

**KAJIAN PENEGAKAN DISIPLIN MILITER: PELANGGARAN DISIPLIN
MENJADI PIDANA MILITER DALAM KASUS NARKOTIKA OLEH
ANGGOTA TNI (STUDI PUTUSAN NOMOR 17-K/ PM. II-11/AD/III/2023)**

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INTISARI

Pelanggaran disiplin militer yang meningkat menjadi tindak pidana, seperti penyalahgunaan narkoba, menjadi ancaman serius bagi profesionalitas TNI. Studi kasus Putusan Nomor 17-K/PM.II-11/AD/III/2023 menunjukkan seorang anggota TNI AD yang sebelumnya hanya dikenai sanksi disiplin, kembali melakukan pelanggaran dan akhirnya diproses pidana serta dipecat.

Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan dan kasus. Data diperoleh dari bahan hukum primer, sekunder, dan tersier melalui studi kepustakaan, kemudian dianalisis secara kualitatif deskriptif.

Hasil penelitian menunjukkan bahwa eskalasi pelanggaran disiplin menjadi pidana militer dipengaruhi tingkat keseriusan, unsur tindak pidana, dan kewenangan ANKUM untuk merujuk perkara ke peradilan militer. Dalam kasus ini, pelaku terbukti melanggar UU Narkoba dan dijatuhi hukuman penjara, denda, serta pemecatan.

Kesimpulannya, mekanisme hukum di lingkungan TNI memungkinkan pelanggaran disiplin menjadi pidana militer jika membahayakan kepentingan militer. Diperlukan pengawasan, pembinaan, dan sanksi tegas untuk menjaga integritas TNI dan kepastian hukum.

Kata Kunci: Disiplin Militer, Pidana Militer, Narkoba, Kepastian Hukum

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ABSTRAK

Military disciplinary violations that escalate into criminal offenses, such as narcotics abuse, pose a serious threat to the professionalism of the Indonesian National Armed Forces (TNI). The case study of Decision Number 17-K/PM.II-11/AD/III/2023 illustrates a member of the Indonesian Army who, after previously receiving only disciplinary sanctions, reoffended and was subsequently prosecuted and dismissed from service.

This study employs a normative legal research method with statutory and case approaches. Data were obtained from primary, secondary, and tertiary legal sources through library research, and analyzed qualitatively and descriptively.

The findings reveal that the escalation of disciplinary violations into military crimes is influenced by the severity of the offense, the presence of criminal elements, and the authority of the ANKUM (Superior with the Right to Punish) to refer cases to military courts. In this case, the perpetrator was found guilty of violating the Narcotics Law and was sentenced to imprisonment, fined, and dismissed from service.

In conclusion, the legal mechanism within the TNI allows disciplinary violations to become military crimes if they endanger military interests. Strict supervision, continuous guidance, and firm sanctions are necessary to safeguard the integrity of the TNI and uphold legal certainty.

Keywords: *Military Discipline, Military Crime, Narcotics, Legal Certainty.*

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