

Legal Review Of Decision Number 21-K/Pmt/Ii/Ad/Ii2022 Reviewed From The Competence Of Adjudicating Military Courts In The Case Of Corruption Connectivity Of Army Compulsory Housing Savings

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Manuscripts received : 03/09/2025, Revision and Review : 17/11/2025, Approved
14/12/2025

Abstract

Connection A Connection Case is a form of law enforcement involving both civilian and military actors in the same crime, which is regulated through a special mechanism in the Indonesian legal system. This study examines Decision Number 21-K/PMT-II/AD/II/2022, which relates to the corruption case of the Army's Mandatory Housing Savings Fund (TWP AD). This study analyzes the legal basis, chronology, and reasons for the case being tried in military court, despite the involvement of civilians, as well as the role of the Deputy Attorney General for Military Crimes (JAMPIDMIL) in handling it. The method used is a normative juridical approach with an analysis of court decisions. The results of the study also show that the mechanism in this connection case is not fully in line with the objectives of Law Number 31 of 1997 concerning Military Justice, thus raising questions regarding the effectiveness of just law enforcement.

Keywords: *Connectivity, Justice System, Military Corruptions*

A. Introduction

Every case that occurs in Indonesia has a complex diversity, ranging from minor to severe cases involving civilians, the military, or both as perpetrators.¹ One of the cases involving the military and civilian parties is called the "Connectivity" case. This connectivity case is a legal concept that regulates the settlement of criminal cases involving perpetrators from civil and military elements in the same criminal event. The legal basis is found in Article 89 of the Criminal Code which states: "In the event that a criminal act is committed jointly by those who belong to the general judicial environment and the military judicial environment, then the authority to adjudicate is the general court, unless according to the decision of the Minister of Defense and Security together with the Minister of Justice the case must be examined and tried by a military court."² This issue is not only technically procedural, but also

¹ Budi Pramono, "Indonesian Military Justice". N.P., Scopindo Media Pustaka, 2020, p, 38

² Indonesia. (1981). *The Criminal Procedure Code* (KUHP).

touches on fundamental aspects related to the division of authority between the general judiciary and the military judiciary within the framework of the Indonesian legal state.

The main purpose of regulating connectivity in Indonesia is to ensure that the judicial process remains effective, avoid conflicting decisions, and ensure the principle of **due process of law**.³ In a positive legal framework, the regulation regarding connectivity is regulated in Articles 89 to 94 of the Criminal Procedure Code (KUHP) and clarified through the provisions of Law Number 31 of 1997 concerning Military Justice and Law Number 34 of 2004 concerning the Indonesian National Army.⁴

One of the connectivity cases that stole the public's attention was Decision Number 21-K/PMT-II/AD/II/2022 related to the alleged criminal act of corruption of Army Compulsory Housing Savings (TWP AD) funds. This case involves active military personnel and civilians in the management of funds worth hundreds of billions of rupiah. The 2013-2020 Army Housing Mandatory Savings (TWP AD) Corruption Case carried out by TNI Brigadier General Yus Adi Kamrullah and Ni Putu Purnamasari (Case Number **21-K/PMT-II/AD/II/2022**). They have been legally and convincingly proven guilty of committing corruption crimes together and continuously.⁵ The **TWP AD case** is an important example of a connectivity case. Although there were civilian elements involved, this case was ultimately still tried in a military court with Decision Number **21-K/PMT-II/AD/II/2022**, which raised a debate regarding the principle of judicial competence. The connectivity dispute arises due to the involvement of perpetrators across jurisdictions, raising questions about the judicial forum that should process this case.

The prosecutor said that the defendant Brigadier General TNI Yus Adi Kamrullah was proven to have enriched himself in the amount of Rp60,980,756,533, while Ni Putu Purnamasari was also proven to have enriched himself in the amount of Rp37,335,920,483. The actions of the two have resulted in state losses of Rp80,333,490,434. For his actions, Brigadier General TNI Yus Adi Kamrullah was sentenced to 20 years in prison and a fine of Rp750,000,000 and a subsidy of 6 months of imprisonment. He is also required to pay compensation of Rp25,375,756,533. If it is not paid, his property will be confiscated, and if the value is insufficient, it will be replaced with imprisonment for 8 years. Currently, he is detained at the Cimanggis Military Detention Facility. Meanwhile, Ni Putu Purnamasari, who is detained at the Salemba State Detention Center of the Attorney General's Branch, is required to pay compensation of Rp101,624,243,467. If it is not paid, his property will be confiscated, and if it is insufficient, it will be replaced with a prison sentence of 9 years.⁶

An example of a corruption case of the Army Compulsory Housing Savings (TWP AD) in 2013-2020 involving Brigadier General Yus Adi Kamrullah and Ni Putu Purnamasari is

³ Syarifin, A. (2018). *Criminal Procedure Law: Theory and Practice*. Jakarta: Rajawali Press.

