

# Resolution of Military Criminal Law on Desertion Crimes in Peacetime: A Case Study of the Jayapura Military Court

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## Abstract

This study examines the criminal military law settlement process for desertion offenses committed by Indonesian National Armed Forces (TNI) personnel during peacetime, through a case study of Decision No. 41-K/PM.III-19/AU/II/2021 rendered by the Military Court III-19 Jayapura. Employing a normative legal research approach with a doctrinal case study method, the analysis draws on primary legal materials, including Law No. 34/2004 on the TNI, the Military Criminal Code (KUHPM), Law No. 31/1997 on Military Courts, and the aforementioned decision, supplemented by secondary and tertiary sources. The findings reveal that desertion constitutes a pure military offense under Article 87 KUHPM, characterized by intentional or negligent absence without leave exceeding 30 days in peacetime, punishable by up to 2 years and 8 months imprisonment. In the case analyzed, involving a TNI Air Force sergeant, the court applied an in absentia trial pursuant to Article 143 of Law No. 31/1997, imposing a one-year imprisonment and dismissal from military service after establishing the elements of the offense and weighing disciplinary, public, and military interests. Desertion dominated caseloads at the court (41.5% of 2021 decisions), underscoring its prevalence despite effective normative mechanisms. However, procedural, economic, and psychological constraints persist, potentially undermining efficiency and substantive justice. Recommendations include enhanced budgeting for fugitive searches, electronic summons systems, and mental health support to bolster preventive and adjudicative effectiveness in peacetime military justice.

**Keywords:** Desertion, in absentia trial, military criminal law, peacetime.



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## INTRODUCTION

The Indonesian National Armed Forces (Tentara Nasional Indonesia – TNI) constitute a state instrument in the defense sector tasked with upholding state sovereignty, maintaining the territorial integrity of the Unitary State of the Republic of Indonesia, and protecting the entire nation and its homeland from all forms of threats and disturbances.<sup>1</sup> In carrying out these primary duties, as stipulated in Law Number 34 of 2004 concerning the Indonesian National Armed Forces (TNI Law), every TNI soldier is obligated to adhere to specific military legal norms, including the Military Criminal Code (Kitab Undang-Undang Hukum Pidana Militer – KUHPM) and related disciplinary regulations.<sup>2</sup> Military discipline forms the primary foundation for the TNI's effectiveness;<sup>3</sup> therefore, violations of service obligations, including the crime of desertion, are viewed as serious threats to combat readiness and state security.<sup>4</sup>

The crime of desertion falls under the category of pure military offenses (*zuiver militaire delicten*), which can only be committed by military legal subjects due to their specific connection to service obligations. Desertion is specifically regulated in Article 87 of the KUHPM, which distinguishes between desertion with the intent to permanently evade service (paragraph 1, point 1) and desertion due to unauthorized absence exceeding a specified time limit (paragraph 1, points 2 and 3). In peacetime, desertion occurs when a soldier intentionally or through negligence is absent without leave for more than 30 days,<sup>5</sup> carrying a maximum penalty of imprisonment for 2 years and 8 months (paragraph 2). This provision reflects a heavier penalty compared to ordinary unauthorized absence (Article 86 KUHPM), as desertion can weaken personnel strength, hinder task execution, and undermine unit discipline.

Although desertion is one of the most commonly handled military crimes in Military Courts, the resolution process of military criminal law against deserters in peacetime often presents challenges.<sup>6</sup> The resolution process follows Law Number 31 of 1997 concerning Military Justice, which encompasses the stages of investigation by the Military Prosecutor's Office, prosecution, court examination, and the rendering of verdicts. In practice, many desertion cases are resolved in absentia (Article 143 of the Military Justice Law), given that perpetrators are often untraceable

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<sup>1</sup> Heru Drajat Sulisty, "Tinjauan Yuridis Pertahanan Negara Yang Dilakukan Tentara Nasional Indonesia," *YUSTISIA MERDEKA: Jurnal Ilmiah Hukum* 6, no. 2 (September 29, 2020), <https://doi.org/10.33319/yume.v6i2.56>; Rahmah Marsinah and Andi Supriyadi, "Tinjauan Yuridis Tindak Pidana Desersi Di Lingkungan Tni Dan Upaya Penyelesaiannya," *Mustika Justice* 1, no. 2 (October 22, 2021): 1–18.

