



A Study on Case Settlement Mechanisms: An Analysis of Desertion by TNI Members in the KODAM IV/Diponegoro Region

Slamet Sarwo Edy^a, Mustafa^b, Albertus D Soge^c, Dini Dewi Heniarti^d

^a Faculty of Law, Universitas Proklamasi 45, Yogyakarta, Email: sarwoedy@up45.ac.id

^b Faculty of Law, Universitas Proklamasi 45, Yogyakarta, Email: mustafa@up45.ac.id

^c Faculty of Law, Universitas Proklamasi 45, Yogyakarta, Email: albertus.soge@up45.ac.id

^d Faculty of Law, Universitas Islam Bandung, Bandung, Email: diniheniarti@unisba.ac.id

Abstract

The crime of desertion committed by military members in the area of Military Area Command (Kodam) IV/Diponegoro is in first place among other crimes. This has occurred for the last three years, from 2021 to 2023. The crime of desertion hurts many people, especially the perpetrators, their families, the general public, and the state, which has spent a lot of money and effort to educate and train deserters. The method used in this research is the juridical-empirical method, and field research that examines the suitability between theory and practice in society. Factors causing military members to desert in the Kodam IV/Diponegoro area include not wanting to be a soldier anymore (low mentality and discipline), having debts, family problems, fraud and embezzlement, and problems with seniors or commanders. Prevention of desertion crimes is by applying strict laws, as well as conducting periodic and continuous unit development. The mechanism for solving desertion cases using the provisions of Article 87 of KUHPM and Article 143 of Law Number 31 of 2017 for suspects/defendants has not been found. In this case, the mechanism does not have to be 6 months but only 3 months in accordance with SEMA MA Number 3 of 2017.

Keywords: *Desertion; Kodam IV/Diponegoro; TNI Members.*

A. Introduction

Every country that has declared independence and become a developing or developed country can certainly have military power to secure its country, maintain unity and integrity in the context of the country. Indonesia, since the beginning of independence, has well organized its military power so that it is respected by countries in the world because of the ability of human resources, the quality of military units, logistics, and geography. According to Global Fire Power (GFP), a statistics-based website that tracks defence-related information from 145 countries based on independent sources, Indonesia is the 13th most powerful military in the world. Indonesia's military strength index stands at 0.2557 in 2025.¹ This also puts Indonesia's military at the top of the ASEAN region.

One of Indonesia's military capabilities that should not be overlooked is the number of its military personnel. Indonesia has around 1 million military personnel or troops, of which 400 thousand are active soldiers.² These military personnel must always be available, ready at any time when mobilized. Indonesia's military capability in terms of the number of personnel

¹ Global Fire Power (online), *2025 Indonesia Military Strength*, https://www.globalfirepower.com/country-military-strength-detail.php?country_id=indonesia#google_vignette, accessed August 1, 2025.

² Detik.com, *Daftar 10 Militer Terkuat di Dunia*, <https://www.detik.com/edu/detikpedia/d-7365150/daftar-10-militer-terkuat-di-dunia-2024-indonesia-nomor-berapa>, accessed July 15, 2025.



is sufficient in facing the possibility of war, but on the other hand, many Indonesian National Army (TNI) members commit violations, especially desertion violations, so that they are subject to legal sanctions.³ Desertion is an act of military personnel who leave the service without permission from their unit, either permanently or temporarily, if leaving the service without permission exceeds 30 (thirty) days in peacetime or exceeds 4 (four) days in time of war.⁴ Leaving the service without permission, as referred to in Article 87 of the Military Criminal Code (KUHPM), is included in the second book of crimes, Chapter Three of the KUHPM on crimes that cause members of the military to avoid fulfilling their service obligations.⁵

When someone registers and joins this national defence institution, as a member of TNI, they already know, understand, and are aware of their functions, duties, and responsibilities.⁶ One of the important tasks is to defend the sovereignty of the Unitary Republic of Indonesia from all threats, challenges, obstacles, and disturbances, both from other countries and within the country itself. TNI members, as ordinary human beings, in carrying out their duties, can violate the rules that exist in the TNI environment. The offense in question is an act of violating disciplinary law or criminal law. TNI members who violate disciplinary law will be processed according to disciplinary law regulations, in the form of verbal reprimands, written reprimands, and even detention or dismissal. As for members of the TNI who violate criminal law, they will be processed through military justice. The punishment process is based on Law Number 31 of 1997 concerning KUHPM.

Moch. Faisal Salam said that "To carry out the legal process for members of the TNI who have committed criminal acts, a military law institution is needed that specifically handles members of the TNI who are involved in the law", namely the military court. The investigation process will be handled by the Military Police (POM), the superior who has the right to punish (Ankum), and the Military Oditur, in the prosecution process handled by the

³ Anak Agung Ngurah, Sujono Sujono, & Bambang Widarto, *Penegakan Hukum Terhadap Tindak Pidana Desersi dalam Waktu Damai Oleh Anggota Tentara Nasional Indonesia*, *Jurnal Ilmiah Hukum Dirgantara*, Vol. 15 No. 1, 2024, p. 5.

