

Criminal Liability of TNI Members for Shooting National Police Officers: Death Penalty Analysis

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Article History

Received on 21 October 2025

1st Revision on 30 October 2025

2nd Revision on 12 November 2025

3rd Revision on 15 December 2025

Accepted on 23 December 2025

Abstract

Purpose: This study aims to analyze the application of military criminal law and judges' legal considerations in imposing the death penalty on a member of the *Tentara Nasional Indonesia* (TNI) who shot and killed members of the *Kepolisian Negara Republik Indonesia* (POLRI) based on the Decision of Pengadilan Militer I-04 Palembang Number 50-K/PM.I-04/AD/V/2025.

Research Methodology: This study applies a normative and empirical juridical approach using a case approach. The research examines relevant regulations, including the *Kitab Undang-Undang Hukum Pidana*, *Kitab Undang-Undang Hukum Pidana Militer*, *Undang-Undang Nomor 31 Tahun 1997 tentang Peradilan Militer*, and *Undang-Undang Darurat Nomor 12 Tahun 1951*, supported by interviews with a *Polisi Militer* investigator and a military court judge. Data were analyzed qualitatively.

Results: The findings show that premeditated murder was not proven because the act occurred due to panic and anger. However, the intentional shooting using an illegal firearm that caused three deaths fulfilled the elements of intentional killing under Article 338 of the *Kitab Undang-Undang Hukum Pidana*.

Conclusions: The military justice system effectively enforced criminal accountability, demonstrating that TNI status does not eliminate legal responsibility.

Limitations: This study is limited to one military court decision and a specific criminal case context.

Contributions: This research contributes to military criminal law studies by providing insights into sentencing policies for serious crimes committed by TNI members.

Keywords: *Death Penalty, Military Criminal Law, Criminal Responsibility, Firearm Misuse, TNI*

How to Cite: Seregig, I. K., Ayu, A. W. A. D. T. M., & Jainah, Z. O. (2026). Criminal Liability of TNI Members for Shooting National Police Officers: Death Penalty Analysis. *Kajian Ilmiah Hukum dan Kenegaraan*, 4(2), 171-182.

1. Introduction

Military criminal law is a special juridical instrument designed to enforce discipline and order in the military environment. *Kitab Undang-Undang Hukum Pidana Militer* (KUHPM) and other related regulations expressly regulate the types of violations and sanctions applicable to members of the *Tentara Nasional Indonesia* (TNI), which, in many respects, are more severe than those under general criminal law. This is due to the special nature of the military profession, in which violations such as desertion, refusal of service orders, or insubordination cannot be processed under general criminal law ([Barus et al., 2025](#)).

The TNI is built on the core pillars of discipline, loyalty, and command hierarchy. Discipline is the lifeblood of military life, which every soldier must uphold to maintain the organization's readiness and professionalism. The TNI is a state instrument tasked with defending, protecting, and maintaining the integrity and sovereignty of the state ([Muzakki et al., 2026](#)). In accordance with Article 7, paragraph (2) of Law Number 34 of 2004 concerning the TNI, the TNI's principal duties are carried out through military operations for war and military operations other than war, one of which is securing strategic national vital objects. Strategic national vital objects are objects related to the livelihood of the wider population, the dignity of the nation, and national interests as determined by government decisions ([Sholehah & Sukma, 2025](#)).

Military law in Indonesia is part of the framework of a state governed by law and is an inseparable component of the unified legal system applicable in Indonesia. Military personnel are individuals who are educated, trained, and prepared to fight and may also be referred to as soldiers. As educated and trained individuals, members of the military are, in their daily lives, always bound by special norms and rules, which distinguishes military personnel from civilians. They must submit without reservation to attitudes and conduct that are strictly prescribed and closely supervised in their implementation ([Sugistiyoko, 2017](#)). Military courts are established separately from general courts because the military community is regarded as a special community that must maintain the highest discipline and morale to remain ready for deployment on any assignment ([Buaton, Hadi, et al., 2024](#)).

