The Legal Status of Tni Soldiers in the National Criminal Law System Following the Enactment of the National Criminal Code

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Abstract

The enactment of Law Number 1 of 2023 concerning the Criminal Code marks an important stage in the reform of Indonesia's national criminal law and raises questions about the legal position of Indonesian National Armed Forces (TNI) soldiers as subjects of national criminal law and about the harmonization of national criminal law with military law. This study examines: (1) the legal position of TNI soldiers as subjects of national criminal law after the National Criminal Code came into force; and (2) the legal harmonization required to integrate national criminal law with the special characteristics of military law. It uses descriptive, normative legal research with statute, conceptual, and case approaches, drawing on primary, secondary, and tertiary legal materials analyzed qualitatively through systematic and conceptual interpretation and vertical and horizontal synchronization. The results show that military status does not confer immunity from criminal liability. TNI soldiers remain subjects of national criminal law, while special military provisions may apply as long as they have a legal basis and are objectively related to military functions. The main legal problems lie in the synchronization of substantive criminal law, judicial jurisdiction, and procedural mechanisms, particularly in the transitional relationship between the National Criminal Code, the Military Court Law, and the amended TNI Law. Harmonization therefore requires a clear classification of offenses, objective determination of the competent forum, inter-agency coordination, separation of criminal and disciplinary liability, protection of the rights of the parties and victims, and legislative adjustment to ensure legal certainty and accountability.

Keywords: TNI Soldiers; National Criminal Code; Military Court

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Introduction

Indonesia's national criminal law reform has entered an important stage with the enactment of Law Number 1 of 2023 concerning the Criminal Code (KUHP) [1]. This change does not merely replace a colonial-era criminal code; it also establishes a new orientation for national criminal law policy. The National Criminal Code serves as the general basis for determining criminal acts, criminal liability, and sentencing. Its enactment therefore has cross-sectoral consequences for various categories of legal subjects that have traditionally been governed by special legal regimes [2]. This reform cannot be separated from criminal law policy, namely the direction of state policy in regulating conduct classified as criminal offenses [3].

Within Indonesia's constitutional system, the Indonesian National Armed Forces (Tentara Nasional Indonesia or TNI) are a state instrument in the field of national defense, with organizational characteristics, functions, and discipline that differ from those of civilian institutions. These characteristics create a need for military law as a special body of law. However, the special nature of military law does not mean immunity from the law. TNI soldiers remain citizens and legal subjects who may be held accountable for violations of the law. The issue is how to position this special status proportionately following the reform of national criminal law.

The problem becomes more complex when soldiers commit offenses that, in substance, constitute ordinary criminal offenses. In such circumstances, at least three questions must be distinguished. First, which substantive criminal-law rule defines the conduct as a criminal offense? Second, which judicial forum has absolute jurisdiction to try the perpetrator? Third, which procedural law governs investigation, prosecution, and trial? These questions must not be conflated because their sources of authority differ.

Law Number 31 of 1997 concerning Military Courts [4] remains one of the principal foundations of the military justice system. Article 9 of that law establishes jurisdiction based on certain characteristics of the perpetrator. Meanwhile, developments in TNI legislation indicate a policy direction that distinguishes military offenses from ordinary criminal offenses. The amendment to the TNI Law through Law Number 3 of 2025 [5] further highlights this issue, although its transitional provisions continue to link implementation to the enactment of a new Military Courts Law. This situation demonstrates the need for harmonization so that reform of substantive criminal law is accompanied by certainty regarding judicial jurisdiction. This issue is significant from the perspective of legal certainty. Legal certainty cannot be understood merely as the existence of written regulations. It also includes clarity regarding the subjects regulated, the norms applied, the competent institutions, the procedures to be followed, and the legal consequences that can be anticipated [6]. Where two legal regimes point to different forums for handling a case, law enforcement officials need a systematic method of interpretation to prevent conflicts of jurisdiction [7].