⁴ Indonesia. (1997). *Law Number 31 of 1997 concerning Military Justice*. Statute Book of the Republic of Indonesia No. 84 of 1997.

⁵ "TWP Army Corruption, TNI Brigadier General Yus Adi Kamrullah Sentenced to 16 Years in Prison", KumparanNEWS, February 1, 2023

⁶ Yulida Medistiara, "TNI Brigadier General Yus Sentenced to 16 Years in Prison Related to TNI AD Housing Savings Case", detik News, February 1, 2023

included in the connectivity case as stipulated in Article 198 paragraph (1) of Law Number 31 of 1997 concerning Military Justice. The article states that criminal acts committed jointly by parties included in the military judiciary and the general judiciary shall be examined and tried by the court within the general judicial environment, unless there is permission from the Ministry of Justice and approval from the Minister of Defense. In such a case, the case can be heard in a military court.⁷ Currently, the institution authorized to handle licensing from the Ministry of Justice and approval from the Minister of Defense is JAMPIDMIL (Deputy Attorney General for Military Crimes). In this context, the role of the Deputy Attorney General for Military Crimes (JAMPIDMIL) becomes relevant, because this institution is under the Attorney General's Office and has the authority to handle connectivity cases, including coordinating with the prosecutor's office to determine the appropriate judicial forum.⁸

Handling connectivity cases requires coordination between various institutions, including the Military Prosecutor's Office, the Prosecutor's Office, and the Deputy Attorney General for Military Crimes (JAMPIDMIL).⁹ In the case of the TWP AD, the investigation and prosecution process is within the scope of the military court because the main defendant is an active member of the TNI, even though there are civilians involved. This has given rise to academic discourse regarding the extent to which the military judiciary can process corruption crimes that are connected, considering that corruption is a special criminal act that in principle is the authority of the judiciary for corruption crimes.¹⁰

B. Research Methods

This research uses normative legal research methods conducted through literature studies. Normative legal research was chosen because the focus of this study focuses on the analysis of legal norms, legal principles, and provisions of laws and regulations related to the application of connectivity in handling corruption cases of Army Compulsory Housing Savings (TWP AD) funds.

The research approach is descriptive, namely by providing an overview and explanation of the mechanism for implementing connectivity in the military justice system, especially in the practice of unifying interrelated case files. Through this approach, the research seeks to understand how connectivity is applied in judicial decisions without intervening in the substance of the case.

The data sources in this study consist of primary legal materials and secondary legal materials. Primary legal materials include relevant laws and regulations, including Law Number 31 of 1997 concerning Military Justice, Law Number 8 of 1981 concerning Criminal Procedure Law, and Law Number 48 of 2009 concerning Judicial Power.

⁷ Article 198 paragraph (1) of Law Number 31 of 1997 concerning Military Justice

⁸ Law No. 48 of 2009 concerning Judicial Power, Article 16.

⁹ Regulation of the Attorney General of the Republic of Indonesia Number PER-006/A/JA/03/2017 concerning the Organization and Work Procedures of the Attorney General's Office of the Republic of Indonesia.

¹⁰ Law Number 31 of 1999 jo. Law Number 20 of 2001 concerning the Eradication of Corruption.

Meanwhile, secondary legal materials are obtained from law textbooks, scientific journals, as well as the opinions of experts related to the research topic.

Data collection is carried out through tracing and reviewing relevant legal materials, both sourced from print literature and electronic media. The data obtained are then selected and compiled systematically according to the research problem. Data analysis was carried out qualitatively by interpreting the applicable legal provisions and relating them to the practice of applying connectivity in military courts to answer the research objectives.