The Indonesian *Kitab Undang-Undang Hukum Acara Pidana* (KUHP) provides that the investigator in general criminal cases is the National Police, whereas Law Number 31 of 1997 provides that the investigator for TNI soldiers who commit criminal offenses is the Military Police. KUHP further provides that the prosecutor in criminal cases is the Public Prosecutor, while Law Number 31 of 1997 provides that the prosecutor in military courts is the military prosecutor (*oditur militer*). When a soldier is tried before a general court, a question arises as to who acts as the prosecutor, the public or military prosecutor. It has been argued that, in the examination of general criminal cases involving TNI soldiers before general courts, civilian judges' understanding of military interests or their ability to remain independent in adjudicating military personnel is doubtful. This raises the question of whether a judge with a military background should sit alongside civilian judges. This argument rests on the view that the military maintains a way of life, culture, and social conditions distinct from society at large, a circumstance judges must understand when sentencing or adjudicating military personnel ([Buaton et al., 2024](#)).

Military courts have a narrower scope and object of adjudication, focusing on violations of military law committed by military members or those connected to military duties ([Swandana, 2024](#)). This demands a judicial process that draws not only on the general principles of justice but also on considerations of discipline, security, and order to preserve the state's defense function and sovereignty. The legal basis for military courts is set out in Law Number 31 of 1997 concerning Military Courts, which expressly provides that Military Courts have the duty and authority to examine, adjudicate, and decide criminal cases committed by TNI soldiers ([Pramono, 2025](#)). Law enforcement against TNI members who commit the criminal act of shooting, resulting in the death of members of the *Kepolisian Negara Republik Indonesia* (POLRI), carries strong legal, institutional, and sociological dimensions. Such an act is a serious violation of criminal law. Institutionally, incidents risk damaging the synergistic relationship between the TNI and POLRI as fellow state apparatuses. Sociologically, such cases can generate public unrest and erode trust in law enforcement.

Therefore, the imposition of severe criminal sanctions, including the death penalty, is often viewed as an expression of the state's firmness in upholding the supremacy of the law ([Fitriani, 2023](#)). Criminal law defines punishment according to the requirements that must be satisfied by an individual who commits a culpable act. In this context, the fault that binds a person to punishment must meet the following criteria: it is contrary to criminal law, the person is capable of being held responsible, the act is committed intentionally or through negligence, and no grounds for exemption exist. Responsibility is understood as an act for which one must be accountable, regarded as bringing public reproach, and incapable of being excused in any criminal case ([Sulistyawati et al., 2023](#)).

Integrity and transparency are crucial values that the Military Police must uphold when handling murder cases involving their members. Failure to demonstrate an objective and accountable process can trigger public suspicion and diminish the military's legitimacy as a state institution. Public trust in the TNI is strongly shaped by how the institution addresses and resolves internal legal violations. Therefore, the professionalism of Military Police personnel is a major factor in the overall image of Indonesia's military institution ([Simanjuntak & Triadi, 2025](#)). The handling of murder cases committed by TNI members carries not only legal but also social and psychological dimensions. Victims' families and the surrounding community place great hope in a fair and transparent legal process, while the military personnel involved also retain the right to legal treatment consistent with the applicable provisions.

Military Police must balance public demands for justice against the fulfilment of the suspect's human rights, without allowing pressure that could compromise the objectivity of the investigation ([Simanjuntak & Triadi, 2025](#)). Serious violations that TNI soldiers must avoid, which can damage their unit and military life, include misuse of firearms and ammunition, narcotics, desertion and insubordination, murder, fighting and assault, fraud, robbery and theft, gambling, providing illegal "backing" illegal logging, and illegal mining. In the military context, criminal acts such as murder are regarded as serious violations of discipline and the values of the Sapta Marga and the Soldier's Oath, which demand loyalty and obedience to the law along with protection of the community ([Widodo et al., 2023](#)).

TNI members who commit murder are subject to criminal sanctions under the statutory provisions. Pursuant to Article 6 of *Kitab Undang-Undang Hukum Pidana Militer* (KUHPM), soldiers who commit criminal acts may be subject to additional penalties beyond the principal sentence, including dismissal from military service, demotion, and revocation of certain rights. Additional penalties of dismissal and demotion are distinctly military in character and simultaneously serve to strip the perpetrator of their soldier status ([Karim et al., 2024](#)). Murder cases committed by TNI members against members of the Indonesian National Police (Polri) are highly sensitive because they involve the relationship between law enforcement institutions. In such situations, the conduct is viewed not merely from an individual standpoint but also carries social and institutional implications for public trust in the state apparatus. Therefore, an in-depth legal study of how the military justice system handles such cases is warranted.