<sup>2</sup> Yolanda Nainggolan and July Esther, "Legal Settlement of The Crime of Desertion in Absentia in The Jurisdiction of Military Court I-02," *Golden Ratio of Data in Summary* 5, no. 2 (February 17, 2025): 278–83, <https://doi.org/10.52970/grdis.v5i2.823>.

<sup>3</sup> Destri Prasetyoandi et al., "Reconceptualizing ANKUM's Role in Military Discipline: A Normative and Comparative Reassessment of Command Authority and Justice," *Jambura Law Review* 8, no. 1 (2026): 125–43, <https://doi.org/10.33756/jlr.v1i1.33722>.

<sup>4</sup> Erzan Fathurahman, "Efforts to Resolve the Criminal Act of Desertion Committed by the Indonesian National Army at the III-12 Surabaya Military Court," *Ratio Legis Journal* 4, no. 1 (March 13, 2025): 520–47, <https://doi.org/10.30659/RLJ.4.1.520-547>.

<sup>5</sup> Dalson Horukie, "Pemberlakuan Sanksi Pidana Bagi Pelaku Desersi Dalam Pasal 87 Kitab Undang-Undang Hukum Pidana Militer," *LEX CRIMEN* 8, no. 5 (October 15, 2019): 132–38, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/25689>.

<sup>6</sup> Rudy Dwi Prakamto, Teguh Prasetyo, and Sator Sapan Bungin, "Implementation of the Military Law on Military Members Involved in the Crime of Desertion," *AURELIA: Jurnal Penelitian Dan Pengabdian Masyarakat Indonesia* 4, no. 1 (December 30, 2024): 442–56, <https://doi.org/10.57235/aurelia.v4i1.3767>.

after leaving their unit. This raises questions regarding the balance between strict enforcement of military discipline and the principles of fair procedural law, including the right to self-defense and the proportionality of sanctions.

Previous research has extensively addressed the substantive aspects of desertion (e.g., elements of intent and penalty enhancements).<sup>7</sup> Although the crime of desertion constitutes a strategic issue in military law enforcement, comprehensive studies on its resolution mechanisms remain relatively limited. Existing literature tends to be concentrated in major urban areas such as Medan,<sup>8</sup> Palembang,<sup>9</sup> and Makassar,<sup>10</sup> while academic exploration in underdeveloped regions, particularly Papua, is still minimal. This research fills this gap by conducting an in-depth analysis of the implementation of military criminal law through a case study of a specific verdict at the Jayapura Military Court. The case study approach was chosen for its capacity to reveal the contextual dimensions of legal norm application, which, within the realm of military justice, cannot be separated from the influence of factors such as the maintenance of unit discipline and the dynamics of the Indonesian National Armed Forces (TNI)'s operational requirements.

This research examines the case study of Verdict Number 41-K/PM.III-19/AU/II/2021 at the III-19 Jayapura Military Court, involving an Indonesian Air Force (TNI AU) soldier who committed desertion during peacetime. This verdict was selected because it represents the military criminal law resolution process in the strategic region of Papua, where geographical and operational challenges may influence case handling. Through a juridical analysis of this verdict, this research aims to: (1) delineate the stages of the military criminal law resolution process for soldiers committing desertion in peacetime; (2) analyze the judges' considerations in imposing sanctions pursuant to Article 87 of the KUHPM and relevant regulations; and (3) provide recommendations for improving the military judicial process to be more effective and equitable in handling desertion crimes. Thus, this research is expected to contribute to the development of military criminal law doctrine in Indonesia, particularly in the context of enforcing TNI discipline during peacetime.

