

The Authority Of The Connexity Court In Corruption Cases to Realize Legal Certainty

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ABSTRACT

This research discusses the authority of the connexity court in handling corruption cases involving military personnel as an effort to realize legal certainty in Indonesia. Data from the Corruption Eradication Commission shows that corruption in Indonesia, including those involving the military, often faces law enforcement obstacles due to overlapping jurisdictions between the Corruption Eradication Commission and military institutions. This research highlights the urgency of reform in the authority of the connexity court to overcome legal uncertainty caused by jurisdictional dualism. Based on an analysis of the theory of legal certainty, the theory of authority, and the theory of connexity, it is found that the current regulations have not been able to provide the Corruption Eradication Commission with full authority in the investigation and prosecution of connexity corruption cases. This study identifies a significant research gap, namely the lack of studies that specifically discuss connexity trials in the context of corruption involving the military. Therefore, this research aims to analyse the current regulation and implementation of the authority of the connexity court, as well as provide policy recommendations to improve existing regulations. Thus, the results of this study are expected to contribute to legal reform in Indonesia, especially in eradicating corruption that is more effective and consistent, and realizing better legal certainty.

Keywords: *Connexity Court, Corruption Case, Corruption Eradication Commission, Legal Certainty, Military.*

Introduction

Corruption in Indonesia continues to be a significant issue that negatively affects state finances and hampers development efforts (Suta et al., 2021). Corruption not only drains public resources but also weakens institutional integrity and governance, which are critical for sustained economic growth. According to various studies, corruption in Indonesia is linked to a wide range of negative outcomes, including reduced effectiveness of public services, delays in infrastructure projects, and increased costs due to bribery and mismanagement (Lubis & Saptomo, 2024). The impact on state finances is especially severe. Corrupt practices lead to significant financial losses, as public funds that should be allocated for development projects are siphoned off for personal gain. For example, cases involving infrastructure development have been particularly problematic, where funds are diverted, leading to substandard projects that require constant repairs, further straining the national budget. This, in turn, reduces the overall quality of infrastructure and limits its potential to drive long-term economic growth (Saleh et al., 2023).

Efforts to combat corruption in Indonesia are regulated under several legal frameworks, most notably Law No. 31 of 1999 and its amendment, Law No. 20 of 2001. These laws aim to eradicate corruption and recover state financial losses. The laws establish mechanisms to investigate, prosecute, and punish corrupt individuals while emphasizing the recovery of assets gained through corruption. Asset recovery, as stipulated in these laws, is crucial for mitigating the financial harm caused by corruption. The regulations specify that state financial losses must be recovered, often through asset seizure or fines imposed on the perpetrators (Rukmono et al., 2024).

The Corruption Eradication Commission (KPK) plays a key role in enforcing these laws (Mediana et al., 2021). Established to oversee anti-corruption efforts, the KPK coordinates with other government institutions to ensure the efficient recovery of stolen state assets. However, despite these efforts, a significant gap often exists between the amount lost due to corruption and the amount recovered, highlighting the challenges in asset recovery. These laws reflect the Indonesian government's continued commitment to eradicating corruption, though the complexity of corruption cases and the high level of impunity in some sectors remain obstacles to fully achieving these goals.

The role of the Corruption Eradication Commission (KPK) has been vital in pursuing high-profile cases, but corruption remains a pervasive problem that continues to harm the nation's progress (Budiana & Rahayu Damayanti, 2024). Based on data from the Corruption Eradication Commission (KPK), since the establishment of the institution until 2024, more than 1,200 corruption cases have been handled, with the value of state losses reaching trillions of rupiah (Taryanto & Prasojo, 2022). This phenomenon is even more complex when it involves military personnel, where there are overlapping authorities between civilian and military law enforcement agencies. In some cases, such as the corruption of Basarnas and the procurement of AgustaWestland 101 helicopters, the conflict of jurisdiction between the KPK and military institutions has caused the legal process to be hampered and inconsistent. This suggests an urgency to improve legal mechanisms that can ensure that corruption cases, especially those involving the military, can be resolved fairly and effectively.

