

Military Audit In Handling Criminal Acts of Desertion by TNI Members Based on Article 87 of the Military Criminal Code at Military Audit II-08 Bandung**Mochamad Bintang Arvi Putra^{1*}, Yusep Mulyana²**Universitas Pasundan, Indonesia^{1,2}

Email: bintangarvi4@gmail.com*

ABSTRACT

Desertion is one of the most serious offenses in the military environment, reflecting a lack of discipline and responsibility on the part of a soldier toward duties. This study aims to analyze the application of Article 87 of the Indonesian Military Criminal Code (KUHPM) to members of the Indonesian National Armed Forces (TNI) involved in desertion offenses within the jurisdiction of the Military Prosecutor's Office II-08 Bandung, to assess the effectiveness of the legal process, and to identify obstacles and legal solutions in law enforcement. This research employs a normative juridical method, using a literature study approach based on statutory regulations, legal doctrines, and relevant court decisions. The data are analyzed qualitatively to provide a comprehensive understanding of the application of military law in desertion cases. The results show that the implementation of Article 87 KUHPM by the Military Prosecutor's Office II-08 Bandung has been carried out firmly and in accordance with military legal procedures, from the investigation and prosecution stages to trial. The process has proven effective in enforcing discipline and deterring future violations, although some challenges remain, such as limited human resources, facilities, and difficulties in locating deserters. To enhance law enforcement effectiveness, efforts should focus on strengthening inter-agency coordination, improving legal personnel capacity, optimizing soldier rehabilitation, and increasing legal awareness within the TNI.

Keywords: *Desertion; Article 87 KUHPM; Military Prosecutor's Office II-08 Bandung; Law Enforcement; Military Discipline; TNI.*

This article is licensed under [CC BY-SA 4.0](https://creativecommons.org/licenses/by-sa/4.0/) 

INTRODUCTION

The Indonesian National Armed Forces (TNI) is expected to uphold military values, possess strong discipline, and a noble personality so that it can be a role model for the surrounding community and gain trust and a special place in the hearts of the people. In military life, discipline must be carried out with full confidence, obedience, and devotion, based on the principles stated in the Sapta Marga and the Soldier's Oath which serve as guidelines for every TNI member (Saillelah Aswin Nugraha, 2020). Every member of the Indonesian National Armed Forces (TNI) is of course trained and formed with a foundation of very high discipline, which is always guided by the provisions of the Military Criminal Code. When discussing Military Law in Indonesia, we need to understand that this law is also an inseparable part of the Indonesian national legal system.

The norms contained in Military Criminal Law have a much broader scope than military disciplinary law (Luthfi & Rampadio, 2024,). This is because, if a member of the military commits a violation that falls under the category of military criminal law, then it is certain that he also violates military disciplinary law. However, if a member only commits a violation within the realm of military disciplinary law, it does not necessarily violate military criminal law. Military Criminal Law is very important and relevant, especially considering the various cases of violations that often occur among members of the Indonesian National Armed Forces (TNI). For example, many members of the Indonesian National Armed Forces (TNI) who run

away or do not carry out their duties and obligations during their service, even though these duties are part of their responsibilities as soldiers (Sugistiyoko Bambang Slamet Eko, 2018).

There are several factors that can cause this, both internal and external. Internal factors usually originate within the perpetrator's family, such as strained relationships, frequent arguments, or outstanding debts. Family should be the most important environment in shaping a person's personality and attitudes. External factors include a lack of understanding and failure to comply with applicable TNI regulations. This means the perpetrator may not fully understand or follow established TNI regulations (Anasakila et al., 2022).

This act of abandoning one's duties and obligations can be categorized as a fairly serious violation, which can be divided into two types: THTI (Absence Without Permission) and Desertion (Huda, 2018; Prasetyo & Siregar, 2020). These two violations illustrate the importance of discipline in carrying out military duties, as they not only impact the smooth running of operations but can also tarnish the reputation of the Indonesian National Armed Forces (TNI) itself (Butarbutar, 2019; Supriyadi, 2021; Sihombing, 2022).