## METHOD

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<sup>7</sup> Reno Renaldi, Syahrudin Nawi, and Nasrullah Arsyad, "Analisis Yuridis Penerapan Tindak Pidana Ketidakhadiran Tanpa Izin Paling Lama Empat Hari Di Dalam Kitab Undang-Undang Hukum Pidana Militer," *Innovative: Journal Of Social Science Research* 4, no. 2 (March 30, 2024): 4510–20, <https://doi.org/10.31004/INNOVATIVE.V4I2.9921>; Anak Agung Ngurah Hadipta and Bambang Widarto, "Penegakan Hukum Terhadap Tindak Pidana Desersi Dalam Waktu Damai Oleh Anggota Tentara Nasional Indonesia," *Jurnal Ilmiah Hukum Dirgantara* 15, no. 1 (September 1, 2024), <https://doi.org/10.35968/JIHD.V15I1.1376>; Haryo Sulistiryanto, "Pertanggungjawaban Pidana Anggota Militer Tni Yang Melakukan Tindak Pidana Desersi," *Perspektif* 16, no. 2 (April 27, 2011): 82, <https://doi.org/10.30742/perspektif.v16i2.72>; Joel Silalahi and July Esther, "Penegakan Hukum Pidana Militer Terhadap Prajurit Tni Yang Melakukan Tindak Pidana THTI (Ketidakhadiran Tanpa Ijin) Di Pengadilan Militer I02 Medan," *Jurnal Akta Yudisia* 9, no. 2 (2024): 126–41, <https://doi.org/10.35334/AY.V9I2.6205>.

<sup>8</sup> Silalahi and Esther, "Penegakan Hukum Pidana Militer Terhadap Prajurit Tni Yang Melakukan Tindak Pidana Thti (Ketidakhadiran Tanpa Ijin) Di Pengadilan Militer I02 Medan."

<sup>9</sup> Syawaluddinsyah Syawaluddinsyah, Romli S A, and Ruben Achmad, "Penyelesaian Tindak Pidana Desersi Secara In Absentia Yang Dilakukan Oleh Prajurit Tni Diwilayah Hukum Pengadilan Militer I-04 Palembang (Study Kasus Nomor 125-K/PM I-04/AD/VII/2018)," *Doctrinal* 6, no. 2 (November 12, 2021): 100–109.

<sup>10</sup> Noris Mbotengu, Yulia A Hasan, and Basri Oner, "PENEGAKAN HUKUM TERHADAP ANGGOTA TNI - AD YANG MELAKUKAKAN DISERSI DI KODAM XIV/HASANUDDIN," *Indonesian Journal of Legality of Law* 6, no. 1 (December 5, 2023): 74–77, <https://doi.org/10.35965/ijlf.v6i1.3836>.

This research constitutes normative legal research employing a normative juridical approach and a doctrinal case study method. The study was conducted by analyzing primary legal materials consisting of the laws and regulations governing military criminal law, namely Law Number 34 of 2004 concerning the Indonesian National Armed Forces, the Military Criminal Code (KUHPM), Law Number 31 of 1997 concerning Military Justice, as well as Military Court Decision Number 41-K/PM.III-19/AU/II/2021 as the main object of the study; secondary legal materials include textbooks, scientific journals, legal doctrines, and relevant previous research findings; and tertiary legal materials in the form of legal dictionaries and encyclopedias. The collection of legal materials was carried out through library research and documentation of court decisions and applicable laws and regulations. Data analysis was conducted qualitatively utilizing legal interpretation methods (grammatical, systematic, historical, and teleological), deductive syllogism, and content analysis techniques to elucidate the stages of the military criminal law resolution process, the judges' considerations, and the application of sanctions for the crime of desertion during peacetime, thereby yielding prescriptive findings and constructive legal policy recommendations.

## RESULT AND DISCUSSION

This study analyzes the resolution process of military criminal law concerning desertion during peacetime through a case study of Military Court Decision Number 41-K/PM.III-19/AU/II/2021 at the Military Court III-19 Jayapura. Based on the 2021 case registry data from this court, out of 311 verdicts rendered, 129 cases (approximately 41.5%) were desertion cases. This indicates that desertion remains the most dominant pure military offense (*zuiver militaire delict*) within the jurisdiction of the Military Court III-19 Jayapura, particularly within the Indonesian Air Force. The majority of desertion cases were resolved *in absentia* pursuant to Article 143 of Law Number 31 of 1997 concerning Military Justice (Military Justice Law), given that defendants are often untraceable after having abandoned their unit for more than six months and have been properly summoned three times without appearing.