Changes to the substance of the law through the National Criminal Code must go hand in hand with changes or adjustments to legal structures and legal culture. Structure encompasses the institutions that enforce the law, while legal culture includes the attitudes and understanding of law enforcers and the public. If the substance has been updated but the structure of authority remains unsynchronized, legal reform will not produce complete certainty [8].

Criminal law literature also shows that criminal policy must balance public protection with effective law enforcement. Criminal policy is an instrument for determining the direction of crime prevention and control [9]. This perspective is relevant to the handling of offenses committed by soldiers because law enforcement aims not only to impose sanctions, but also to maintain order, prevent recurrence, and ensure the accountability of state institutions [2].
Criminal liability highlights the importance of the relationship between conduct, culpability, and criminal consequences. This principle remains applicable when the perpetrator is a soldier [10]. Military status must not replace proof of the elements of an offense. At the same time, law enforcement must take the special characteristics of military institutions into account

proportionately so as not to disrupt the defense function [11]. Criminal enforcement should also pursue justice grounded in the values of Pancasila, rather than stopping at procedural certainty alone [12].

Against this background, this article does not repeat the broader research question concerning the application of the Criminal Code to ordinary offenses and its implications for Military Court jurisdiction. Instead, it focuses on two more specific questions: (1) what is the legal position of TNI soldiers as subjects of national criminal law after the National Criminal Code came into force; and (2) how can legal harmonization integrate national criminal law with the special characteristics of military law? The aim is to formulate a legal framework that bridges the principle of equality before the law and the special requirements of national defense.

Theoretical Framework

The Theory of Legal Certainty is used to analyze the first research question, namely the application of the National Criminal Code to TNI soldiers in the handling of ordinary criminal offenses. Legal certainty requires clear, consistent, and predictable rules so that legal subjects can understand the legal consequences of their conduct. Gustav Radbruch's idea of legal certainty positions law as a guide that must provide clear orientation for society; in the Indonesian context, this idea is discussed in the work of Satjipto Rahardjo [7]. The legal policy behind legislation should also be directed toward producing consistent norms that provide certainty in implementation [13]. Peter Mahmud Marzuki regards legal certainty as an important consideration in understanding the function and application of law [14]. Legal certainty exists when the law is knowable and can serve as a guide for conduct [6]. In this study, the theory is used to assess the clarity of rules concerning the application of the National Criminal Code, the classification of offenses, and the basis for determining procedures for handling cases involving TNI soldiers.

Legal System Theory is used to analyze the second research question, namely the implications of applying the National Criminal Code for the jurisdiction of Military Courts. A legal system consists not only of substantive rules, but also institutional structures and legal culture that determine the effectiveness of legal norms. In constitutional governance, constitutionalism requires the allocation of state institutional powers and the administration of judicial authority to remain within the constitutional framework [15]. Criminal law principles also require a clear and consistent basis of liability for every legal subject [11]. Legal theory and theories of adjudication can further be used to examine the relationship between norms, institutions, and law-enforcement practices [16]. In this study, Legal System Theory is used to assess the links among the National Criminal Code, the Military Courts Law, the TNI Law, law enforcement agencies, and practices of coordination and jurisdictional determination across judicial systems.

Research Method

This study is descriptive, meaning that it systematically describes the research object concerning the application of the National Criminal Code to TNI soldiers and the relationship between national criminal law and military law [17]. It uses normative legal research, which examines law as a set of norms through legislation, principles, doctrine, and relevant legal materials [14].

The research is prescriptive and analytical: it provides arguments regarding how the law ought to be applied and analyzes the relationship and consistency of the legal norms relevant to the research object. The approaches used are the statute approach, conceptual approach, and case approach [18].