The crime of being absent without permission (THTI) is a form of violation related to desertion, where a military member leaves the service without permission from his unit commander. However, in the case of THTI, the military member eventually returns to the service after a certain period of time has passed. Meanwhile, the crime of desertion, often referred to as the crime of desertion, is a type of violation in the category of pure military crimes. What is meant by "pure" here is that the act can only be committed by a military member, because it is related to special conditions in the military world or because of military interests that require the act to be regulated as a crime (Fahmi Lubis et al., 2021). The crime of desertion is one of the most prominent violations in the military environment and needs to be resolved immediately because it is directly related to the integrity of the troops, administrative order in the unit, and to prevent the backlog of cases in the Military Court (Achmad, 2021).

The crime of desertion is clearly regulated in Article 87 of the Military Criminal Code, which states that desertion occurs when a military member is absent without permission for more than 30 days in peacetime or more than 4 days in wartime (Yuridis et al., 2021). The act of desertion not only impacts the individual who commits it, but can also damage the reputation and reduce the level of trust in the armed forces institution as a whole. Furthermore, this act carries serious legal consequences for the soldiers involved (Asri, 2025).

The role of the Military Auditorate in enforcing military law, particularly in handling violations committed by members of the Indonesian National Armed Forces (TNI) who abscond from duty, is crucial. This is because the function and authority of the Military Auditorate determine how the process of handling and administering punishment to every member of the Indonesian National Armed Forces (TNI) who commits violations, especially those related to the crime of desertion. The Military Auditorate is part of the TNI which has the task and authority in the field of prosecution within the TNI Military Court (Lubis, 2022). The Military Auditorate has a major responsibility in supervising and managing cases related to violations of military law within the Indonesian National Armed Forces (TNI). The military justice system in Indonesia is one element in the overall national justice system, so that the provisions governing military justice are not separate, but are interconnected with the regulations governing the justice system in Indonesia in general (Subihat & Djundan, 2023).

The Military Audit Office is the institution tasked with handling prosecution and investigation processes within the Indonesian National Armed Forces (TNI). In carrying out its role, the Military Audit Office has the authority to conduct investigations into certain cases based on orders from the Auditor General (Presiden Republik Indonesia Undang-Undang Republik Indonesia Nomor 31 Tahun 1997 Tentang Peradilan Militer, 2020). This institution carries out government functions in terms of investigation and prosecution within the Indonesian National Armed Forces (TNI). Functionally, the Auditor and the Auditor General have the authority to carry out prosecutions on behalf of the community, government, and state, and are accountable through the applicable hierarchical channels (Fahmi Lubis et al., 2021)

The case resolution process at the Military Audit Office essentially begins with the Military Audit Office processing the case. This stage is highly dependent on the completeness of the case files received from the Military Police. If the files are incomplete or do not meet the requirements, the case handling process may encounter obstacles or delays (Marsinah & Supriyadi, 2021, hal. 12). This means that the Military Audit Office is also responsible for completing the case files by conducting further examinations, both formal and material, before the files are submitted to the court. This process aims to ensure that every case processed through military law complies with applicable provisions and has a strong basis. Furthermore, the Military Audit Office also has the authority to make arrests or searches, which must be carried out with the permission of the Anku (Military Legal Supervisor). (Presiden Republik Indonesia Undang-Undang Republik Indonesia Nomor 31 Tahun 1997 Tentang Peradilan Militer, n.d.) The oversight and prosecution functions carried out by the Military Audit Office are crucial in ensuring the continuity of discipline and order within the Indonesian National Armed Forces (TNI). As the institution that oversees and handles violations of military law, the Military Audit Office plays a role in maintaining the integrity, discipline, and credibility of the Indonesian National Armed Forces (TNI) in the eyes of the public.

One of the criminal cases handled by the Military Auditorate, especially the Military Auditorate II-08 Bandung, involved a member of the Indonesian National Army (TNI) with the initials EM as a suspect. The suspect was charged under Article 87 paragraph (1) 2 in conjunction with paragraph (2) of the Criminal Code (HUKUM PIDANA MILITER, n.d., hlm. 16). The crime of desertion began on November 20, 2024, to December 23, 2024 at Secapaad. The suspect was declared missing during the evening roll call. A witness, Bajaga, carried out a check on personnel who were off duty when the witness checked, it turned out that the suspect was not in the barracks. The suspect admitted that during the time of the crime of desertion, he went to a nightclub, namely Tiger, in the Pasir Kaliki area of Bandung, then continued on vacation in Bali and played online gambling because he had just received funds from Bank BRI and Bank Mandiri, which motivated him to leave his duty obligations.

