

ABSTRAK

Penerapan teori pembagian kekuasaan yang terbagi dalam eksekutif, legislatif dan yudikatif di Indonesia sudah diterapkan guna tercapainya check and balances antar lembaga negara. Lembaga peradilan (yudikatif) haruslah berdiri tegak lurus dalam menjalankan tugas pokok dan fungsinya sebagai badan penegak hukum. Dalam konteks peradilan militer, hakim memiliki peranan penting yang tidak terbantahkan dalam jalannya suatu badan peradilan. Kedudukan hakim militer memiliki ikatan antar dua institusi yakni Tentara Nasional Indonesia (eksekutif) dan Mahkamah Agung (yudikatif) yang seharusnya berbeda rumpun. Badan peradilan yang seharusnya independen, tidak terintervensi dan mengintervensi perlu dikaji berdasarkan perspektif peraturan perundang-undangan. Penelitian ini menggunakan jenis metode normatif-empiris (*applied law research*). Pendekatan yang dimaksud berupa pendekatan konseptual dengan mengkaji struktur organisasai ketatanegaraan yang didasari atas penerapan suatu teori dan peraturan perundang-undangan serta implementasinya dilapangan. Hakim militer secara tidak langsung berdiri dalam dua kaki secara institusional, karena baik MA maupun TNI sama-sama berperan dalam menentukan jalannya karir hakim militer. Dalam hal itu hakim militer masih memiliki potensi besar untuk diintervensi. Terdapat beberapa faktor yang dapat mempengaruhi ketidakmandirian hakim militer dalam menjalankan tugasnya dalam lingkup peradilan militer. Hakim militer secara tidak langsung berdiri dalam dua kaki secara institusional, karena baik MA maupun TNI sama-sama berperan dalam menentukan jalannya karir hakim militer. Dalam hal itu maka peradilan militer di Indonesia belum secara utuh dikatakan sebagai peradilan yang independen. Ini disebabkan karena beberapa faktor yang berpotensi besar dalam menentukan seorang hakim dapat diintervensi oleh pihak lain (eksekutif).

Kata Kunci: *Institusional; Hakim Militer; Kemandirian; Peradilan Militer.*

ABSTRACT

Application of a theory of power-sharing which is divided into executive, legislative, and judicial branches in Indonesia has been applied to achieve checks and balances between state institutions. The judiciary must stand upright in carrying out its primary duties and functions as a law enforcement agency. In the context of military justice, judges have an undeniably important role in the running of a judicial body. The position of military judges has ties between two institutions, namely the Indonesian National Armed Forces (executive) and the Supreme Court (judicial) which should be of different clumps. Judicial bodies that should be independent, uninterrupted, and intervening must be reviewed from the perspective of laws and regulations. This research uses the normative-empirical method (applied law research). The approach in question is in the form of a conceptual approach by examining the structure of the state administrative organization based on applying a theory and legislation and their implementation in the field. Military judges indirectly stand on two legs institutionally, because both the Supreme Court and the TNI have the same role in determining the career path of military judges. In that case, military judges still have great potential for intervention. Several factors affect the independence of military judges in carrying out their duties within the scope of military justice. Military judges indirectly stand on two legs institutionally, because both the Supreme Court and the TNI have the same role in determining the career path of military judges. In this regard, the military courts in Indonesia are not yet fully considered an independent judiciary. This is because several factors that have great potential in determining a judge can be intervened by another party (executive).

Keyword: *Institutional; Military Judges; Independence; Military*