The focal case of this study is Decision Number 41-K/PM.III-19/AU/II/2021, with the defendant Sertu Ihwanuddin (Service Number 525677), a member of the Technical Preparation (Ba TPT) Flightline I, Squadron 27, Manuhua Air Force Base, Biak. According to the facts revealed during the trial, stemming from witness testimonies at the investigation stage by the Military Police (POM AU) at Manuhua Air Force Base, the defendant failed to attend the morning roll call on July 24, 2020, without explanation. The unit conducted search efforts at the official residence, Frans Kaisiepo Airport, Biak Port, and contacted the defendant's family and colleagues, all to no avail. The defendant's phone number was inactive, and his wife stated she was unaware of his whereabouts. The defendant abandoned service without leave, did not take any unit inventory items, and provided no notification whatsoever up to the time of the trial. During the period of absence, the state was at peace, and the unit was not being prepared for military operations.

The Panel of Judges declared the defendant legally and convincingly proven to have violated Article 87 paragraph (1), 2nd alternative, *juncto* paragraph (2) of the Military Criminal Code (KUHPM), *juncto* Article 26 of the KUHPM, *juncto* Article 143 *juncto* Article 190 paragraph (1) of the Military Justice Law. The element of "being blameworthy or intentionally absent without leave during peacetime for more than 30 (thirty) days" was fully satisfied, as evidenced by the

roll call registers (Flight "C" List, Squadron 27) for the period of July–September 2020, which were attached as evidence. The Panel of Judges considered that the defendant's actions contravened the Sapta Marga (Warrior's Oath, specifically point 5), the Soldier's Oath (point 2), and the 8 Mandatory Duties of the TNI (point 4), which emphasize discipline, loyalty, and obedience to the law. In imposing the sanction, the judges balanced three primary interests: legal interests (upholding justice), public interests (protecting society from disciplinary violations), and military interests (maintaining combat readiness and unit discipline). Given that the defendant had been absent from the unit for over a year with no apparent intention to return, the Panel of Judges opined that the defendant was "no longer fit" to be retained as a soldier, in accordance with Article 26 paragraph (1) of the KUHPM. Consequently, the court imposed a principal punishment of imprisonment for 1 (one) year and an additional punishment of dismissal from military service, with court costs set at IDR 15,000.00, to be borne by the defendant.

A juridical analysis of this decision indicates that the *in absentia* proceedings were implemented in a procedurally correct and proportional manner. The additional punishment of dismissal was not an automatic sanction but was based on the factual consideration that the act of desertion had undermined the unit's disciplinary development and demonstrated the defendant's loss of desire to return to service. This verdict aligns with the doctrines of military criminal law, which emphasize that discipline is an essential element of national defense capabilities even during peacetime. However, the verdict also reflects the judges' effort to maintain a balance between strict law enforcement and the principle of substantive justice, where the imposed prison sentence was below the maximum threat (2 years and 8 months), commensurate with the degree of fault and the impact of the act. These findings illustrate that the mechanism for resolving military criminal law for desertion during peacetime has functioned effectively in maintaining TNI discipline, although procedural room for improvement remains to strengthen efforts in locating the defendant and protecting the rights of defense in *in absentia* hearings.

### **Analysis of the Military Criminal Law Resolution Process for the Crime of Desertion in Peacetime (A Case Study of Verdict Number 41-K/PM.III-19/AU/II/2021 at the III-19 Jayapura Military Court)**

Members of the Indonesian National Armed Forces (TNI) constitute special legal subjects who are subject to a stringent military disciplinary system,<sup>11</sup> in addition to the provisions of general criminal law. Any violation, including the crime of desertion, not only harms the individual perpetrator but also creates a domino effect on unit cohesion, operational stability, and the overall image of the TNI institution.<sup>12</sup> Desertion, as a pure military offense (*zuiver militaire delict*), is

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<sup>11</sup> Silalahi and Esther, "Penegakan Hukum Pidana Militer Terhadap Prajurit Tni Yang Melakukan Tindak Pidana Thti (Ketidakhadiran Tanpa Ijin) Di Pengadilan Militer I02 Medan."