One case of particular interest is that of Second Corporal/ *Kopral Dua* (Kopda) Bazarsah, a member of the TNI Army tried before Military Court I-04 Palembang in Decision Number 50-K/PM. I-04/AD/V/2025. In that decision, the defendant was found guilty of murdering three Polri members using a self-assembled weapon. The motive for the killing lay in anger over a raid on a gambling operation that the defendant managed. Based on the evidentiary findings at trial, the panel of judges held that the element of premeditated murder charged under Article 340 of the Criminal Code was not proven; however, the element of murder under Article 338 of the Criminal Code was legally and convincingly proven. The defendant was also found guilty of violating Emergency Law Number 12 of 1951 concerning firearms and gambling. He was sentenced to death and dismissed from the military service.

Crimes against human life are among the most serious human rights violations recognized by legal systems across the world. Murder is the most serious crime because it directly violates the most fundamental human right: the right to life. Under Indonesian criminal law, murder is regulated by the *Kitab Undang-Undang Hukum Pidana* (KUHP) ([Savira et al., 2026](#)), while special provisions of military criminal law apply as *lex specialis* to TNI members ([Rosalina Sianturi et al., 2025](#)). The complexity of handling murder cases committed by soldiers increases when the act is carried out with a firearm and results in victims among other law enforcement officers, such as members of the Indonesian National Police. This situation demands firm and proportional law enforcement in the interest of legal certainty and society's sense of justice.

Facts established at trial showed that the defendant used an unlicensed, self-assembled firearm in the shooting, which resulted in the deaths of three Polri members. The Military Prosecutor presented evidence, including witness testimony, the defendant's statement, ballistic and forensic expert testimony, the victims' post-mortem examination reports, and physical evidence consisting of a self-assembled long-barrelled firearm and ammunition. On this evidentiary basis, the panel of judges held that the element of premeditated murder under Article 340 of the Criminal Code was not proven, as no mature planning satisfying the subjective element was found. The element of murder under Article 338 of the Criminal Code, however, was found legally and convincingly proven, and the defendant was accordingly sentenced to death, together with the additional penalty of dismissal from military service under Article 6 of the KUHPM.

As members of the military, TNI soldiers are granted the authority to use firearms in the performance of certain duties, which are strictly regulated under military rules. Nevertheless, the misuse of weapons by military personnel remains common and gives rise to significant legal and social consequences. Such misuse not only violates the principle of military professionalism but can also kill civilians, instill fear in society, and damage the military's reputation ([Arvendo et al., 2022](#)). The ownership and assembly of illegal firearms have already been addressed in several statutory provisions, including specific rules on civilian firearm ownership.

Firearm ownership is governed by Emergency Law No. 12 of 1951, a criminal statute. Article 1 point (1) of that law criminalizes the unauthorized importation into Indonesia, manufacture, receipt, attempted acquisition, transfer or attempted transfer, control, carrying, possession, storage, transport, concealment, use, or removal from Indonesia of any firearm, ammunition, or explosive material, with penalties ranging up to death, life imprisonment, or a maximum twenty-year prison term ([Wahyudi et al., 2024](#)). From the standpoint of criminal responsibility, the defendant's conduct satisfies the element of intent, as he consciously used a lethal firearm against the victim. This element of intent is the primary basis on which the judges imposed the heaviest sentence, given that the consequence was the loss of life of three members of the Indonesian National Police (INP). In criminal law, proof of the fault element is an absolute prerequisite for imposing punishment, including the death penalty, making the analysis of this element central to the case study.

The imposition of the death penalty in this case was intended not only as retribution for the defendant's conduct but also as a means of preserving the authority of law, order, and discipline within the military environment ([Kaluku et al., 2025](#)). Punishment is expected to have a deterrent effect on the perpetrator while serving as a firm warning to other TNI soldiers against misusing their authority, particularly in the use of firearms. Thus, the death penalty is positioned as a law enforcement instrument that is both repressive and preventive in function ([Sodikin & Muhammad, 2026](#)).