The legal materials consist of primary, secondary, and tertiary sources. Primary legal materials include the 1945 Constitution of the Republic of Indonesia [19], Law No. 1 of 2023 concerning the Criminal Code [1], Law No. 34 of 2004 concerning the TNI [20], as amended by Law No. 3 of 2025 [5], Law No. 31 of 1997 concerning Military Courts [4], Law No. 48 of

2009 concerning Judicial Power [21], Law No. 20 of 2025 concerning Criminal Procedure [22], Law No. 1 of 2026 concerning Criminal Penalties Adjustment [23], and relevant court decisions. Secondary legal materials consist of books, journals, and research findings, while tertiary materials help explain legal terms and concepts [24].

Legal materials were collected through library research, then inventoried, classified, and qualitatively analyzed using systematic and conceptual interpretation as well as vertical and horizontal synchronization. The analysis was formulated prescriptively to address the application of the National Criminal Code to TNI soldiers and its implications for Military Court jurisdiction.

Results and Discussion

A. The Position of TNI Soldiers as Subjects of National Criminal Law

The first point to emphasize is that TNI soldiers do not stand outside the national criminal law system. Military status is a service status that entails special obligations, but it does not remove a person's capacity as a legal subject. When a soldier commits conduct prohibited by criminal law, liability must still be established based on the elements of the offense and culpability. Accordingly, the principle of equality before the law remains fundamental [11].
The enactment of the National Criminal Code reinforces the need to distinguish the perpetrator's status from the nature of the conduct. The perpetrator's status indicates that the person is a soldier and may be subject to special rules. The nature of the conduct determines whether the violation concerns military interests or constitutes an ordinary criminal offense. This distinction prevents military status from being used as the sole basis for determining all legal consequences [7].

In substantive criminal law, the application of the Criminal Code must take account of tempus delicti. Conduct committed after the National Criminal Code takes effect must be assessed under the criminal law applicable at the time of the conduct. If the conduct occurred before the National Criminal Code came into force, transitional provisions and the principle of non-retroactivity must be considered. Legal changes must not result in a person being punished under a rule that was not in force when the conduct occurred.

Being a subject of national law also means that soldiers have equal rights to legal protection. Law enforcement must guarantee the presumption of innocence, the right to legal defense, objective examination, and a decision based on evidence. At the same time, victims of criminal offenses are entitled to protection and redress in accordance with the law. Balancing the rights of perpetrators and victims forms part of due process of law [25]. The importance of protecting suspects' rights from the investigation stage is also emphasized in studies of enforcement practices that tend toward repression [26].

The special character of military law has a rational basis. Military organizations require discipline, hierarchy, obedience to lawful orders, and protection of defense interests. Violations of these obligations may have a dimension different from ordinary crime. The existence of military criminal law is therefore not contrary to equality before the law, provided that the distinction rests on objective functions, institutional necessity, and a statutory basis.

Problems arise when the boundary between military offenses and ordinary criminal offenses is not defined or applied consistently. In such circumstances, the perpetrator's status may dominate the choice of applicable law. Modern criminal law, however, requires objective classification. An offense that is substantively the same should not change its character merely because the perpetrator wears a military uniform, unless legislation validly provides for special treatment [2].

This approach is consistent with the concept of criminal policy. Law enforcement should protect the public and prevent crime. In the case of soldiers, enforcement also serves an internal function by preserving institutional integrity. Consistent sanctions for violations can strengthen discipline and public trust. Conversely, uncertainty or inconsistency in determining the forum may create a perception of preferential treatment.

Accordingly, the position of soldiers as subjects of national criminal law can be expressed in four principles [6]. First, military status confers no criminal immunity. Second, substantive criminal law is applied with regard to the time and nature of the conduct. Third, special military law applies only where it has a legal basis and an objective justification. Fourth, every process must balance the rights of suspects, defendants, victims, and the interests of national defense institutions [11].

B. Legal Implications of Applying the National Criminal Code for Military Court Jurisdiction

Harmonization is necessary where several regulations govern overlapping legal matters. For TNI soldiers, the overlap concerns the National Criminal Code as general criminal law, military criminal law, military disciplinary law, military justice, and regulations concerning the TNI. Harmonization does not mean abolishing every special rule; it means defining the boundaries and relationships among these legal regimes consistently.