The urgency of this research lies in the urgent need to realize legal certainty in the handling of connexity corruption cases. Currently, there is legal uncertainty arising from jurisdictional dualism and the KPK's limited authority to investigate and prosecute military personnel. In such conditions, efforts to eradicate corruption are less than optimal and have the potential to weaken public confidence in the legal system. Therefore, this research is not only important for strengthening law enforcement, but also for encouraging more assertive policy reforms in dealing with connexity corruption cases.

The research gap identified is the lack of studies that specifically explore the authority of the connexity court in the context of handling corruption involving the military in Indonesia. Previous research has focused more on aspects of military judicial independence or the recovery of state losses without discussing in depth the legal mechanisms that can ensure certainty and consistency in the investigation and prosecution of connexity corruption cases. Therefore, this research seeks to fill the literature gap by examining more deeply the regulation and implementation of connexity authority, as well as proposed regulatory changes that can strengthen the KPK's authority. The purpose of this research is to analyze and find weaknesses in the current regulation and implementation of the authority of the connexity court and propose solutions to improve legal certainty in the future. This research is expected to make a real contribution to legal reform in Indonesia by providing a theoretical and empirical basis for strengthening the KPK's authority in handling corruption cases involving military personnel, so as to create a more consistent, transparent and effective legal system in upholding justice.

This research aims to explore and analyse the authority of the connexity court in handling corruption cases, particularly those involving military personnel, in order to achieve more effective legal certainty. This research aims to identify weaknesses in the current regulation and implementation of connexity courts, where jurisdictional dualism between the KPK and military institutions often leads to uncertainty in the legal process. Through normative juridical analysis, this research also aims to provide policy recommendations, including proposed regulatory changes, that could give the KPK full authority in the investigation and prosecution of connexity cases. Thus, this research is expected to contribute

to the strengthening of the law enforcement system in Indonesia, especially in efforts to eradicate corruption that are more transparent, consistent, and fair, and ensure that all parties involved, both civilian and military, can be prosecuted with equality.

Methods Research

The research method applied in this study is normative juridical, focusing on the analysis of legal norms contained in legislation. This method is typically utilized in legal research to systematically analyze written laws and regulations, without involving empirical data or social context. The primary objective is to examine the legal principles, doctrines, and rules established in legislation to interpret how they should be applied in practice (Negara, 2023). This research uses several approaches, namely a statute approach to examine the rules of law related to connexity judicial authority, a conceptual approach to examine theories of authority, legal certainty, and connexity, and a case approach to analyze several cases of connexity corruption involving civilians and the military, such as the Basarnas case and the procurement of AgustaWestland 101 helicopters. In addition, a historical approach is used to trace the development of regulations related to connexity authority in Indonesia. The data used in this research comes from primary legal materials, such as legislation and court decisions, as well as secondary legal materials, namely literature and legal doctrine from experts. The data is analyzed qualitatively with the aim of evaluating the implementation of existing laws and identifying obstacles in the enforcement of connexity law to realize legal certainty.

Results and Discussion

This research highlights the urgency to reform the authority of the connexity court in handling corruption cases involving military personnel. In Indonesia, the military justice system currently deals with offenses committed by soldiers, including those related to corruption. However, overlapping regulations between military and general courts have led to confusion and delays in handling these cases effectively (Roi, 2023). The connexity mechanism allows cases involving both military and civilian offenders to be handled together. However, this system has been criticized for being slow and not in line with the principle of simple, fast, and low-cost justice, which is essential in corruption cases. Reform is urgently needed to ensure that corruption cases involving military personnel are processed efficiently, ensuring justice without jurisdictional conflicts (Pangastuti et al., 2024a).