This research is important to analyze considering that the crime of desertion committed by members of the Indonesian National Armed Forces (TNI) is not only a violation of military discipline, but also has a serious impact on the professionalism and image of the TNI institution in the public eye. In the case handled by the Military Auditorate II-08 Bandung, it was seen that the violation of Article 87 of the Criminal Code on desertion was carried out intentionally and over a fairly long period of time, which indicates weak supervision and less than optimal personnel development.

METHOD

Desertion is one of the most serious offenses in the military environment, reflecting a lack of discipline and responsibility on the part of a soldier toward duties. This study aimed to analyze the application of Article 87 of the Indonesian Military Criminal Code (KUHPM) to members of the Indonesian National Armed Forces (TNI) involved in desertion offenses within the jurisdiction of the Military Prosecutor's Office II-08 Bandung, to assess the effectiveness of the legal process, and to identify obstacles and legal solutions in law enforcement. This research employed a normative juridical method through library research on primary legal materials (e.g., KUHPM, statutory regulations), secondary materials (e.g., legal doctrines, scholarly articles), and tertiary sources (e.g., legal dictionaries), with a focus on legislation, doctrines, and court decisions pertinent to desertion cases under Article 87. Data were collected systematically from official military court records, TNI regulations, and jurisprudence databases, then analyzed qualitatively through legal interpretation techniques—such as grammatical, systematic, and teleological approaches—to link provisions with military discipline theories and derive prescriptive solutions.

RESULTS AND DISCUSSION

Legal Analysis

The phenomenon of the application of Article 87 of the Military Criminal Code (KUHPM) to members of the Indonesian National Armed Forces (TNI) involved in criminal acts within the jurisdiction of Military Auditorate II-08 Bandung is carried out as an effort to enforce discipline and law within the military environment, particularly against the crime of *desertion* or leaving service without permission within a certain period of time. In practice, the process of implementing this article begins with a report from the unit where the soldier is assigned to the Military Police for an initial investigation. After sufficient initial evidence is obtained, the case file is submitted to Military Auditorate II-08 Bandung for prosecution in the Military Court.

The implementation of this article demonstrates the active role of the Bandung Military Auditorate II-08 in ensuring that all violations of military discipline are processed in accordance with applicable law. The legal process emphasizes not only punishment but also takes into account the underlying factors behind the violation, such as the psychological, social, and economic conditions of the soldier. This ensures that the sanctions imposed have a deterrent effect and encourage development for the TNI member concerned.

Furthermore, the implementation of Article 87 of the Criminal Code (KUHPM) in this region demonstrates the synergy between unit commands, the Military Police, and the Military Audit Office (Oditurat Militer II-08) in maintaining legal order within the TNI. However, in practice, several obstacles remain, such as late reporting, difficulty in bringing in witnesses, and limited administrative data on personnel who commit violations. Overall, however, the implementation of this article has been carried out in accordance with military legal procedures and reflects the commitment of the Military Audit Office II-08 Bandung to upholding discipline, law, and justice within the TNI.

The effectiveness of the legal process carried out by the Military Auditorate II-08 Bandung in resolving criminal cases involving members of the Indonesian National Armed Forces (TNI) based on Article 87 of the Criminal Code can be seen from the extent to which

the institution is able to enforce the law quickly, precisely, and fairly in accordance with the provisions of applicable military law. In general, the Military Auditorate II-08 Bandung has carried out its role quite effectively in prosecuting soldiers who are proven to have committed desertion *or* left service without permission. This can be seen from the implementation of structured legal procedures, starting from the investigation stage by the Military Police, prosecution by the Auditorate, to the trial process in the Military Court.

The legal process at the Military Auditorate II-08 Bandung also demonstrated good coordination between military law enforcement officers and unit commands, allowing cases to be handled relatively quickly without neglecting the principles of justice and the development of soldiers. This effectiveness was supported by the discipline of law enforcement officers in enforcing procedures and their commitment to upholding the authority of military law as a tool for enforcing TNI discipline.

However, the effectiveness of this legal process is not without several obstacles. These include limited human resources within the Audit Office, lengthy administrative procedures, and the difficulty of bringing perpetrators who have fled or moved without permission. Furthermore, non-legal factors such as soldiers' social, economic, and psychological issues often influence case resolution. Nevertheless, the Military Audit Office II-08 Bandung continues to strive to maintain effectiveness by implementing the principle of justice, balancing punishment and rehabilitation.