C. Research and Discussion Results

1. Review of the Connectivity Court in Indonesian Criminal Procedure Law

Connectivity comes from the Latin language, namely *conneccio* which means to be connected, while in English *connection* comes from the word *connect* which means to be connected, connected or there is a connection (Mawarni, 2018). Narrowly speaking, connectivity is defined as a case that is tried by one of the judicial bodies for those who jointly commit criminal acts, some of which fall under the jurisdiction of the general judiciary (civilian actors), while others are included in the jurisdiction of the general judiciary (military actors).¹¹

Connectivity is a form of criminal case settlement where each perpetrator is in a different jurisdiction, so the examination process should be in the jurisdiction of the general court, unless based on the conclusion of the investigation team that the weight of the loss will affect the decision of the Chief Justice of the Supreme Court in determining whether a connection case should be examined and tried based on the provisions of the Law.¹² Connectivity is part of criminal actions committed by civilians jointly committing criminal acts with members of the military.¹³

According to Sabrina Septiana, August Hamonangan P, Connectivity is a criminal act in which the perpetrator (suspect) jointly commits Unlawful Acts from which the General Justice (civilian) environment and the Military Justice environment (armed forces) are involved. Meanwhile, the Connectivity Court is a judicial system for suspected perpetrators of crimes involving civilians and military people. Or it can also be said to be a court between those who are subject to the jurisdiction of the general court and the military court.¹⁴

The regulation of the connectivity justice system in the criminal procedural law in Indonesia is currently the basis of the connectivity procedural law The

¹¹ AL. Wisnubroto, "Towards a New Criminal Procedure Law" Citra Aditya Bakti, 2021, p.128

¹² Hedwig Adianto Mau "The Validity of the Joint Decree for the Investigation of Connectivity Cases After the Amendment of the Indonesian Constitution" (Jayabaya University), Journal of Legal Research on Legality Volume 15 No.1 January 2021

¹³ Faisal, S. M. Military Justice in Indonesia. Bandung: Mandar Maju, 2004

¹⁴ Septiana Sabrina, "The Position of the General Judiciary and the Military Court in Connectivity Cases Reviewed from the Perspective of Indonesian Positive Law" (Iblam College of Law, Central Jakarta, Indonesia), Volume 11, Number 1 | January – June 2023 Edition

connectivity case is regulated, especially in the Criminal Procedure Code (KUHP), especially in Articles 89 to 94. Article 89 of the Criminal Procedure Code explains that if a criminal act is committed jointly by the perpetrator who is included in the general court and the military court, then the case will in principle be examined by the general court, unless otherwise stipulated by law,¹⁵ Article 198 of Law No. 31 of 1997 concerning Military Justice regulates the mechanism for resolving connectivity cases, including the authority of the Minister of Defense and coordination with the Supreme Court in determine the appropriate forum to examine the case, and Article 16 of Law Number 48 of 2009 concerning judicial power, through the legal basis, is clearly able to carry out the trial with the applicable SOPs .

This arrangement aims to avoid jurisdictional dualism that can result in conflicting decisions, while maintaining the principles of justice and legal certainty. In practice, connectivity ensures that the judiciary can handle cases involving civilian and military elements in an integrated manner without having to partially separate the proceedings.¹⁶

2. Review of the Application of the Connectivity Concept in Decision 21-K/PMT-II/AD/II/2022 Related to the TWP AD Case

Connectivity is a concept that regulates the relationship or relationship between two or more cases that have the same subject matter, suspect, or event that allows these cases to be united or resolved together in a single judicial process. The purpose of implementing connectivity is to ensure the efficiency of law enforcement and prevent conflicting decisions and avoid multiple legal actions over the same event.¹⁷ The Army Housing Compulsory Savings Case (TWP AD) is a corruption case involving military personnel as defendants. In this case, there is a connection between several cases and suspects so that the military court applies the concept of connectivity to combine or synchronize the cases in a single verdict.¹⁸

In decision number 21-K/PMT-II/AD/II/2022, the Military Court considered the close relationship between the criminal act committed, the location of the incident, and the time of the TWP AD case. The application of connectivity in this decision allows all facts and evidence from related cases to be assessed comprehensively and not separately.¹⁹ This strengthens the legal principle regarding the equality of position of the parties in the case and the efficiency of the judicial process. The application of the concept of connectivity in this decision shows how the military judiciary can overcome the challenge of the complexity of corruption cases involving many individuals and variables. In addition, connectivity also affirms the competence of military courts to

¹⁵ Criminal Procedure Code, Article 89

¹⁶ Simanjuntak, B. (2021). *Connectivity Law and Its Implementation in Indonesia*. Bandung: Citra Aditya Bakti.