In the military justice system, judges hold a strategic role, as they must uphold not only the law but also military values and institutional honor ([Delmiati et al., 2026](#)). Because the TNI is a primary element of the national defence system, military judges must weigh national defence interests when rendering a decision. The purpose of military courts extends beyond upholding law and order within the TNI to preserving the strength and integrity of military institutions ([Hartawan et al., 2024](#)). In practice, law enforcement must not only comply with statutory provisions but also reflect the living sense of justice within society so that public trust in the judicial system is maintained ([Jaeni et al., 2026](#)).

In light of the foregoing, research into the imposition of the death penalty on perpetrators of the shooting of Indonesian National Police members by TNI members is highly relevant for academic study. This study is expected to contribute to the development of military criminal law, particularly concerning sentencing policy for serious crimes, and to serve as a tool for evaluating how military courts enforce the law firmly, fairly, and with regard to the protection of human rights.

2. Literature Review and Hypothesis/es Development

2.1 Criminal Acts and Criminal Responsibility

The term "criminal act" (*tindak pidana*) is commonly used in Indonesian statutory regulations. A criminal act is a form of "deviant behaviour" inherent in every society, threatening the social order at both the individual and collective levels ([Sanrego, 2025](#)). Indonesia's criminal law system adopted Dutch criminal law under the principle of concordance; the original term "*tindak pidana*" derives from the Dutch word "*strafbaarfeit*", which has been rendered into Indonesian through various expressions, including "*perbuatan pidana*," "*peristiwa pidana*," "*tindak pidana*," and "*perbuatan yang dapat dihukum*," among others. Its usage is not always consistent across different statutes, and legislators have never clearly explained the true meaning of "*strafbaarfeit*", giving rise to varied doctrinal views on the term. According to Simons, a "*strafbaarfeit*" is an act intentionally committed by a person who can be held responsible for it and who is deemed punishable for violating the law ([Safitri & Zuhriyah, 2025](#)).

Criminal responsibility, known as *toerekeningsvatbaarheid* or criminal responsibility/criminal liability in English, involves imposing punishment on a person for an act that violates a prohibition or creates a prohibited state of affairs. According to Simons, a *strafbaarfeit* must be a human act contrary to the law, committed by a person who can be held accountable (*toerekeningsvatbaar*). Holding a person accountable under criminal law is the process of extending punishment, which exists objectively in the criminal act subjectively to its perpetrator. Criminal responsibility is determined by the fault committed by the perpetrator; fault (culpability) determines criminal responsibility and is not merely a mental element of the offence. Whether a person is found at fault is itself a matter of criminal responsibility ([Siagian, 2023](#)).

In the context of the death penalty, criminal responsibility carries a stricter meaning, as it is the most severe sanction within the criminal law system. Therefore, proof of the fault element must be conducted carefully, thoroughly, and without leaving room for doubt. The perpetrator's fault must be clearly shown to be intentional rather than merely negligent, as the death penalty may only be imposed for acts committed with the highest degree of fault. Within deterrence theory, the death penalty is regarded not only as retribution for unlawful conduct but also as a preventive and educational mechanism for maintaining social balance ([Kaluku et al., 2025](#)).

In military criminal law, criminal responsibility carries special characteristics because it is attached to the perpetrator's status as a TNI soldier, who is responsible not merely as an individual but also as a representative of the military institution. The responsibility imposed on a military individual who commits murder includes detention and dismissal from military services. Sentences of imprisonment imposed tend to be heavier than for non-military offenders, on the reasoning that military personnel, who are granted special authority to protect ordinary citizens — instead betray that honorable duty by committing murder, which is regarded as an aggravating factor. Serious crimes such as shootings resulting in the death of POLRI members are therefore viewed not merely as violations of general criminal law but also as serious breaches of military discipline, honor, and values ([Ohoirat et al., 2024](#)).