⁴ Article 87 of Law Number 39 of 1947 concerning the Code of Military Justice.

⁵ Marjoto, 1998, *The Army Criminal Code and Its Commentaries*, Politeia: Bogor, p. 35.

⁶ Fathurahman, Erzan, 2025, *Upaya Penyelesaian Terhadap Tindak Pidana Desersi Yang Dilakukan Oleh Tentara Nasional Indonesia Di Pengadilan Militer III-12 Surabaya*. *Masters Thesis*, Universitas Islam Sultan Agung Semarang, 20 June 2025.



Military Oditur. The trial process is carried out in military courts, which include the Military Court, High Military Court, Main Military Court, and Battle Military Court.⁷

The process of resolving military crimes, especially desertion, is different from that of general crimes. In military crimes, the subject or perpetrator is a soldier of the Army, Navy, and Air Force, while general crimes are committed by civilians. In addition, the settlement of desertion cases can also be resolved or processed in a military court trial in absentia or without the presence of the defendant. This usually occurs when the soldier leaves the service without permission from the beginning, and his whereabouts are no longer known; then the military court can try the case without the minutes of the defendant's examination, and the defendant can be examined without the defendant's presence.

The crime of desertion committed by military members in the Military Regional Command (Kodam) IV/Diponegoro in the past three years (2021-2023) ranks first among other crimes. The crime of desertion is very detrimental to many parties, especially for the perpetrator, family, and unit, in this case, the state, which has spent a lot of money to educate and train deserters. This has inspired researchers to conduct research in the Kodam IV/Diponegoro area as a research site. The objectives of this research are to find out and answer about the factors that cause desertion, and to examine how desertion case settlement mechanisms and how deserters are rehabilitated.

B. Research Method

The approach used in this research are juridical-empirical and juridical-normative method.⁸ Juridical-empirical research is legal research regarding the enactment or implementation of normative legal provisions directly on each specific legal event that occurs in society.⁹ Researchers use juridical-empirical research methods that use studies from legal sources such as laws, journal papers, and books. Data is obtained from legal materials, which include primary, secondary, and tertiary legal materials. Primary legal materials are obtained from legislation such as Law Number 34 of 2004 concerning the Indonesian National Army, while secondary legal materials are obtained from literature books that can provide

⁷ Moch. Faisal Salam, 2002, *Military Criminal Procedure in Indonesia*, CV. Bandar Maju: Bandung, p. 223.

⁸ Tommy Hendra Purwaka, 2007, *Metodologi Penelitian Hukum*, Penerbit Universitas Atma Jaya: Jakarta, hal. 123.

⁹ Abdulkadir Muhammad, 2004, *Law and Legal Research*, Citra Aditya Bakti: Bandung, p. 134.



explanations to primary legal materials, and tertiary legal materials are obtained from relevant encyclopaedias or dictionaries.

This research is a field research that examines the compatibility between theory and practice in society, or in other words, this research examines and analyses the operation of law in society.¹⁰ Researchers collect the necessary facts and data, then identify the problem and its resolution. This research is descriptive qualitative, analysed with an empirical juridical approach, which explains natural phenomena or man-made phenomena regarding activities, relationships, changes, characteristics, and others.

C. Results and Discussion

1. General Description of the Regional Unit of Kodam IV/Diponegoro

Kodam IV/Diponegoro is a military defense regional command covering the province of Central Java and the Special Region of Yogyakarta. The main task of Kodam IV/Diponegoro is to uphold the sovereignty of the state and maintain the integrity of the region. More specifically, the tasks of Kodam IV/Diponegoro include fostering operational readiness of all its commands and active defence operations on land by the policies of the TNI Commander.

TNI units in the Kodam IV/Diponegoro area are spread across the two regions including 40 TNI units¹¹, namely: (1) Military District Command (Kodim) 0733/Semarang (BS); (2) Military Resort Command (Korem) 071/Wijayakusuma (WK) in Purwokerto; (3) Kodim 0701/Banyumas; (4) Kodim 0702/Purbalingga; (5) Kodim 0703/Cilacap; (6) Kodim 0704/Banjarnegara; (7) Kodim 0710/Pekalongan; (8) Kodim 0711/Pemalang; (9) Kodim 0712/Tegal; (10) Kodim 0713/Brebes; (11) Kodim 0736/Batang; (12) Korem 072/Pamungkas (PMK) in Yogyakarta; (13) Kodim 0705/Magelang; (14) Kodim 0706/Temanggung; (15) Kodim 0707/Wonosobo; (16) Kodim 0708/Purworejo; (17) Kodim 0709/Kebumen; (18) Kodim 0729/Bantul; (19) Kodim 0730/Gunung Kidul; (20) Kodim 0731/Kulon Progo; (21) Kodim 0732/Sleman; (22) Kodim 0734/Yogyakarta; (23) Korem 073/Makutarama (MKT) in Salatiga; (24) Kodim 0714/Salatiga; (25) Kodim 0715/Kendal; (26) Kodim 0716/Demak; (27) Kodim 0717/Purwodadi; (28) Kodim

¹⁰ Bachtiar, 2018, *Legal Research Methods*, UNPAM Press: Tangerang, p. 62.