Researchers argue that the authority of military courts in corruption cases should be reformed to streamline procedures and eliminate legal overlaps, thus improving the prosecution process for military personnel involved in corruption. Currently, the overlapping jurisdiction between the Corruption Eradication Commission (KPK) and military institutions creates significant legal uncertainty, making law enforcement less effective and inconsistent. In some major corruption cases, such as the Basarnas case and the AgustaWestland 101 helicopter procurement, the KPK's authority is limited to a coordinating role. The initial investigation was conducted by the Military Police, and the KPK did not have full control over the investigation and prosecution. This condition reflects that the implementation of connexity authority has not been optimal, and there is a lack of clarity in the regulations governing the relationship between military justice and civilian justice. The urgency to strengthen the KPK's authority in handling connexity cases is very high, especially in the context of combating corruption involving the military. The research gap identified is the lack of attention to the regulation and implementation of connexity authority in the context of handling corruption cases. Many previous studies only focus on military justice in general or

combating corruption in the civilian sector, but do not specifically discuss the relationship between civilian and military jurisdictions in the context of connexity. This research seeks to fill this gap by providing an in-depth analysis of the obstacles to the implementation of judicial connexity and providing recommendations for more effective regulation.

In relation to the theories used, this research is based on three theoretical pillars that support the analysis. First, Sudikno Mertokusumo's Legal Certainty Theory emphasizes the importance of law providing predictability and certainty to the public. According to this theory, laws must be clear, consistent, and applicable in a way that individuals and communities can rely on them for guidance in their actions. However, in the case of connexity, legal uncertainty can arise due to jurisdictional dualism, particularly when both military and civilian courts are involved. This fragmentation of authority complicates the enforcement process, leading to legal outcomes that are inconsistent and unclear, which ultimately undermines the principle of legal certainty. In the Indonesian context, the lack of clarity in jurisdictional authority between military and civilian courts, especially in corruption cases involving military personnel, exacerbates this issue. This dualism often leads to fragmented legal processes and delays in resolving cases, making it harder for the public to predict and trust legal outcomes, as required by Mertokusumo's theory (Evangelina Nikolaevna, 2023; Paunio, 2009). The KPK, which should have the authority to handle all corruption cases involving state and military officials, is limited in its role because the current law does not give them full authority. This lack of clarity contradicts the principle of legal certainty that should protect the interests of all parties before the law.

Secondly, Bagir Manan's Theory of Authority emphasizes that authority in legal frameworks must be clearly defined to empower institutions with both the right and the capacity to effectively fulfill their responsibilities. In the context of corruption cases involving military personnel, this theory points to a critical issue: the limited role assigned to Indonesia's Corruption Eradication Commission (KPK) in such cases. Under current legislation, the KPK primarily holds a coordinative role when handling cases that involve military personnel, which has led to notable weaknesses in both the investigation and prosecution processes. This restricted authority has resulted in fragmented case handling, as the KPK lacks the full jurisdictional power to lead investigations independently, complicating efforts to address corruption involving military officials effectively.

This structural limitation in authority is an example of jurisdictional dualism, where the responsibilities and powers between the KPK and military authorities overlap but are not fully integrated, thereby hampering legal clarity and enforcement efficiency. Addressing this through a clearer definition of the KPK's authority – potentially expanding its role beyond mere coordination – would align with Manan's emphasis on defined and practical authority, ultimately strengthening the legal system's response to corruption within military ranks (Roi, 2023). Third, Andi Hamzah's Connexity Theory advocates for a structured legal mechanism that facilitates collaboration between civilian and military jurisdictions, especially in cases where both civilian and military personnel are involved. This theory suggests that an integrated judicial process is crucial for coherence in cases like corruption, where jurisdictional overlaps can complicate the legal process. However, in Indonesia, the application of this theory has faced significant challenges (Kurniawan et al., 2024).