<sup>12</sup> Istirokah Istirokah and Ardison Asri, "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)," *Journal Evidence Of Law* 4, no. 1 (February 5, 2025): 188–206, <https://doi.org/10.59066/jel.v4i1.1019>.

explicitly regulated under Article 87 of the Military Criminal Code (KUHPM).<sup>13</sup> It is defined as the intentional or negligent act of abandoning duty without authorization for more than thirty (30) days during peacetime.<sup>14</sup> Such an act disrupts a unit's combat readiness, necessitating a legal resolution process that is swift, precise, and proportional to ensure legal certainty and the effectiveness of state defense.

Nevertheless, the handling of desertion cases often encounters practical obstacles, particularly when the perpetrator flees and cannot be located. To address this without sacrificing the principles of certainty and justice, Law Number 31 of 1997 concerning Military Justice provides a mechanism for *in absentia* trials and verdicts, as stipulated in Article 143.<sup>15</sup> This provision allows proceedings to continue if the defendant has been duly summoned three consecutive times and remains unbound within a six-month period. This mechanism reflects a balance between the interests of enforcing military discipline and the efficiency of the judicial process, as illustrated in Verdict Number 41-K/PM.III-19/AU/II/2021 at the III-19 Jayapura Military Court, which is the central focus of this case study.

Based on a juridical analysis of the aforementioned verdict and the applicable normative framework, the process of resolving military criminal law for the crime of desertion in peacetime can be delineated as follows:

First, the Investigation commences based on a report/complaint or an arrest in flagrante delicto. Pursuant to Article 69 paragraph (1) of Law Number 31 of 1997 concerning Military Justice, investigators consist of the Superior Authorized to Punish (Ankum), the Military Police, and the Military Prosecutor (*Oditur*), assisted by assistant investigators from the Provost units of each TNI branch and the Indonesian National Police (Polri) Provost. Investigative authority includes receiving reports, conducting initial actions at the crime scene, gathering evidence, making arrests, conducting searches, seizing items, summoning individuals, and performing other legally accountable actions. In desertion cases, this stage is crucial for proving the elements of unauthorized absence exceeding the time limit, although it is often hindered by the perpetrator's flight.

Second, once the investigation file is declared complete, the Military Prosecutor prepares a Statement of Opinion (*Berita Acara Pendapat*/BAPat) and a Legal Opinion Advice (*Saran Pendapat Hukum*/SPH), subsequently transferring the case file to the Authority Designating the Court (*Papera*), accompanied by a Decree on Case Transfer (*Skeppera*). Based on Article 125 of the Military Criminal Code (KUHPM), the Prosecutor's opinion may recommend referral to court,

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<sup>13</sup> Dava Prawira Wibowo, "Deciding Desertion Cases in Absentia: Trials and Implications," *Ius Poenale* 4, no. 1 (March 31, 2023): 55–66, <https://doi.org/10.25041/ip.v4i1.2963>; Meisarah Tri Anjani and Iwan Iwan, "A Review Of Islamic Criminal Law On The Crime Of Military Desertion," *Hukum Islam* 25, no. 1 (June 23, 2025): 1, <https://doi.org/10.24014/hi.v25i1.36992>.

<sup>14</sup> Slamet Sarwo Edy et al., "A Study on Case Settlement Mechanisms: An Analysis of Desertion by TNI Members in the KODAM IV/Diponegoro Region," *Widya Pranata Hukum : Jurnal Kajian Dan Penelitian Hukum* 7, no. 2 (September 19, 2025): 258–75, <https://doi.org/10.37631/WIDYAPRANATA.V7I2.2042>.

<sup>15</sup> Teuku Daudsyah and Muhammad Ansori Lubis, "Dispute Resolution Through Arbitration In Sale And Purchase Agreement," *Jurnal Ilmiah METADATA* 7, no. 3 (November 10, 2025): 252–62, <https://doi.org/10.47652/metadata.v7i3.924>.

closure in the interest of law, or resolution through disciplinary channels. For soldiers with the rank of Captain and below, prosecution is conducted by a Military Prosecutor and adjudicated in a District Military Court; for the rank of Major and above, it is conducted by a High Military Prosecutor in a High Military Court. This stage functions as a filter to ensure that only cases meeting the criminal elements are transferred to trial.