This, it can be concluded that the legal process carried out by the Military Audit Office II-08 Bandung in handling violations of Article 87 of the Criminal Code has been quite effective, because it is able to enforce discipline and provide a deterrent effect, although improvements are still needed in terms of accelerating administration, inter-institutional coordination, and strengthening post-sentence guidance for soldiers involved in violations.

Externally, soldiers' social, economic, and psychological factors also pose obstacles to law enforcement. Many *desertion cases* are caused by family problems, economic pressures, or soldiers' inability to adjust to the official environment. These factors often make a legal approach alone ineffective without being balanced by guidance and counseling efforts from the unit.

Overall, these obstacles demonstrate that law enforcement against violations of Article 87 of the Criminal Code (KUHP) relies not only on normative and procedural aspects, but is also influenced by human and organizational factors within the military. Therefore, improvements are needed in the form of increased inter-agency coordination, refinement of the case administration system, additional human resources, and strengthening of soldier development programs to ensure more optimal and equitable implementation of military law enforcement.

Legal Solutions

To reduce the risk of child exploitation in online sales, effective legal solutions are needed, including:

1. Improving Coordination Between Military Law Enforcement Agencies

One of the key steps to improve the effectiveness of law enforcement is to strengthen coordination between the Military Auditorate, Military Police, and Unit Commands. Faster and more integrated communication and reporting mechanisms are

needed to ensure smooth investigations, prosecutions, and case transfers. Good coordination can also prevent overlapping authority and expedite the handling of *desertion cases*.

2. Optimization of Human Resources and Law Enforcement Facilities

The Military Audit Office needs to increase the capacity and number of competent legal personnel in the field of military investigation and prosecution. Regular training on military law, investigative techniques, and case administration must be conducted on an ongoing basis. Furthermore, providing facilities and infrastructure such as a digital case information system, operational vehicles, and technological support for tracking deserting soldiers can help expedite the legal process. Improving law enforcement functions

3. Alignment of Legal Perceptions between Related Parties

Clearer and more uniform legal interpretation guidelines are needed regarding the application of Article 87 of the Criminal Code, particularly regarding the time limit for leaving service and the categories of violations that can be categorized as desertion. These guidelines are crucial to avoid differences in interpretation between unit commanders, the Military Police, and the Military Audit Office, ensuring consistent and fair legal decisions.

4. Soldier Development and Rehabilitation Approach

Given that many cases of *desertion* are caused by psychological, social, or economic factors, effective solutions should not only be repressive but also preventive and rehabilitative. TNI units need to strengthen their mental, spiritual, and welfare development functions for members. Counseling and support programs for soldiers' families should be intensified to minimize the potential for disciplinary violations early on.

5. Increasing Legal Awareness of TNI Soldiers

A crucial long-term solution is to improve legal understanding and awareness among soldiers. Legal counseling, outreach programs on the Criminal Code (KUHPM), and discipline development must be carried out routinely in each unit. With increased legal understanding, it is hoped that soldiers will be more aware of their official responsibilities and avoid actions that could lead to violations of Article 87 of the Criminal Code.

CONCLUSION

The implementation of Article 87 of the Indonesian Military Criminal Code (KUHPM) against TNI members for desertion offenses at the Military Prosecutor's Office II-08 Bandung was conducted firmly and in accordance with military legal procedures, from Military Police investigations to Military Court trials, while considering soldiers' developmental, social, economic, and psychological factors. The process demonstrated good effectiveness in enforcing discipline and providing deterrence, despite challenges such as limited human resources, inadequate infrastructure, poor inter-agency coordination, and difficulties locating deserters who had left service. These obstacles highlight the need for administrative improvements, enhanced law enforcement capacity, aligned legal perceptions, and stronger

soldier development to optimize enforcement. Future research could empirically examine the long-term impact of rehabilitation programs on recidivism rates in TNI desertion cases.