Currently, the Corruption Eradication Commission (KPK) is assigned a coordinative rather than a full prosecutorial role in such cases, which limits its capacity to independently investigate and prosecute corruption involving military personnel. According to regulations, while the KPK can coordinate and oversee cases involving both jurisdictions, ultimate prosecutorial control remains with the Attorney General's Office and the Military Court, as stipulated in Indonesian law. This arrangement often results in fragmented enforcement, as

the KPK's authority is restricted when handling cases that require collaboration with military legal entities (Pangastuti et al., 2024b).

The lack of comprehensive regulatory support and full execution authority for the KPK in these connexity cases highlights the gaps in enforcing Hamzah's theory, underscoring a need for legislative reform to enhance the KPK's role in these complex cases (Wirayanu et al., 2024). Currently, corruption cases involving the military are more often handled by the Military Police, while the KPK only plays a coordinating role, which causes the law enforcement process to be fragmented. In order for the principle of connexity to be properly implemented, changes to Article 42 of the KPK Law need to be made to give the KPK the authority to investigate, prosecute, and prosecute corruption cases involving military personnel in general courts.

Thus, the urgency of this research is to ensure that the KPK has sufficient authority to handle corruption cases as a whole, including cases involving the military, in order to realize legal certainty and eliminate overlapping jurisdictions. Without regulatory changes that give the KPK full authority, jurisdictional dualism will continue to create legal uncertainty, and the effectiveness of law enforcement against corruption will continue to be hampered. This research contributes by offering recommendations for regulatory changes, which are expected to provide a basis for more effective and consistent legal reforms in combating corruption in Indonesia.

Conclusion

This research shows that the authority of the connexity judiciary in handling corruption cases involving military personnel in Indonesia still faces various serious obstacles, especially due to the dual jurisdiction between the Corruption Eradication Commission and military institutions. This dualism causes legal uncertainty and weakens the effectiveness of law enforcement. Based on the analysis carried out, it was found that the Corruption Eradication Committee only has a coordinating role in connection cases, so it cannot carry out its full function in investigating and prosecuting cases involving the military. This is contrary to the theory of legal certainty which demands clarity and consistency in law enforcement. Apart from that, the theory of authority emphasizes that the Corruption Eradication Commission needs to be given broader authority to be able to carry out its functions effectively. Connexity theory also supports the importance of collaboration between civil and military justice, which in practice is still limited by current regulations. Therefore, this research concludes that there needs to be changes to regulations, especially in Article 42 of the Corruption Eradication Commission Law, to give the Corruption Eradication Commission full authority in handling connection corruption cases. With this change, it is hoped that legal certainty can be realized, and the law enforcement system in Indonesia will become more effective, consistent and transparent, especially in eradicating corruption involving the military.

Suggestion And Recommendation

Based on the research results, it is recommended that the government and policy makers immediately revise the regulations on the authority of the Judicial Connexity, especially Article 42 of the Corruption Eradication Committee Law. This revision needs to give the Corruption Eradication Commission full authority to carry out inquiries, investigations and prosecutions of corruption cases involving military personnel, without only acting as a coordinator with military justice. This will strengthen the effectiveness of law enforcement and overcome jurisdictional dualism which has previously created legal uncertainty. Apart from that, it is necessary to develop clearer and more integrated technical

guidelines to facilitate cooperation between general justice and military justice in handling connection cases, so that the law enforcement process can run more consistently. The KPK also needs additional support in the form of adequate training and resources to handle cases involving the military professionally. With these steps, it is hoped that the law enforcement system in Indonesia can become stronger, especially in eradicating connection corruption, and able to realize legal certainty that is fair and transparent for all parties.