¹⁷ Sudikno Mertokusumo, *Indonesian Criminal Procedure Law* (Yogyakarta: Liberty, 2018), pp. 175-177.

¹⁸ Military Court Decision Number 21-K/PMT-II/AD/II/2022 concerning the TWP AD Corruption Case.

¹⁹ Legal Analysis Report: The Application of Connectivity in Military Cases, *Journal of Law & Justice*, Vol. 10 No. 2, 2023, pp. 120-125.

adjudicate cases that are substantively closely related to military members, even though these cases have implications in the civilian realm.²⁰

Regarding this case, there is a brief flow of files to the court in this case as follows:

1. Military investigators began an investigation into the alleged corruption of TWP Army funds. In this process, it was found that there was a connection between several cases and suspects so that the investigation process was directed to connect the case.
2. Case files from interrelated cases are brought together to facilitate the legal process. The principle of connectivity is applied so that related cases can be heard together and avoid multiple legal actions.²¹
3. The files that have been connected are submitted by the military prosecutor to the military court with an explanation of the reasons for applying the concept of connectivity as the basis for unifying the case
4. The files that have been connected are submitted by the military prosecutor to the military court with an explanation of the reasons for applying the concept of connectivity as the basis for unifying the case²²
5. The decision affirms the application of the concept of connectivity as the legal basis for unifying cases in one decision that resolves all related TWP AD cases²³

From the explanation above, it can be concluded and we understand carefully that this TWP AD case is in accordance with case number 21-K/PMT-II/AD/II/2022, including connectivity cases. Why is this case a connection case? Because the definition of connectivity according to Article 89 of the Criminal Procedure Code occurs when there is a criminal act committed jointly by perpetrators from the general (civil) justice environment and the military justice environment. In the case of Corruption of the Army Compulsory Housing Savings (TWP AD), the suspects consist of:

1. Military personnel (members of the Indonesian Army) are → under the jurisdiction of the military courts.
2. Civilian parties (e.g. non-military associates or third parties) → be under the jurisdiction of the general judiciary.

Because the criminal acts are carried out jointly and interrelated, the connectivity requirements are met. On the other hand, we can also see other evidence that this case includes the following connectivity cases:

²⁰ Arief Hidayat, *Military Justice Competence in Corruption Cases*, *Journal of Military Law*, Vol. 7 No. 1, 2024, pp. 45-47.

²¹ Sudikno Mertokusumo, *Indonesian Criminal Procedure Law*, (Yogyakarta: Liberty, 2018), pp. 176-178.

²² *Journal of Law & Justice*, "The Application of Connectivity in Military Cases," Vol. 10 No. 2, 2023, pp. 122-124.

²³ Arief Hidayat, *Competence and Connectivity in Military Justice*, *Journal of Military Law*, Vol. 7 No. 1, 2024, pp. 46-48.

1) Investigation Process by Connection Investigators

- a) This case began with an investigation by the connectivity team, which consisted of:
- b) Army Military Police (POM AD)
- c) Military Inspector (High Military Inspector)
- d) Public Prosecutor (from the public prosecutor's office)

All under the coordination of the Deputy Attorney General for Military Crimes (JAMPIDMIL)

This fulfills the element of legal concatenation: the existence of civilian and military actors who are jointly involved in corruption crimes.

2) Trial Decision by the Jakarta High Military Court II

The verdict hearing will be held on Wednesday, June 25, 2025, at the Jakarta High Military Court II.

Verdict:

- a) Ni Putu Purnamasari → 16 years in prison, a fine of Rp 750 million (6 months subsidy), and Rp 80.34 billion in restitution.
- b) The legal process against Brigadier General TNI (Ret.) Yus Adi Kamrullah was dropped because the person concerned had passed away

The panel of judges consists of a combination of military judges and one typist judge from the general court, as one of the characteristics of connectivity cases.

3) Connectivity Prosecution Team

The prosecution process was carried out by a joint team:

- a) High Military Inspector (Brigadier General TNI Marlia, S.H., M.H.)
- b) The Public Prosecutor (David Richardo, S.H.), under the coordination of JAMPIDMIL.

Investigators, prosecutors, and judges all come from both environments (civilian and military), fulfilling the element of *connectivity* under the Criminal Code (Articles 89–94).