¹¹ Wikipedia, *Komando Daerah Militer IV/Diponegoro*, https://id.wikipedia.org/wiki/Komando_Daerah_Militer_IV/Diponegoro, accessed July 30, 2025.



0718/Pati; (29) Kodim 0719/Jepara; (30) Kodim 0720/Rembang; (31) Kodim 0721/Blora; (32) Kodim 0722/Kudus; (33) Korem 074/Warastratama (WRS) in Surakarta; (34) Kodim 0723/Klaten; (35) Kodim 0724/Boyolali; (36) Kodim 0725/Sragen; (37) Kodim 0726/Sukoharjo; (38) Kodim 0727/Karanganyar; (39) Kodim 0728/Wonogiri; (40) Kodim 0735/Surakarta.

There are 2 (two) military courts in TNI units in the region of Kodam IV/Diponegoro, namely Military Court II-10 Semarang and Military Court II-11 Yogyakarta. This military court is a court institution that handles criminal cases for TNI members in the Kodam IV/Diponegoro region. Based on research data in the two military courts during the last three years (2021, 2022, 2023), various cases (criminal acts) were found, including theft, fraud, deception, domestic violence, corruption, official orders, forgery of letters, desertion, persecution, and others. The following is the distribution of desertion crimes in the Kodam IV/Diponegoro area; First, distribution of the Crime of Desertion in the Regional Unit of Kodam IV/Diponegoro Per-Force, namely: (1) Army = 104 cases; (2) Air Force = 12 cases; (3) Navy = None. From 2021 to 2023, there were 116 desertion cases in the Army 104 cases and the Air Force 12 cases, while the Navy had zero.

Second, Distribution of Desertion Crimes in the Kodam IV/Diponegoro per Unit, namely: (1) Adisucipto Air Force (Dislog and Satsik) = 9 cases; (2) Rindam IV/Dip. = 8 cases; (3) Akmil Magelang = 8 cases; (4) Yonif 405/SK = 6 cases; (5) Yonif 403/WP = 7 cases; (6) Kodim 0728/Wonogiri = 5 cases; (7) Kodim 0707/Wonosobo = 4 cases; (8) Yon Armed 11/76 Tarik Kostrad = 4 cases; (9) Purworejo Kodim = 4 cases; (10) Yonif Mekanik Raider 412 = 4 cases; (11) Rumkit Kesdam IV/Dip. = 3 cases; (12) Kebumen Kodim = 4 cases; (13) Kikav 2/JRTR Kodam IV/Dip = 2 cases; (14) Kodim 0723/Klaten = 2 cases; (15) Denhanud 474 Wingki 1 Kopasgat = 2 cases; (16) Kodim 0729/Bantul = 2 cases; (17) Denma Korem 072 = 2 cases; (18) Skadik /02 Wingdik 100 = 2 cases; (19) Korem 071/WK = 2 cases; (20) Air Force Academy = 2 cases; (21) Yonif 406/CK = 2 cases; (22) Kodim 0703/Cilacap = 2 cases; (23) Kodim 0702/Purbalingga = 2 cases; (24) Kodim 0704 Banjarnegara = 2 cases; (25) Mankir cases = 30 cases spread across the units.

Based on this data, the distribution of desertion crimes is evenly distributed in the army and air force, while the navy does not occur, as well as the distribution per unit both in the



army, with as many as 104 (89.65%) cases, and the air force, with as many as 12 (10.5%) cases.

2. Factors Causing the Crime of Desertion

In order to obtain a definitive answer to what causes the criminal act of desertion in TNI soldiers in the area of Kodam IV / Diponegoro, the answer is very limited and determined on each of the perpetrators, because desertion can occur due to various factors or motives. The factors that cause desertion are as follows¹²:

a. Internal Factors

1) Family/Household factors.

The family/household of the perpetrator is usually not harmonious anymore, there are frequent conflicts, quarrels, and maybe because of unpaid debts in his/her family/household. Whereas the family environment is the most important factor in the formation of a person's character, which will be a benchmark for being able to socialize outside their environment. But if this does not work properly, it can cause a person to act and behave outside the norms that apply in society and those made by officers. Likewise, with desertion, domestic rifts and disharmonious relationships between each individual in the family can cause a soldier to desert, no longer wanting to carry out his service obligations and carry out his duties as a TNI soldier.¹³

2) Economic factors.

Usually more related to family finances, plus if the soldier has accumulated debt, causing the soldier to be stressed, in the end leaving the service without the permission of his unit.¹⁴

3) The intention factor.

The perpetrator usually has no desire to become a soldier. If a person has entered and has become a member of the TNI, then for him to break away from these service ties is very difficult. This causes him to carry out all his duties and obligations of the service not with

¹² *Ibid.*

¹³ Ilham Laman, *Penyelesaian Kasus Pidana Disersi Melalui Jalan Damai Pada Anggota Militer, Al-Abkam Jurnal Hukum Pidana Islam*. Vol. 4, No. 2, 2022, p. 128.