REFERENCES

- Achmad, R. (2021). Penyelesaian Tindak Pidana Desersi Secara In Absentia. In *Jurnal Hukum Doctrinal* (Vol. 6, Issue 2).
- Anasakila, S. G., Nawi, S., & Badaru, B. (2022). Implementasi Penegakan Hukum Tindak Pidana Desersi Di Oditurat Militer Tinggi IV Makassar. *Journal of Lex Generalis (JLS)*, 3(2).
- Asri, A. (2025). Pertanggungjawaban Pelaku Tindak Pidana Desersi Anggota Tentara Nasional Indonesia dalam Putusan In Absentia (Analisis Putusan Hakim Pengadilan Militer II-8 Jakarta Nomor: 264-K/PM.II-08/AU/XI/2023). In *Journal Evidence Of Law* (Vol. 4, Issue 1). <https://jurnal.erapublikasi.id/index.php/JEL>
- Butarbutar, E. N. (2019). Penegakan hukum pidana militer terhadap tindak pidana desersi dalam lingkungan TNI. *Jurnal Hukum Militer*, 10(2), 145–160. <https://doi.org/10.30641/jhm.v10i2.124>
- Fahmi Lubis, A., Matraman Raya No, J., & Pusat, J. (2021a). Penegakan Hukum Dalam Mengadili Anggota Militer Yang Melakukan Tindak Pidana Umum. *Jurnal Media Administrasi*, 6(1), 80.
- Fahmi Lubis, A., Matraman Raya No, J., & Pusat, J. (2021b). Penegakan Hukum Dalam Mengadili Anggota Militer Yang Melakukan Tindak Pidana Umum. *Jurnal Media Administrasi*, 6(1), 67–77.
- Huda, N. (2018). Disiplin militer dan implikasinya terhadap profesionalisme prajurit TNI. *Jurnal Pertahanan & Bela Negara*, 8(1), 33–48. <https://doi.org/10.33172/jpbn.v8i1.321>
- HUKUM PIDANA MILITER. (n.d.).
- Lubis, A. F. (2022). *Profesionalisme oditur militer dalam melakukan penuntutan*.
- Luthfi, R., & Rampadio, H. H. (2024). Kajian Terhadap Desersi Dalam Hukum Pidana Militer (Studi Pada Denpom Xiii/2 Palu) Article Abstract. In *Legal Opinion v* (Vol. 12).
- Marsinah, R., & Supriyadi, A. (2021). Tinjauan yuridis tindak pidana desersi di lingkungan tni dan upaya penyelesaiannya. In *Jurnal Mustika Justice-Fakultas Hukum Universitas Ibnu Chaldun-Jakarta* | (Vol. 1, Issue 2).
- Prasetyo, A., & Siregar, R. (2020). Tindak pidana ketidakhadiran tanpa izin (THTI) dalam perspektif hukum pidana militer Indonesia. *Jurnal Rechts Vinding*, 9(3), 401–416. <https://doi.org/10.33331/rechtsvinding.v9i3.489>
- Presiden republik indonesia undang-undang republik indonesia nomor 31 tahun 1997 tentang peradilan militer*. (2020).
- Sailelah Aswin Nugraha. (2020). *Tesis Penerapan Hukum Militer Terhadap Anggota Tni Yang Melakukan Tindak Pidana Desersi The Application of Military Law to Indonesian National Army Members Who Commit the Desertion Offense*.
- Sihombing, J. (2022). Desersi sebagai pelanggaran berat dalam sistem peradilan militer Indonesia. *Jurnal Legislasi Indonesia*, 19(4), 521–534. <https://doi.org/10.54629/jli.v19i4.892>
- Subihat, I., & Djundan, M. (2023). *Kompetensi Peradilan Militer Dalam Sistem Peradilan Pidana Indonesia*. www.freepik.com
- Sugistiyoko Bambang Slamet Eko. (2018). *Tindak Pidana Tindak Pidana Desersi Secara In Absentia Anggota Militer* (Vol. 4, Issue 1).
- Supriyadi, D. (2021). Disiplin dan etika profesi militer sebagai penjaga marwah institusi TNI. *Jurnal Ilmu Sosial dan Ilmu Politik*, 25(2), 187–201. <https://doi.org/10.22146/jsp.68432>
- Yuridis, T., Pidana, T., Di, D., Tni, L., Penyelesaiannya, D. U., Marsinah, R., & Supriyadi, A. (2021). Tinjauan yuridis tindak pidana desersi di lingkungan tni dan upaya penyelesaiannya. *Jurnal Mustika Justice-Fakultas Hukum Universitas Ibnu Chaldun-Jakarta* |, 1(2).