Intent is the key element in determining whether the death penalty is warranted in a case. Intent reflects the perpetrator's conscious will to commit an act known to result in the loss of another's life ([Putri & Adhari, 2024](#)). In the case of a shooting by a TNI member, the deliberate and repeated use of a firearm against a POLRI member demonstrates a strong will to take the victim's life, fully satisfying the fault element. Under the principle of *lex specialis derogat legi generali*, and pursuant to Article 65 (2) of Law Number 34 of 2004 concerning the Indonesian National Armed Forces, soldiers fall under the jurisdiction of military courts for violations of military criminal law and under the jurisdiction of general courts for violations of general criminal law, as regulated by statute. Law enforcement within the military environment concerning sentencing for offences committed by TNI soldiers currently follows the Military Criminal Procedure Law set out in Law Number 31 of 1997 concerning Military Courts as formal law, together with the Criminal Code, Military Criminal Code, and other applicable

special laws as substantive law ([Widijantoro, 2020](#)). Nevertheless, in imposing the death penalty, military court judges remain bound by the principles of prudence and protection of human rights, given the final and irreversible nature of that sentence.

2.2 Murder and Shooting as a Basis for the Death Penalty

Killing is an act committed by a person with the intent to kill another using an instrument, an object or situation regarded as suitable for that purpose ([Ikhsan et al., 2021](#)). Crimes against human life are among the most serious human rights violations in every legal system worldwide; murder is the most serious crime because it directly violates the most fundamental human right: the right to life ([Savira et al., 2026](#)). Murder by shooting has special characteristics because it involves a weapon with high destructive power and poses a significant risk of death. In criminal law, the use of an objectively lethal weapon is a strong indicator of *dolus directus* (direct intent). The criminal law doctrine distinguishes several forms of *dolus*, the first being *dolus directus*, which refers to intent directly aimed at bringing about the consequence of an act.

Therefore, the shooting of a police officer by a military member not only satisfies the elements of murder but also reflects a high degree of danger and fault ([Nano et al., 2026](#)). The Criminal Code regulates murder under Articles 338 and 340, with the principal distinction being the presence or absence of a planning element. Ordinary murder under Article 338 is carried out immediately upon the arising of intent, whereas premeditated murder involves a pause after the intent arises, during which the perpetrator considers how the killing will be carried out. In committing murder, a perpetrator does not simply kill the victim but has already formed a specific "motive" since a motive underlies a person's decision to act in a given way ([Anzhalna, 2023](#)).

In judicial practice, however, the death penalty is not confined to premeditated murder and may also be imposed for ordinary murder committed with particular cruelty, resulting in more than one victim, or having a broad social impact ([Hartono et al., 2025](#)). In the shooting of police officers by a TNI member, the number of victims and the use of an illegal firearm are aggravating factors in sentencing. Even where planning is not proven, the degree of intent and the resulting consequences may still support the imposition of the death penalty as an *ultimum remedium*. Beyond the principal death sentence, TNI members who commit murder by shooting may also face the additional penalty of dismissal from military service. This additional penalty reflects that such conduct violates not only criminal law but also the fundamental values of soldiery, harming the TNI institution as a whole ([Sari & Windari, 2025](#)).

2.3 Judges' Considerations in Sentencing in Military Courts

Judges' legal considerations are a crucial aspect of law enforcement and an important element in realizing a sense of justice in society ([Rasji & Harmono, 2024](#)). Such considerations are central to death penalty rulings, as they provide a rational and legal basis for the heaviest sentence. They must reflect a thorough analysis of the facts, evidence, and relevant legal norms and show that the death penalty is imposed as a last resort after all sentencing alternatives have been considered ([Rizani & Fahmi, 2025](#)). In military trials, judges' considerations focus not only on whether the elements of the offence are satisfied but also on the impact of the defendant's conduct on military discipline and honor.

The shooting of a POLRI member by a TNI member is regarded as undermining the principle of synergy between the state apparatus and capable of generating public distrust, thereby functioning as an aggravating factor in sentencing. Judges must also apply a strict standard of proof in death penalty cases: a verdict may be rendered only if the judge's conviction is supported by valid and strong evidence. In shooting cases, witness testimony, ballistic test results, forensic findings, and the defendant's confession are crucial evidence reinforcing the judge's conviction of guilt. Beyond legal considerations, judges also weigh non-legal factors such as the social impact of the act, the number of victims, and society's sense of justice ([Gulo & Gulo, 2024](#)).