¹⁴ Suci Nurlaeli, Elan Jaelani, & Muhamad Kholid, *Penegakan Hukum Terhadap Anggota Militer yang Melakukan Tindak Pidana Desersi di Wilayah Hukum Pengadilan Militer II-09 Bandung, Lex Jurnalica*, Vol. 21 No. 2, August 2024, p. 156.



full responsibility anymore, and he tries to find fault so that he can be fired and expelled from the unit.¹⁵

4) Lack of mental preparedness for assignment in conflict and remote areas.

This is due to the lack of training and mental unpreparedness of the soldier when he is deployed in conflict and remote areas.

b. External Factors

1) Lack of understanding of the regulations that apply in the TNI environment.

2) Task and placement factors that are not by their wishes.

3) Treatment factors of superiors and authorities, soldiers feel treated unfairly by superiors, which can also be a cause of desertion.

Based on the data from the results of research that has been carried out in the Kodam IV/Diponegoro area, from several desertion crimes, the following causal factors were found:

a. Not wanting to be a TNI soldier (low mentality and discipline) = 49 cases

b. Debt (due to economic factors, online gambling) = 38 cases

c. Family problems (economic factors, WIL, personal, avoiding marriage with his future wife, neglecting the family) = 15 cases

d. Avoiding senior action because of the defendant's mistake = 3 cases

e. Fraud and embezzlement = 2 cases (preceded by the purchase of a pawn)

f. Problems with the commander.

g. Domestic violence.

h. Disappointed because the placement is not as expected.

Based on this data, it can be seen that the causes of desertion crimes are mostly due to the soldier not having a strong mentality and low discipline, reaching 49 cases (42.98%), followed by economic factors, including being involved in online gambling 38 cases (33.33%), and followed by family factors including the factor of having another woman, neglecting the family, personal problems and avoiding marriage with his prospective wife 15

¹⁵ Giska Fajari, Nurwidya Kusma Wardhani, Irwan Triadi, *Tinjauan Hukum Terhadap Tindak Pidana Desersi Anggota TNI (Studi Kasus Ajendam XVIII/Kasuari)*, *Desentralisasi: Jurnal Hukum, Kebijakan Publik, dan Pemerintahan*, Vol. 2, No. 1, 2025, p. 70.



cases (13.15%). Based on these factors, mental and disciplinary factors are the main ones. This means that mental and disciplinary factors cover other factors that cause desertion.

3. Prosecution Against Perpetrators of Desertion Crime

Researchers discuss the prosecution of desertion offenders in the Kodam IV / Diponegoro area based on data from the decisions of the Military Court II-10 Semarang and Military Court II-11 Yogyakarta related to desertion crimes from 2021 to 2023. The decisions obtained by researchers were 116 decisions related to desertion criminal cases, namely 35 decisions in 2021, 32 decisions in 2022, and 49 decisions in 2023.

From those 116 cases, among them are case number 12-K/PM II-11/AD/II/2023, on behalf of the defendant Wahyu Tri Muktiono, charged with “Desertion in peacetime” based on Article 87 paragraph (1) 2 in conjunction with paragraph (2) in conjunction with Article 26 Paragraph (1) of the Military Criminal Code, and was sentenced to 1 (one) year in prison and dismissed from military service. The judge's consideration in the verdict was that the defendant's actions were motivated by irresponsibility and poor discipline, demonstrating a personality that was indifferent and disregarded the applicable rules. The aggravating factor for the Defendant is that his actions are contrary to the values of the TNI Doctrine, which upholds discipline, obedience, and loyalty to leadership, upholds the attitude and honor of soldiers, and always submits to the law.

The types of desertion that occur in the Kodam IV/Diponegoro region include:

a. Desertion in peacetime (DWD)

Desertion in peacetime (not in wartime) is the act of a military member who leaves his/her duties and responsibilities without official authorization or valid reasons, for more than 30 days. The articles of indictment given to defendants who commit DWD are:

- Article 26 paragraph (1) of KUHPM
- Article 87 paragraph (1) 2nd and paragraph (2) of KUHPM
- Article 88 paragraph (1) 1 KUHPM
- Article 143 of Law Number 31 of 1997 concerning Military Justice
- Article 190, Paragraph (1) and Paragraph (4) of Law Number 31 of 1997 concerning Military Justice



The sanctions imposed are principal punishment and/or additional punishment of dismissal from military service, as well as temporary detention.

b. Desertion in peacetime with aggravation (DWDP)

Desertion will be given an aggravated sanction if it is a repetition of a criminal offense, commits desertion for a long time, has a high rank or position, and causes a wider negative impact. The articles of indictment given to defendants who commit DWDP are:

- Article 26 of KUHPM
- Article 87 paragraph (1) 2nd and paragraph (2) of KUHPM
- Article 88 paragraph (1) of KUHPM

The sanctions imposed are principal punishment and/or additional punishment of dismissal from military service, as well as temporary detention.

c. Unauthorized absence in peacetime (KTI)

Unauthorized absence is committed for a minimum of one day and no longer than thirty days. The articles of indictment given to defendants who commit KTI are:

- Article 86 of KUHPM
- Article 190, paragraph (1) and paragraph (4) of Law Number 31 of 1997 concerning Military Justice

The sanction given is imprisonment for 1 (one) month.