The relationship between Law No. 31 of 1997 and amendments to the TNI Law is an important example. The Military Courts Law establishes jurisdiction based on a particular category of person, while developments in the TNI Law point toward a distinction between ordinary and military offenses. Article 74 of the TNI Law creates a transitional issue because implementation of Article 65 is linked to the enactment of a new Military Courts Law. Interpretation must therefore consider the provisions together rather than in isolation.

During the transition, the principle of lex specialis derogat legi generali must not be applied mechanically. Not every military rule automatically constitutes a special rule overriding all provisions of the Criminal Code. The subject matter regulated must first be identified. If a special rule governs military obligations, it applies within that scope. If the issue concerns an ordinary criminal offense, the National Criminal Code is the substantive reference unless a valid special provision applies.

Harmonization also requires a clear allocation of authority. Investigators must be able to determine the nature of a case from the outset. If the case concerns an ordinary criminal offense, clear coordination with civilian law enforcement authorities is needed. If it concerns a military offense, the military justice mechanism applies. If soldiers and civilians are involved in the same series of criminal acts, the mechanism for connected cases (koneksitas) becomes important.

From the perspective of the theory of authority, every action by investigators, prosecutors, or courts must have a legal basis. The choice of forum must not be based solely on custom. Internal guidelines may be helpful, but they must not expand authority beyond that conferred by statute. A permanent solution therefore requires legislative harmonization [27].

Friedman's theory [8] helps explain why harmonization of legal substance must be accompanied by structural harmonization. Law enforcement institutions need coordination procedures that prevent conflicts. Legal culture among officials must also be developed so that transferring a case between forums is not viewed as a threat to an institution. For example, transferring a case to the General Courts should not be understood as diminishing military dignity where the law requires that result.

In practice, harmonization may use a case-classification matrix. At a minimum, it should include the perpetrator's status; type of offense; victim; relationship between the conduct and official duties; involvement of civilians; evidence; competent forum; applicable procedural law; and coordination mechanism. The matrix is not a source of jurisdiction, but an instrument for ensuring that each decision can be explained objectively [28].

Victim protection must also be an indicator of harmonization. Where the victim is a civilian, the legal process should provide access to case information, protection, and redress in accordance with the law. Likewise, if the victim is another soldier, the process must not stop at disciplinary measures where the conduct satisfies the elements of a criminal offense. Criminal and disciplinary liability must be distinguished according to the nature of the violation.

Thus, harmonization is not merely a technical legislative task. It is part of building a legal system in which national criminal law, military law, and procedural law relate to one another rationally. The result should be a system that is predictable for soldiers, victims, law enforcement officials, and the public.

C. Harmonizing the System for Handling Criminal Offenses by TNI Soldiers Following the Enactment of the National Criminal Code

An ideal handling model should begin with identification. Every report or item of information concerning an alleged criminal offense by a soldier should include the perpetrator's identity and status, the time and location of the incident, the victim, the form of conduct, and the relationship between the conduct and military duties. This initial identification is important because it determines which legal regime may apply.

The second stage is substantive classification. Officials must determine whether the conduct constitutes an ordinary criminal offense, a military offense, a disciplinary violation, or has more than one dimension. Classification must not be based solely on the location of the incident or the perpetrator's status. The elements of the offense and the legal interests protected must be the principal considerations.

The third stage is determining the forum according to absolute jurisdiction. At this stage, the National Criminal Code, the Military Courts Law, the TNI Law, and related regulations must be read together. If provisions appear to conflict, officials should use systematic interpretation, the hierarchy of laws and regulations, the principles of lex posterior and lex specialis with care, and the applicable transitional provisions.