2.4 Research Gap

Previous research on military criminal law in Indonesia has generally been fragmented into several standalone themes. Some studies focus on the general characteristics of military courts and soldierly discipline, including desertion and insubordination as disciplinary violations; others address military criminal responsibility and firearm misuse, generally discussing the element of fault (*schuld*) and illegal firearm ownership doctrinally; while studies on murder tend to be analyzed within the context of general courts and civilian perpetrators. No prior research has been found that specifically integrates three dimensions at once: (1) analysis of the elements of murder (Article 338 of the Criminal Code) intertwined with illegal firearm ownership (Emergency Law No. 12 of 1951); (2) the juridical and non-juridical considerations of military judges in imposing the death penalty as an *ultimum remedium*; and (3) the institutional implications of such events for the synergistic relationship between the TNI and POLRI. Decision No. 50-K/PM.I-04/AD/V/2025, which concerns the shooting of three POLRI members by a TNI Army member, has not previously been the subject of academic study. This gap is addressed by the present research through a single-case study approach, combining normative juridical analysis of the ruling with empirical data obtained from interviews with military investigators.

2.5 Research Question

Based on the foregoing, this research addresses the following research question: How is military criminal law applied to the crime of murder committed by a TNI member, as reflected in Decision No. 50-K/PM.I-04/AD/V/2025

3. Research Methodology

This study employs a combined normative and empirical juridical approach to provide a comprehensive analysis of both the doctrinal and practical aspects of this case. The normative juridical approach is used to analyze the provisions of military criminal law and general criminal law governing murder committed by TNI members, particularly the KUHP, KUHPM, Law Number 31 of 1997 concerning Military Courts, and Emergency Law Number 12 of 1951. This approach was also used to examine the legal considerations of the panel of judges in Decision No. 50-K/PM.I-04/AD/V/2025, to assess the consistency of the law's application with the applicable statutory provisions. The case approach is used to examine Military Court I-04 Palembang Decision Number 50-K/PM.I-04/AD/V/2025 as the principal object of this study. The empirical juridical approach complements the doctrinal analysis by examining the practical application of the law through field research, obtaining field data through interviews with relevant law enforcement officers, including Military Police and Military Court judges, to understand how investigation, prosecution, and case examination are carried out for murders committed by TNI members.

The data sources for this research consist of primary and secondary legal material. Primary legal materials include Military Court I-04 Palembang Decision Number 50-K/PM.I-04/AD/V/2025, Law Number 31 of 1997 concerning Military Courts, the Criminal Code, and the Military Criminal Code. Secondary legal materials consist of scholarly literature relevant to the research topic, including legal textbooks, academic journals, and academic works addressing military criminal law, criminal responsibility, and judges' considerations in military courts. The data are qualitative and comprise legal documents and literature supporting the normative analysis of the court decision.

Field data were collected to obtain empirical data supporting the normative analysis through observations and interviews. The observation involved direct observation of the practice of military criminal law enforcement, particularly the handling of murder cases committed by TNI members. The interviews involved direct, structured question-and-answer sessions with authorized law enforcement officers, including the Denpom II/3 Lampung Military Police and a Military Court I-04 Palembang judge. The data were processed through systematic classification, selection, and qualitative analysis. The qualitative juridical method was used to interpret legal norms and assess judges' reasoning; the data were then qualitatively analyzed by connecting applicable legal norms with facts found in the field.

4. Results and Discussions

4.1 Application of Military Criminal Law in Sentencing for Murder Committed by a TNI Member

The application of military criminal law in Decision No. 50-K/PM.I-04/AD/V/2025 shows that the military justice system functions not only as a forum for enforcing internal discipline but also as a state instrument for imposing the heaviest criminal sanctions on soldiers committing extraordinary crimes. Based on interviews with Sergeant Didik Dwi Prawoto, an investigator with the Denpom II/3 Lampung Military Police, it was emphasized that the shooting that resulted in the deaths of three POLRI members is a very serious legal violation, having been committed by an active soldier using an illegal firearm.