The researcher also classified the military court decisions on these cases as follows:

a. Main and additional punishment dismissed (PPT)

The defendants were given prison sentences ranging from 1 month, 2 months, 6 months, to 1 year and 6 months. In addition, the defendants were also dismissed from military service.

b. Main punishment (PP)

The defendants were given various prison sentences, ranging from 3 months, 5 months, 8 months, up to 1 year.

c. Unacceptable, but the suspect is detained (TDT)

In this decision, the judge decided that the Military Oditur's prosecution against the defendant was unacceptable, but the defendant was still given a prison sentence of 6 months and 10 days.

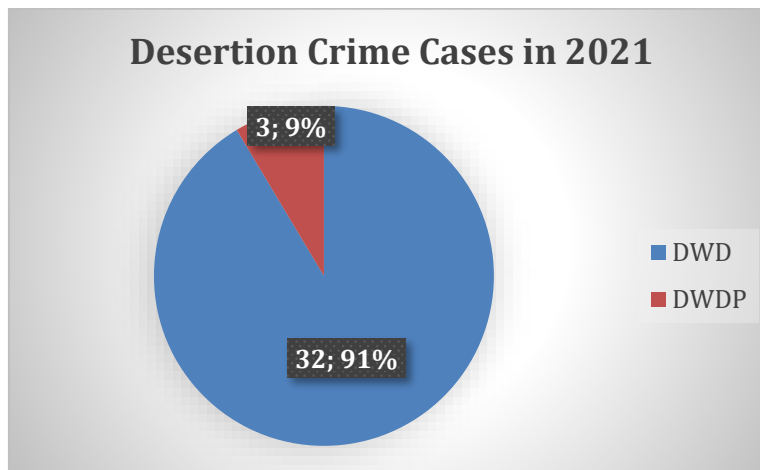
d. Temporary detention (TS)



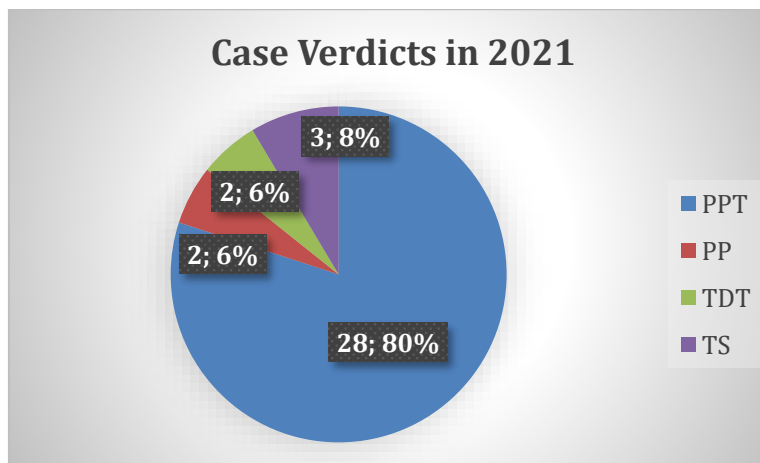
The defendants were temporarily detained, namely, imprisonment for 5 months to 8 months. There are also defendants whose temporary detention is fully deducted from the punishment imposed, namely imprisonment of 2 (two) months and 20 (twenty) days.

The following are results of data processing of the decisions of the Semarang II-10 Military Court and the Yogyakarta II-11 Military Court regarding the crime of desertion from 2021 to 2023:

a. Desertion Crime Cases in 2021¹⁶



Based on the results of the research, in 2021, in the Kodam IV / Diponegoro Region, there were 35 cases of desertion crimes committed by TNI members, hearing various criminal acts as follows, desertion in peacetime (DWD) as many as 32 (91%) cases, while desertion in peacetime with aggravation (DWDP) were 3 (9%) cases.

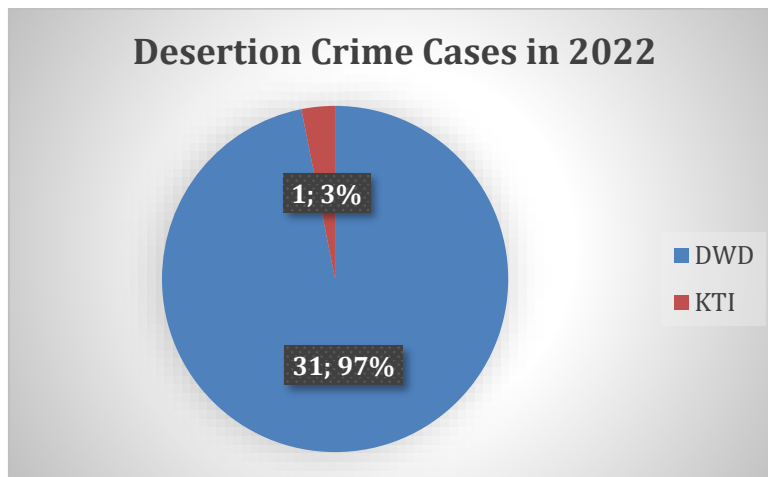


¹⁶ 2021 Annual Report of the Semarang and Yogyakarta Military Courts.