Reference

- Budiana, I. N., & Rahayu Damayanti, M. (2024). Authority of the Corruption Eradication Commission After the Promulgation of Law Number 19 of 2019 About the Eradication Commission Corruption Crime. *Asian Journal of Engineering, Social and Health*, 3(10), 2240–2256. <https://doi.org/10.46799/ajesh.v3i10.421>
- Evangalina Nikolaevna, G. (2023). The Principle of Legal Certainty: Concept and Main Characteristics. *Advances in Sciences and Humanities*. <https://doi.org/10.11648/j.ash.20230902.18>
- Kurniawan, I., Bakhtiar, H. S., & Harefa, B. (2024). Connectivity Case a Juridical Review of the Handling Process before and After the Establishment of the Attorney General in the Military Criminal Field. *International Journal of Social Science and Human Research*, 7(05). <https://doi.org/10.47191/ijsshr/v7-i05-57>
- Lubis, Z., & Saptomo, A. (2024). The Impact and Efforts to Eradicate Corruption Crimes in Indonesia. *Proceedings of the 4th International Conference on Law, Social Sciences, Economics, and Education, ICLSSEE 2024, 25 May 2024, Jakarta, Indonesia*. <https://doi.org/10.4108/eai.25-5-2024.2349487>
- Mediana, F. R. I., Asmara, M. G., & Cahyowati, Rr. (2021). The Corruption Eradication Commission's (KPK) Position And Function In The Indonesian State System. *International Journal of Multicultural and Multireligious Understanding*, 8(11).
- Negara, T. A. S. (2023). Normative Legal Research in Indonesia: Its Origins and Approaches. *Audito Comparative Law Journal (ACLJ)*, 4(1). <https://doi.org/10.22219/aclj.v4i1.24855>
- Pangastuti, D. P., Amiruddin, & Ufran. (2024a). Connectivity in Corruption Cases Involving Members of the Military. *Research Review International Journal of Multidisciplinary*, 9(4), 223–231. <https://doi.org/10.31305/rrijm.2024.v09.n04.025>
- Pangastuti, D. P., Amiruddin, & Ufran. (2024b). Connectivity in Corruption Cases Involving Members of the Military. *RESEARCH REVIEW International Journal of Multidisciplinary*, 9(4), 223–231. <https://doi.org/10.31305/rrijm.2024.v09.n04.025>
- Paunio, E. (2009). Beyond Predictability – Reflections on Legal Certainty and the Discourse Theory of Law in the EU Legal Order. *German Law Journal*, 10(11). <https://doi.org/10.1017/S2071832200018332>
- Roi, M. R. (2023). Authority of the KPK and The TNI in Corruption Cases Committed by The Military. *Journal of Development Research*, 7(2). <https://doi.org/10.28926/jdr.v7i2.338>
- Rukmono, B. S., Suwadi, P., & Saiful Islam, M. (2024). The Effectiveness of Recovering Losses on State Assets Policy in Dismissing Handling of Corruption. *Journal of Human Rights, Culture and Legal System*, 4(2), 299–330. <https://doi.org/10.53955/jhcls.v4i2.259>
- Saleh, Nurjaya, I. N., Suryokumoro, H., Noerdjasakti, S., & Zerlina, Z. (2023). Sanctions For The Return Of State Finances By Corporations In The System Of Corruption Justice System. *Journal of Public Administration, Finance and Law*, 28. <https://doi.org/10.47743/jopafl-2023-28-32>
- Suta, I. M. G. D., Prabandari, I. G. A. M., & Astariyani, N. L. G. (2021). Determining State's Financial Losses in Corruption: An Institutional Power and Constraint in Indonesia. *Lentera Hukum*, 8(1). <https://doi.org/10.19184/ejlh.v8i1.21923>

- Taryanto, T., & Prasajo, E. (2022). Analysis of the performance management of the corruption eradication commission in optimizing the recovery of state losses. *Integritas: Jurnal Antikorupsi*, 8(1).
- Wirayanu, R. H., Wahyudi, S. T., & Bakhtiar, H. S. (2024). Reformulation of Connexity Arrangements in Corruption Cases. *International Journal of Social Science and Human Research*, 7(06). <https://doi.org/10.47191/ijsshr/v7-i06-68>