

**ANALISIS YURIDIS TINDAK PIDANA ASUSILA YANG DILAKUKAN
OLEH OKNUM PRAJURIT TNI DITINJAU DALAM PERSPEKTIF
HUKUM PIDANA MILITER (Studi Putusan Pengadilan Militer II-11
Yogyakarta No. 11-K/PM II-11/AD/III/2021 dan No. 19-K/PM.II-
11/AU/III/2024)**

Putri A Mashanafi¹, Ariesta Wibisono Anditya²

INTISARI

Tindak pidana asusila yang dilakukan oleh prajurit TNI menjadi persoalan serius karena mencederai disiplin, kehormatan, serta citra institusi militer di mata masyarakat. Kasus-kasus seperti ini tidak hanya melanggar hukum pidana umum dan militer, tetapi juga menimbulkan dampak sosial dan psikologis, khususnya bagi keluarga besar TNI. Terdapat dua putusan dalam kasus serupa, meskipun dijerat dengan pasal yang sama, yaitu Pasal 281 ke-1 KUHP namun dijatuhkan hukuman yang berbeda. Penelitian ini bertujuan untuk menganalisis terpenuhinya unsur-unsur tindak pidana dalam dua putusan pengadilan militer, serta mengkaji pertimbangan hakim dalam menjatuhkan sanksi pidana terhadap pelaku. Metode penelitian yang digunakan adalah normatif dengan studi kasus terhadap Putusan No. 11-K/PM II-11/AD/III/2021 dan No. 19-K/PM.II-11/AU/III/2024 dari Pengadilan Militer II-11 Yogyakarta. Hasil penelitian menunjukkan bahwa kedua terdakwa terbukti memenuhi unsur pasal yang disangkakan, namun dijatuhi pidana yang berbeda. Dalam Putusan No. 11-K/PM II-11/AD/III/2021, terdakwa dijatuhi pidana tambahan berupa pemecatan, sedangkan dalam putusan No. 19-K/PM.II-11/AU/III/2024, terdakwa hanya dijatuhi pidana penjara. Perbedaan ini dipengaruhi oleh berbagai faktor yuridis dan non-yuridis. Pada putusan tahun 2021 hakim menjatuhkan hukuman lebih berat karena kasus dinilai melibatkan unsur pemaksaan dan berlangsung cukup lama. Sebaliknya, dalam putusan tahun 2024, terdakwa tidak dipecat karena dianggap masih dapat dibina.

Kata kunci : Asusila, Prajurit TNI, Hukum Pidana Militer

¹ Mahasiswa Prodi Hukum, Universitas Jenderal Achmad Yani Yogyakarta

² Dosen Prodi Hukum, Universitas Jenderal Achmad Yani Yogyakarta

**JURIDICAL ANALYSIS OF IMMORAL CRIMES COMMITTED BY
INDIVIDUAL MEMBERS OF THE INDONESIAN NATIONAL ARMY
(TNI) FROM THE PERSPECTIVE OF MILITARY CRIMINAL LAW
(Case Study of Military Court Decision II-11 Yogyakarta No. 11-K/PM II-
11/AD/III/2021 and No. 19-K/PM.II-11/AU/III/2024)**

Putri A Mashanafi³, Ariesta Wibisono Anditya⁴

ABSTRACT

Immoral crimes committed by members of the Indonesian National Army (TNI) are a serious issue as they harm the discipline, honor, and public image of the military institution. Such cases not only violate general and military criminal law but also have social and psychological impacts, particularly on the TNI's extended family. Two court decisions on similar cases exist, both referring to the same article Article 281 paragraph 1 of the Criminal Code (KUHP) but resulting in different sentences. This research aims to analyze the fulfillment of the elements of the criminal offense in both military court decisions and to examine the judges' considerations in sentencing the perpetrators. The research method used is normative with a case study approach, focusing on Decision No. 11-K/PM II-11/AD/III/2021 and Decision No. 19-K/PM.II-11/AU/III/2024 from the Military Court II-11 Yogyakarta. The findings show that both defendants were proven to have fulfilled the elements of the accused offense, but the sentences imposed differed. In Decision No. 11-K/PM II-11/AD/III/2021, the defendant received an additional sentence in the form of dismissal, while in Decision No. 19-K/PM.II-11/AU/III/2024, the defendant was only sentenced to imprisonment. These differences were influenced by various juridical and non-juridical factors. In the 2021 decision, the judge imposed a harsher sentence due to the involvement of coercion and the prolonged nature of the case. In contrast, in the 2024 decision, the defendant was not dismissed as he was still considered capable of being rehabilitated.

Keywords: Immoral act, Indonesian National Army, Military Criminal Law

³ Student, Department Of Law , Jenderal Achmad Yani University Of Yogyakarta

⁴ Lecturer, Department Of Law, Jenderal Achmad Yani University Of Yogyakarta