Third, the Trial commences with the determination of the hearing date by the Chief of the Military Court and the summoning of the defendant and witnesses in accordance with Articles 139-140 of the Military Justice Law. In desertion cases where the defendant is absent, the examination is conducted *in absentia* based on Article 143. The trial process follows the provisions of Articles 141 to 197, including the reading of the indictment, examination of evidence, and legal consideration. After the verdict is rendered and obtains permanent legal force, the Military Prosecutor immediately executes it. First-instance verdicts may be subject to appeal (Articles 219-230) or cassation to the Supreme Court (Articles 231-244), as well as extraordinary legal remedies (Articles 245-253). In Verdict Number 41-K/PM.III-19/AU/II/2021, the application of the *in absentia* mechanism enabled law enforcement without protracted delays, thereby supporting the continuity of unit operations in the strategic region of Papua.

Fourth, the Execution of the verdict is the responsibility of the Military Prosecutor as the executing authority. If the convicted person is sentenced to imprisonment or detention, the execution is carried out in a Military Correctional Facility; if sentenced to the additional penalty of dismissal from military service, execution is carried out in a general correctional facility. Supervision of the verdict's execution is conducted by the Chief of the Military Court, with assistance from the unit commander for suspended sentences, to ensure reintegration and the prevention of recidivism.

Overall, the process of resolving military criminal law for desertion in peacetime, as analyzed in this case study, has integrated the principles of legal certainty, speed, and effectiveness in discipline enforcement. The *in absentia* mechanism has proven to be a crucial instrument in maintaining TNI readiness; however, it still requires oversight to ensure it does not diminish the defendant's right to an effective defense. The findings of this research provide recommendations for strengthening inter-agency coordination and refining administrative procedures to enhance the quality of military justice in Indonesia.

### **Analysis of Constraints in Resolving Peacetime Desertion Crimes at the Military Court III-19 Jayapura**

This study finds that the process of resolving military criminal law concerning desertion crimes in peacetime, as illustrated in Military Court Decision Number 41-K/PM.III-19/AU/II/2021, encounters various structural, economic, psychological, and procedural constraints. These constraints significantly affect the efficiency, effectiveness, and legal certainty of military justice. They are not solely internal to the military institution but also reflect operational challenges in the Papua region, which possesses distinct geographical and socio-economic characteristics. A juridical analysis of the aforementioned decision, along with similar military judicial practices, indicates that these factors have the potential to weaken the enforcement of Indonesian National Armed Forces (TNI) discipline as mandated by Article 87 of

the Military Criminal Code (KUHPM) and Article 143 of Law Number 31 of 1997 concerning Military Justice. Concurrently, they create implications for the principles of justice and proportionality of sanctions.

### 1. Economic Factors

Economic factors constitute a primary cause of desertion and simultaneously hinder the resolution of such cases. In the context of Decision Number 41-K/PM.III-19/AU/II/2021, the defendant faced severe financial pressure due to the high cost of living in the Papua region – including prices for staple goods, clothing, household supplies, and electronics that are significantly higher than in Java – while the soldier's salary was insufficient to cover basic needs. This condition caused the defendant to experience difficulty focusing on the execution of official duties, aligning with previous research findings that regional economic disparities are a major trigger for disciplinary violations within TNI units stationed in underdeveloped or border areas. Juridically, this factor does not negate the element of intent under Article 87 paragraph (1) letter b of the KUHPM; however, it can serve as a mitigating consideration in sentencing, as is frequently applied by judges in desertion verdicts at Military Courts in Eastern Indonesia.

### 2. Mental and Psychological Factors

Mental and psychological factors contribute to the low resilience of soldiers in adhering to strict military discipline. In the analyzed case, the defendant frequently complained about being stationed in areas far from their hometown, coupled with a lack of entertainment facilities and psychosocial support, leading to feelings of boredom and a desire to leave the unit. This reinforces the doctrinal argument that peacetime desertion is often not merely an unlawful act, but also a manifestation of the system's failure to maintain soldiers' mental health, as stipulated in Law Number 34 of 2004 concerning the TNI (specifically provisions on soldier welfare). This constraint further complicates the judicial process because the Military Prosecutor's Office must prove the element of intent amidst a complex psychological background, which ultimately affects the duration and quality of case examination.