From some of the points that have been explained above, we can assume that the implementation of the connectivity trial will be heard at the Jakarta High Military Court II. Why not be tried at the Corruption Court? Because in accordance with the content of Article 90 of the Criminal Code, it is clear that connectivity cases can be tried in the general court or military courts, depending on the results of the deliberations of the connectivity team (police, military prosecutors, military prosecutors, military police).

The decision of which forum to use takes into consideration:

- a) Who are the most dominant perpetrators?
- b) The scene of the case.
- c) The nature of the crime.

4) Review of the role of JAMPIDMIL in handling connectivity cases involving military and civilian personnel

JAMPIDMIL stands for Deputy Attorney General for Military Supervision, a structural position within the Attorney General's Office of the Republic of Indonesia that

has a special supervisory function over the implementation of the duties and functions of the Prosecutor's Office in the military sector. JAMPIDMIL plays a role in ensuring that the handling of cases involving military members, both in the criminal and administrative realms, runs in accordance with the legal procedures and ethics of the prosecutor's profession. JAMPIDMIL supervises the investigation, prosecution, and implementation of military court decisions. This supervision includes the legal, administrative, and disciplinary aspects of the military prosecutor's office. Thus, JAMPIDMIL functions as an internal control to prevent abuse of authority and ensure the quality of law enforcement in the military environment.²⁴

As part of the Attorney General's Office, JAMPIDMIL has a strategic role in coordination between the military prosecutor's office and the military court. JAMPIDMIL is tasked with ensuring that legal proceedings against military personnel, including corruption cases such as the TWP AD, are carried out professionally and transparently in accordance with military procedural law and criminal law in general. In the case of the TWP AD, JAMPIDMIL serves to bridge the coordination between the Military Prosecutor's Office and the District Attorney's Office in order to determine the authorized forum and avoid overlapping authority.²⁵ This function is important to maintain a transparent, fair, and fair legal process.

Although the main prosecution authority is in the military dictatorship, JAMPIDMIL is responsible for ensuring that the principle of connectivity is properly implemented and that law enforcement against military and civilian actors can run in an integrated manner without bureaucratic obstacles.²⁶

D. Conclusion

Connectivity cases are an important mechanism in the Indonesian legal system that ensures the settlement of criminal cases involving military and civilian elements in an integrated and effective manner. The connectivity arrangements in the Criminal Procedure Code and the Military Justice Law provide an adequate legal framework, although in practice there are challenges related to coordination between law enforcement agencies.²⁷ The case of Decision Number 21-K/PMT-II/AD/II/2022 concerning corruption of Army Compulsory Housing Savings (TWP AD) funds is a clear example of the application of the principle of connectivity in the context of complex and multi-jurisdictional cases. Although trials are conducted in a military justice environment, the involvement of civilians requires synergy and good coordination so that the judicial process remains fair and transparent.²⁸

²⁴ Prosecutor's Office of the Republic of Indonesia. (2021). *Structure and Functions of the Attorney General's Office of the Republic of Indonesia*. Jakarta: Indonesian Prosecutor's Office.

²⁵ Lubis, D. (2022). "The Role of JAMPIDMIL in Military Law Enforcement." *Journal of Law and Justice*, 8(2), 110-125.

²⁶ Nurcahyo, R. (2021). "Synergy of Military and Civil Law Enforcement in Connectivity Cases." *National Journal of Law*, 12(3), 245-260.

²⁷ Simanjuntak, B. (2021). *Connectivity Law and Its Implementation in Indonesia*. Bandung: Citra Aditya Bakti.

²⁸ Syarifin, A. (2018). *Criminal Procedure Law: Theory and Practice*. Jakarta: Rajawali Press.

The role of the Deputy Attorney General for Military Crimes (JAMPIDMIL) in coordinating and ensuring the process of handling connectivity cases is crucial to avoid overlapping authorities and maintain judicial integrity. However, strengthening technical regulations and process transparency is still needed to increase public trust in the connectivity justice system in Indonesia.²⁹ Thus, the handling of connectivity cases is not only about legal aspects, but also the credibility and legitimacy of the national judicial system in facing law enforcement challenges involving various jurisdictions.³⁰

²⁹ Harahap, M.Y. (2019). *Discussion of Problems and Implementation of the Criminal Code*. Jakarta: Sinar Grafika.

³⁰ Nurcahyo, R. (2021). "Synergy of Military and Civil Law Enforcement in Connectivity Cases." *National Journal of Law*, 12(3), 245-260.

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