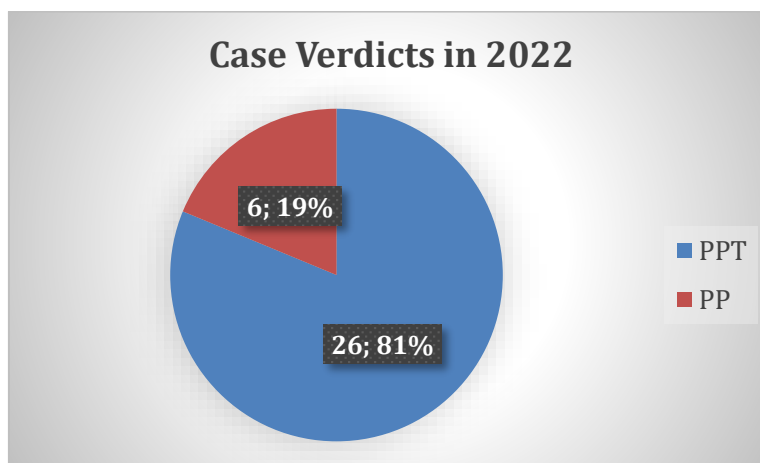


Based on the results of the research, there are case verdicts with a total of 35 cases with the main and additional punishment being dismissed (PPT) were 28 (80%) cases, the main punishment (PP) were 2 (6%) cases. Meanwhile, the verdict cannot be accepted but the suspect is detained (TDT) were 2 (6%) cases, and the verdict with the defendant remains in custody (TS) were 3 (8%) cases.

b. Desertion Crime Cases in 2022¹⁷



Based on the results of the research, in 2022 in the Kodam IV/Diponegoro Region there were 32 cases of desertion crimes committed by TNI members as follows, DWD as 31 (97%) cases, while unauthorized absence in peaceful time of at least one day and not longer than thirty days (KTI) there was only 1 (3%) case.

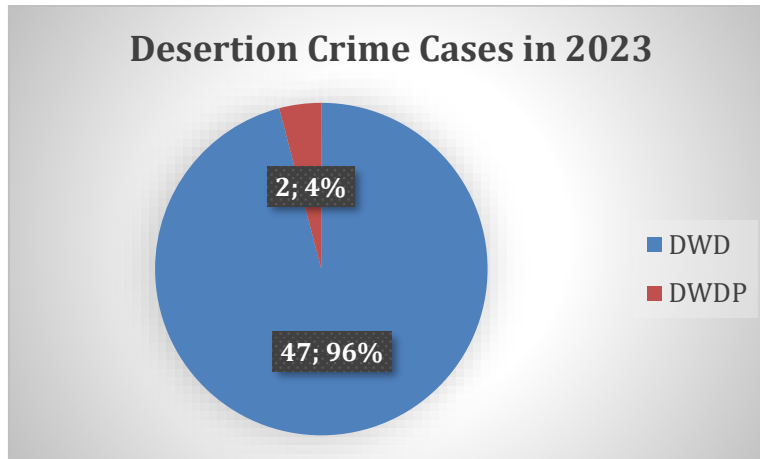


¹⁷ 2022 Annual Report of the Semarang and Yogyakarta Military Courts.

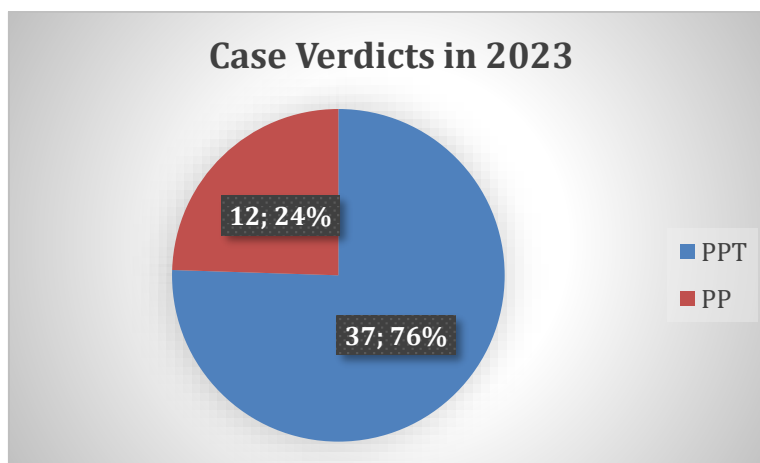


Based on the results of the research, in 2022, there were case verdicts, with a total of 32 cases, of which PPT were 26 (81%) cases, PP were 6 (19%) cases, while there were no TDT cases, and TS cases.

