

# Tinjauan Yuridis terhadap Kewenangan Peradilan Militer dalam Mengadili Prajurit TNI yang Melakukan Tindak Pidana Umum Pasca Berlakunya Undang-Undang TNI = Yuridical Review at Authority of Military Court on Judgment Indonesian Soldier That in Case Criminal Action After Placing Indonesian Army Law

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## Abstrak

Tesis ini mengkaji Tinjauan Yuridis Terhadap Kewenangan Peradilan Militer Dalam Mengadili Prajurit TNI Yang Melakukan Tindak Pidana Umum Pasca Berlakunya Undang-Undang TNI. Bertitik tolak dari Undang-Undang Nomor 34 Tahun 2004 tentang Tentara Nasional Indonesia Pasal 65 Ayat 2 yang mengatur prajurit tunduk pada kekuasaan peradilan militer dalam hal pelanggaran hukum pidana militer dan tunduk pada kekuasaan peradilan umum dalam hal pelanggaran hukum pidana umum. Hal ini membawa perubahan sangat mendasar, karena selama ini peradilan militer berwenang mengadili semua tindak pidana yang dilakukan prajurit, baik tindak pidana militer maupun tindak pidana umum. Jenis penelitian adalah penelitian hukum normatif dengan pendekatan yuridis normatif. Penelitian ini memberikan hasil bahwa hukum pidana militer merupakan *lex specialis* dari hukum pidana umum yaitu hukum yang berlaku bagi yustisiabel peradilan militer.

.....This thesis focuses on the review at authority of military court on judgment Indonesian soldier that in case criminal action placing Indonesian Army Law. This issue has been rearranged in law number 34 year 2004 of Indonesian Army, especially in article 65 paragraph 2 with is stated that soldiers should be processed in military court in case of the committed military criminal action, and yet should be processed in general court in case of they committed general criminal action. This brings a fundamental changes regarding authority of processing the soldiers who so far had been processed in military court, either they committed general criminal action or military criminal action in particular. The kind of this research is normative law research with approach is juridical normative. This research shows that military criminal law is a *lex specialis* of general criminal law which is applicable in military court jurisdiction.