### 3. Procedural Factors (Investigation, Examination, and Execution of Verdicts)

#### a. Search for the Defendant

The search for a defendant who has fled is the most crucial constraint in desertion cases. In Decision Number 41-K/PM.III-19/AU/II/2021, this process involved the issuance of a Wanted Person Report (Berita Pencarian Orang – BPO) by the Military Prosecutor, disseminated through the Military Police (Polisi Militer – POM) throughout Indonesia. However, limited unit budgets prevent optimal search efforts, especially considering the vastness of the Indonesian archipelago and the high mobility of perpetrators. This condition aligns with the provisions of Article 143 of the Military Justice Law, which requires maximum search efforts before an *in absentia* trial, but in practice, this often takes more than six months and incurs significant costs, thereby delaying legal certainty.

#### b. Witness Summons and Examination

The process of summoning witnesses poses a significant obstacle, as not all witnesses can be presented in a single hearing. In this case, the Panel of Judges required several court sessions to

uncover the facts surrounding the defendant's absence, which prolonged the judicial process. This constraint reflects the limited coordination between the Military Prosecutor's Office, the POM, and the defendant's home unit, as well as the lack of effective electronic summons mechanisms in remote areas such as Jayapura.

c. Announcement of the Verdict

The announcement of a final and binding verdict was only made on the notice board within the Military Court III-19 Jayapura, rather than through mass media or newspapers as ideally stipulated in military judicial practice. Budgetary limitations are the primary reason for this, resulting in restricted public and defendant access to the verdict. This potentially violates the principle of publicity of verdicts as mandated by Article 195 of the Criminal Procedure Code (KUHAP), which applies *mutatis mutandis* in military courts, and also diminishes the deterrent effect and transparency of law enforcement.

Overall, the constraints outlined above demonstrate that while the normative framework of Indonesian military criminal law is adequate, its implementation at the operational level—particularly at Military Court III-19 Jayapura—still requires institutional reform, increased budget allocation, and strengthened psychosocial support for soldiers. These findings provide prescriptive recommendations for policymakers to enhance mechanisms for desertion prevention and case resolution that are faster, fairer, and more accountable. This would enable more effective enforcement of TNI discipline during peacetime without compromising the principles of a state based on law.

## CONCLUSION

This study concludes that the criminal military law settlement process for desertion offenses during peacetime, as illustrated in Decision No. 41-K/PM.III-19/AU/II/2021 of the Military Court III-19 Jayapura, has been conducted in a procedurally correct and effective manner in accordance with the normative framework of Article 87 of the Military Criminal Code (KUHPM) in conjunction with Article 143 of Law No. 31 of 1997 on Military Courts. The *in absentia* trial mechanism has successfully upheld unit discipline without disrupting operational readiness in the strategic Papua region, with the imposition of a one-year imprisonment sentence and dismissal from military service that is proportionate and grounded in factual considerations of the defendant's loss of intent to return to duty. Nevertheless, desertion remains the dominant offense (41.5% of total decisions in 2021), indicating that military criminal law enforcement in peacetime functions as a primary instrument for maintaining TNI discipline, albeit still vulnerable to economic, psychological, and procedural constraints that may compromise efficiency and substantive justice.

This research is limited to a normative-doctrinal analysis of a single case study decision from the Military Court III-19 Jayapura in 2021, rendering its findings non-generalizable to all military courts across Indonesia and lacking coverage of recent empirical data or the defendant's perspective. Accordingly, it is recommended that TNI leadership and the Ministry of Defense undertake institutional reforms, including increased budgetary allocation for fugitive searches, implementation of electronic summons systems, strengthened mental health support programs for personnel, and revision of judgment publication procedures to enhance transparency. Such

measures are expected to facilitate early prevention of desertion and improve the overall effectiveness and accountability of military justice in peacetime at the national level.

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