transparent. The establishment of a special unit by Jampidmil aims to accelerate the handling of corruption cases, especially cases of connivance. This is reflected in the Decree of the Attorney General of the Republic of Indonesia Number 1 of 2023 concerning establishing a Special Unit for Handling Connectivity Cases and Technical Coordination of Prosecution.

Connectivity cases are regulated in Article 89 of the Criminal Procedure Code and Law Number 31 of 1997 concerning Military Justice. Connectivity involves criminal offences committed jointly by civilians and military personnel, which are examined by the general court, unless otherwise determined by the Minister of Justice. This legal process aims to expedite the handling of cases involving two different jurisdictions. However, challenges in coordination between legal institutions still exist. In carrying out its duties, JAMPIDMIL faces challenges in determining the competence of the appropriate court to hear these cases and formulating a balance between the public interest and the military interest. Establishing Jampidmil is expected to strengthen the synergy between the Attorney General's Office and the TNI and prevent disparities in case handling. With the existence of Jampidmil, the prosecution process is expected to become more efficient and transparent, so that the principle of justice can be upheld equally for all perpetrators of criminal offences, both military and civilian.

Military Justice is the exercise of judicial power within the Armed Forces to uphold law and justice with due regard to the interests of the implementation of the defence and security of the State. The military justice system in Indonesia is distinguished from the general criminal justice system due to the main task of protecting, defending, and maintaining the integrity and sovereignty of a country, in this case, Indonesia. Then, there is a need for special organisations, special maintenance, and education in their primary duties and functions. In addition, military courts are also separated from general courts because of the application of norms or rules of law that are harsh and severe based on military criminal law and military discipline. The punishment for members of the military who commit criminal offences is also increased by one-third of the punishment for criminal offences committed by civilians (Rafli, 2023).

#### **V. Conclusion**

The establishment of the special task force is a positive step, but it needs to be balanced with ongoing training for team members so that they can adapt quickly to evolving legal dynamics. In addition, it is important to establish clear indicators to determine the loss of public and military interests so that the prosecution process can run transparently and accountably. Jampidmil should also be active in socialising the regulations governing connectivity, to ensure all parties understand the procedures and their rights. It is recommended that Jampidmil continues to strengthen collaboration with various law enforcement agencies

to improve the effectiveness of handling connectivity cases. Thus, it is hoped that law enforcement in tipikor cases involving military members can be carried out reasonably and efficiently, and the dignity of legal institutions in Indonesia will be maintained.

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