c. Desertion Crime Cases in 2023¹⁸



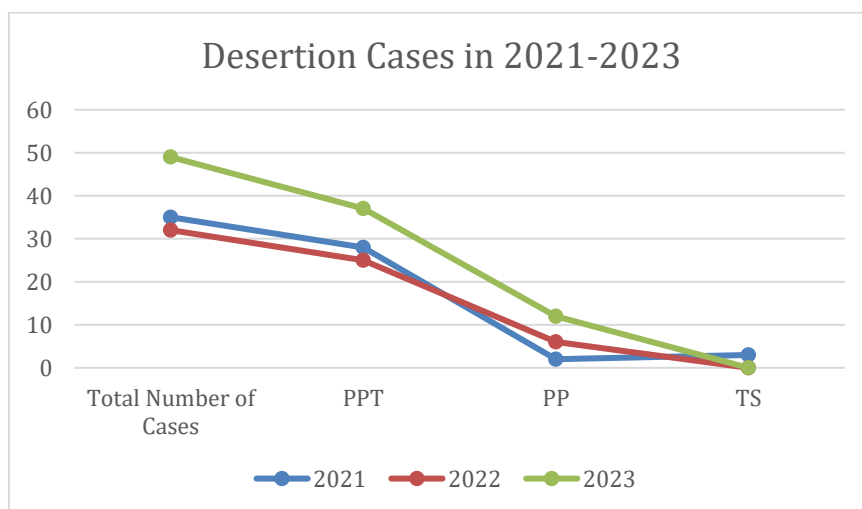
Based on the results of the research, in 2023 in the Kodam IV/Diponegoro Region there were 49 cases of desertion crimes committed by TNI members, hearing the various criminal acts committed as follows, DWD as many as 47 (96%) cases, while DWDP as many as 2 (4%) cases.



Based on the results of the research, in 2023, there were case decisions, with a total of 49 cases, while PPT were 37 (76%) cases, and PP were 12 (24%) cases.

d. Number of Desertion Cases in the Kodam IV/Diponegoro Region

¹⁸ 2023 Annual Report of the Semarang and Yogyakarta Military Courts.



Based on the results of interviews with the head of the Semarang Military Court, Colonel Chk. Rony Suryandoko, SIP, SH, M.H., and the head of the Yogyakarta Military Court, Colonel Chk. Yudi Pranoto, S.H.,¹⁹ the total number of desertion cases in the two military court regions in 2021-2023 is 116 cases. The number of cases in 2021 was 35 cases, most of which were the main punishment of imprisonment and additional punishment of dismissal (PPT), totalling 28 (80%), while the main punishment (PP) was only 2 (6%) cases, and there were only 3 (8%) cases of detention (TS).

In 2022, 26 (81%) cases were sentenced to PPT, while only 6 (19%) cases were sentenced to PP, and no cases were detained. In 2023, 37 (76%) cases were sentenced to PPT, while 12 (24%) cases were sentenced to PP. Based on this, it can be concluded that most cases from 2021 to 2023 tend to increase, but in 2022, it decreased by 3 cases, then increased again by 12 cases, meaning that in 2023 in the area of Kodam IV / Diponegoro, there was an increase. Based on this data, it can be concluded that most cases from 2021 to 2023 tended to increase, but in 2022 there was a decrease of 3 cases, then an increase of 12 cases, which means that in 2023 there was an increase in the Kodam IV/Diponegoro region.

4. Mechanism for Resolving Desertion Cases in the Diponegoro Military Command Region IV

¹⁹ Interview results on October 3-11, 2024



a. Desertion in peacetime

Desertion in peacetime cases are resolved through the military court system. Investigations are conducted by the Military Police and also by Ankum, then prosecuted by the Military Auditor and transferred to the Military Court after obtaining a decision letter from the Case Transfer Officer / Perwira Penyerah Perkara (Papera). Based on the data found, perpetrators of desertion are sentenced to a certain period of imprisonment and an additional penalty of dismissal from military service.

b. Desertion which the perpetrator was not found

In cases of desertion where the defendant was not found from the beginning, the resolution mechanism uses the provisions of Article 143 of Law Number 31 of 1997, namely examination in absentia or the absence of the suspect/defendant for 6 months and 3 consecutive valid summonses.

The resolution of the above desertion case resulted in a strict sanction in the form of dismissal, which shows that the presence of TNI members in the unit is highly prioritized for the sake of the integrity of the troops. Regarding the length of time taken to resolve the desertion case, which was not found to be too long from the outset, in practice, it took less than 6 months. This is in accordance with the opinion of the Indonesian Supreme Court as stated in SEMA Number 3 of 2017 concerning the Handling of Desertion Cases, which states that desertion cases where the defendant is not found from the outset should be resolved within 3 months.