Mr. Didik also explained that a central concern in this case was the perpetrator's use of a firearm. Unlicensed firearm ownership significantly aggravates a soldier's criminal responsibility; according to him, any TNI member who carries a firearm outside official duty without official permission may be charged under Emergency Law No. 12 of 1951. This constituted an important evidentiary element at trial, alongside the element of murder. Asked about the element of intent, Mr Didik explained that investigators can only compile findings based on witness testimony, physical evidence, and objective circumstances in the field; subjective elements such as intent or planning fall within the judge's purview. He emphasized that in the Kopda Bazah case, the investigation revealed active conduct by the perpetrator in aiming the firearm and firing shots, facts supporting proof of the element of murder under Article 338 of the Criminal Code.

Regarding premeditation, Mr Didik also noted that the perpetrator's conduct was driven by intense emotion arising from the raid on the gambling location, a factor weighed in assessing whether the act qualified as premeditated murder. According to Mr Didik, the military court trial became an arena for testing the truth and completeness of the investigation's findings, with military judges relying on the evidence submitted by investigators to assess the elements of the charged articles. He noted approvingly that the judges of Military Court I/04 Palembang assessed the matter objectively and proportionally, resulting in the element under Article 340 of the Criminal Code being found unproven.

On the question of fault, the investigation revealed that the defendant actively fired his weapon nine times at police officers on duty, demonstrating intent and full awareness of the resulting consequence, namely the loss of human life. Although no evidence of prior planning was found, the intensity of the shots and the number of victims confirmed that the element of intent under Article 338 of the Criminal Code was satisfied as the basis of criminal responsibility.

The panel of judges imposed the death penalty because the victims were law enforcement officers carrying out their official duties. The shooting of POLRI members was regarded as a direct attack on state authority and the law-enforcement system. Accordingly, even though premeditated murder was not proven, the degree of danger posed by the act and its social impact were deemed sufficient to justify the death penalty as an ultimum remedium under military criminal law. Beyond the principal sentence, Mr Didik considered the additional penalty of dismissal from military service to be an appropriate measure, given that murder is a serious violation that cannot be tolerated in the ranks.

Dismissal, in his view, also serves as a form of systemic control preserving the integrity of the TNI as a professional national-defence institution, important for maintaining public trust. Sergeant Didik emphasised that this case offers an important lesson for all soldiers, particularly regarding the use of firearms, self-control, and adherence to the law, and that soldiers must understand that every violation carries serious consequences for their future. Thus, the application of military criminal law in this case is oriented not only toward punishing the individual but also toward protecting broader legal interests: the safety of the state apparatus, public order, and the honor of the TNI. The imposition of the death penalty in Decision No. 50-K/PM.I-04/AD/V/2025 reflects the state's firm stance on confronting serious violations by soldiers misusing firearms and their authority.

4.2 Causal Factors and the Basis of Judges' Considerations in Sentencing TNI Members Who Commit Murder

Based on the defendant's statement, corroborated by the trial findings, the shooting occurred while the defendant was in an unstable psychological state. He admitted to panicking after hearing gunfire during a police raid on a cockfighting arena, believing he would be shot first and therefore taking repressive action with the firearm he was carrying. However, the panel of judges found that this subjective perception was not supported by objective facts indicating any actual attack by the police officers. Beyond panic, the panel also considered the defendant's anger as a driving factor. The raid on the cockfighting arena he managed triggered his emotions, as he believed the activity had previously been "coordinated" and should not have been subject to law enforcement action. This sense of betrayal and loss of self-control subsequently triggered the violent act; the judges emphasized that such emotional motives cannot serve as a justification or excuse under the criminal law.

The defendant's habit of carrying a long-barrelled firearm was also an important consideration for the judges, as the weapon gave him a false sense of security and excessive confidence, leaving him unable to control himself when facing a perceived threat. The panel found that carrying an illegal firearm to a gambling location was a conscious act that, from the outset, carried a high risk of violence, placing full criminal responsibility on the defendant. The panel expressly held that the fear and anger cited by the defendant did not meet the criteria for self-defence (*noodweer*) under article 49 of the Criminal Code. No circumstance compelled the defendant to defend himself proportionally, since the police officers were carrying out official duties and did not launch any attack threatening his life; on the contrary, the defendant actively fired live rounds at law enforcement officers, rendering the self-defence argument legally invalid.

On this basis, the panel concluded that the shooting was carried out consciously, intentionally and without lawful justification. The reasons advanced by the defendant reinforced the judges' conviction that the act constituted murder committed with a very high degree of fault. Accordingly, the imposition of the death penalty was regarded as a logical and proportional consequence of conduct that had taken the lives of three members of the Indonesian National Police and undermined the supremacy of law and national security.

5. Conclusions

5.1 Conclusion

This chapter presents the conclusions drawn from the analysis, followed by practical suggestions, research limitations, and directions for future studies.

The imposition of the death penalty on the perpetrator of the shooting of members of the Indonesian National Police by a TNI member in Decision Number 50-K/PM.I-04/AD/V/2025 shows that the military justice system firmly and accountably carried out its law-enforcement function. This case affirms that the perpetrator's status as an active TNI soldier does not eliminate criminal responsibility for his conduct, particularly when that conduct involves shooting law enforcement officers performing state duties. The application of Article 338 of the Criminal Code in combination with Emergency Law Number 12 of 1951 concerning firearms demonstrates that general criminal law and military criminal law were applied synergistically, without special treatment for the perpetrator. The judges' legal considerations reflect prudence and objectivity in assessing the legal facts revealed at trial.

The panel correctly held that the element of premeditated murder under Article 340 of the Criminal Code was not proven, as no evidence of mature planning prior to the shooting was discovered. However, the defendant's conscious and active act of firing an illegal firearm at POLRI members, resulting in three deaths, satisfied the element of intent under Article 338 of the Criminal Code. The evidence was comprehensively assessed, considering the consistency of witness testimony, expert testimony, ballistic evidence, and the causal link between the defendant's conduct and the resulting consequence.

The imposition of the death penalty in this ruling rested on the defendant's very high degree of fault and the serious impact of his conduct on legal interests, national security and public trust. The shooting of police officers is regarded as an attack on state authority and the law enforcement system, warranting the most severe criminal response. The additional penalty of dismissal from military service further shows that military courts are oriented not only toward individual punishment but also toward restoring the discipline, honor, and integrity of the TNI as an institution. The ruling reflects sentencing objectives that balance justice, legal certainty, expediency, and the interests of both the military institution and the wider community.

5.2 Research Limitation

This study has several limitations. First, it focuses on a single court decision, Military Court I-04 Palembang Decision Number 50-K/PM.I-04/AD/V/2025, so its findings are case-specific and cannot be generalized to all shooting or murder cases committed by TNI members across different regions. Second, the normative juridical approach adopted emphasizes the analysis of the ruling and the judges' considerations and has not comprehensively explored the sociological, psychological, and structural factors underlying shooting incidents involving TNI soldiers. Third, limited access to internal military data and certain documents constrained a more thorough analysis of soldier supervision and developmental mechanisms.

5.3 Suggestions and Directions for Future Research

In light of these limitations, future research should adopt a comparative approach that examines multiple military court rulings imposing severe penalties, including the death penalty, on TNI members who commit armed violent crimes. Future research could also combine normative juridical and empirical approaches to assess the effectiveness of the death penalty and dismissal from military service in preventing firearm misuse by soldiers. Studies on the protection of victims' rights, the impact of rulings on public trust, and the evaluation of firearm-control systems within the TNI are likewise relevant and worth pursuing.

Acknowledgement

The authors wish to thank all parties who provided support and contributed to this research. Thanks are also extended to Military Court I-04 Palembang for its openness in providing access to the decision that forms the object of this research, and to the Military Police and Military Prosecutor, who were willing to share the information and insights needed for data collection. The authors further express appreciation to their supervisors and the academic community of the Faculty of Law for their guidance, direction, and constructive input throughout the research and writing process, as well as to their family and other parties whose moral support enabled this research to be completed successfully.

Author Contributions

IKS contributed to the conceptualization, research design, legal analysis, and interpretation of the research findings. AWA contributed to data collection, literature review, data analysis, and manuscript preparation. Both authors contributed to reviewing and revising the manuscript and approved the final version for publication

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