5. Mentoring for Perpetrators of the Desertion

Mentoring of soldiers who have committed the crime of desertion and have been sentenced to criminal punishment and have completed serving their sentence, but not followed by dismissal, is carried out with special mentoring by the commander. For example, placing the function of the commander's relationship with his subordinates is not solely between superiors and subordinates, but places the relationship of parents to their children, brothers to younger siblings, peer relationships, so that it is hoped that confidence will arise in carrying out their duties and can control themselves from the development of



environmental progress and science and technology. In addition, good communication is also carried out between leaders and their subordinates and instills values in their subordinates so that they can realize the goals that have been set.²⁰

Mentoring of desertion perpetrators in general, as well as other crimes, is carried out by military correctional institutions (Lapasmil). This mentoring is carried out for desertion offenders who are sentenced to imprisonment or confinement and not followed by dismissal from military service, while for those who are dismissed, the mentoring is carried out in general correctional institutions (Lapas). The purpose of punishment, among others, is to socialize convicts with guidance and mentoring to become good citizens or soldiers. Military Correctional Institution is a building/place used to house military prisoners in military custody.

The guidance system is carried out in an integrated manner between military correctional officers, military prisoners and entrusted military prisoners and the unit of origin of military prisoners and entrusted military prisoners, to improve the quality of military prisoners and entrusted military prisoners, so that military prisoners and military prisoners realize that they are accepted back by their unit, other military communities and society in general and can play an active role back in the unit in the context of service to the Nation and State.

Based on the Decree of the TNI Commander Number KEP/1375 / XII / 2018 concerning Guidelines for the Implementation of Military Corrections, the implementation of military prisoners in Lapasmil, including mental, spiritual guidance in this case related to religion gets a larger portion, the rest is for general knowledge and skills development, as well as for physical and health development. The purpose of mentoring in Lapasmil is expected to improve/grow back the discipline, mentality, and morale of members/soldiers so that they can be utilized again in the unit.²¹ Guidance through a religious approach is expected to realize the importance of awareness of gratitude to Allah SWT, God Almighty, who has

²⁰ Iwan Tuahdi, Indra Gunawan Purba, & Susilawati, *Penerapan Sanksi Pidana Tambahan Dipecat Dinas Militer Terhadap Pelaku Tindak Pidana Desersi (Studi Putusan Pengadilan Militer I-02 Medan Nomor 54-K/PM.I-02/AD/IV/2024)*, *Jurnal Hukum dan Masyarakat Al-Hikmah*, Vol. 6, No. 1, March 2025, p. 250.

²¹ Destania Arsukma Meidi Putri, & Syamsul Fatoni, *Penegakan Hukum Tindak Pidana Desersi terhadap Anggota TNI di Pengadilan Militer III-12 Surabaya, Deposisi: Jurnal Publikasi Ilmu Hukum*, Vol. 2, No. 4, December 2024, p. 11.



created it, and physical, mental, and knowledge through regular and continuous mentoring programs.

D. Conclusion

Desertion is an act of a military member deliberately leaving his/her service without the permission of superiors, either directly or indirectly, or leaving at a place and time determined by the service, by running away from the unit and leaving military service, or leaving by fleeing without permission, carried out in peacetime or in times of war. Desertion can cover a wide range of situations, from a military member knowingly and intentionally leaving the unit without permission to the inability to report back at the appointed time. These actions can result in legal consequences for the military, including court-martial and punishment by applicable military laws and regulations.

Factors causing military members to desert in the Kodam IV/Diponegoro area include: not wanting to be a soldier anymore (low mentality and discipline), having debts, and to cover these debts, they did online gambling. Other contributing factors are family problems such as the presence of another woman in the family, personal problems, and neglect of the family. Also, desertion due to avoiding senior action because he made a mistake, so he did not dare to return to the unit, fraud and embezzlement factors, and problems with his commander. Domestic violence and disappointment over a job placement that did not meet expectations were also factors in desertion.

Prevention of the crime of desertion is similar to other crimes, namely by means of the application of harsh and strict laws, intended also so as not to be imitated by other members, or other methods such as periodic and continuous unit guidance. Specifically for the crime of desertion, whose whereabouts are unknown, based on the provisions of Article 143 of Law Number 31 of 1997, the case can be resolved and decided without the presence of the defendant. Regarding the completeness of the case file as stipulated in Article 124 paragraph (4), in the case of desertion case files where the suspect is not found, the minutes of examination of the suspect are not a requirement for the completeness of a case file. Examination without the presence of the accused in the sense of *in absentia* is intended to



be carried out so that the case can be resolved quickly to uphold the discipline of Soldiers and maintain the integrity of the troops.²²

The handling of desertion crimes where the suspect has not been found since the beginning within 6 (six) consecutive months, then the provision of 6 (six) months is too long, and is not in line with the purpose of the in absentia trial itself, namely so that the case can be resolved quickly to uphold the discipline of soldiers to maintain the integrity of the troops. Therefore, Law Number 31 of 1997, particularly Article 143, must be revised so that cases of desertion where the suspect/defendant cannot be found from the outset can be resolved quickly, for example, without having to wait six (6) months. But rather more than 30 days after the suspect has been declared deserted and not found, and three valid summonses have been issued, the case can be processed and tried in absentia.

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²² Bambang Slamet Eko Sugistiyoko, *Tindak Pidana Tindak Pidana Desersi Secara In Absentia Anggota Militer, Yustitiabelen*, Vol. 4, No. 1, 2018, p. 59.



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