The fourth stage is coordination. The choice of forum should be accompanied by documentation of its legal grounds. Such documentation is important to prevent jurisdictional disputes and facilitate oversight. In connected cases, coordination should begin at an early stage to avoid duplicate examinations or loss of evidence.

The fifth stage is separating criminal liability from disciplinary liability. One act may have both criminal and disciplinary consequences if the legal basis for each is satisfied. However, disciplinary mechanisms must not replace criminal proceedings when the elements of a criminal offense are present. Conversely, a criminal sanction does not automatically eliminate lawful service-related consequences.This model must be accompanied by standards protecting rights. A suspect or defendant must be informed of the basis of the accusation, have access to legal assistance, and be processed by competent authorities. Victims must receive protection and access to redress mechanisms. These principles apply regardless of whether a case is handled within the military or general court system. At the policy level, legislators should accelerate harmonization between the Military Courts Law and the TNI Law. Reform is not sufficient if it updates substantive criminal law alone. It must also address the judicial structure, relationships among investigators, prosecution, connected cases, execution of judgments, and oversight mechanisms. Otherwise, changes to the Criminal Code may introduce new norms while leaving longstanding implementation problems unresolved [2].

Ultimately, this model places military specificity in a proportionate position. The military retains special law to safeguard discipline and defense readiness. However, when soldiers face ordinary criminal charges, the application of law must prioritize certainty, accountability, and victim protection. This principle does not weaken the institution; it forms part of the TNI's professionalism within a rule-of-law state. Theoretically, this study broadens the understanding that criminal law reform should be viewed as a systemic change, not merely a revision of offense definitions. The National Criminal Code provides the substantive law, while successful implementation depends on legal structure and culture. In a system with specialized judicial jurisdictions, synchronization of competence is an integral part of reform.

In practical terms, law enforcement officials need guidance that is simple but firmly grounded in law. Such guidance may take the form of joint standard operating procedures, a jurisdictional consultation mechanism, and a forum-determination template. The aim is not to treat every case

identically, but to ensure that similar cases are assessed using similar parameters [6]. The success of the model also depends on legal education for soldiers and law enforcement officials. Outreach concerning the National Criminal Code should explain the differences among ordinary criminal offenses, military offenses, and disciplinary violations. This understanding promotes prevention rather than enforcement alone. Soldiers must understand that changes in national criminal law also affect standards of conduct outside official duties. Ultimately, success should not be measured merely by the number of cases processed. It should be measured by whether proceedings are lawful, transparent, consistent, respectful of the parties' rights, and result in accountable decisions. On this basis, the relationship between national criminal law and military law can move from a potentially conflictual dualism toward a more harmonious coordination model. The special nature of military law should also be understood as part of professionalism. A professional institution does not need immunity from the law; it needs clear rules so that every member understands the consequences of their conduct. Certainty regarding jurisdiction and sanctions strengthens discipline. Consistent handling of violations gives members clearer behavioral guidance and assures the public that the defense institution remains within the rule of law.

From a human rights perspective, the distinction between forums must also meet fair-trial standards. Different forums do not automatically mean an unfair process. What matters is a competent court, independence within the applicable legal framework, clear procedures, an opportunity to defend oneself, and an accountable judgment. Military law reform should therefore strengthen procedural safeguards as well as clarify the allocation of authority.

This principle matters because criminal law serves to protect society. Ordinary offenses such as assault, theft, fraud, embezzlement, or crimes against life do not lose their ordinary character merely because the perpetrator is a soldier. Physical violence occurring in closed institutional settings, such as boarding educational institutions, has likewise been examined as an offense subject to general criminal law [29]. If a special provision governs a particular circumstance, it must be interpreted narrowly within its scope. An excessively broad interpretation risks turning a special rule into a general exception.

In relation to the National Criminal Code, the boundary of military specificity may be determined by the nature of the legal interest protected. Where conduct primarily attacks interests relating to military order and discipline, military law has a strong basis for application. Conversely, where the conduct is an offense against public interests that can also be committed by civilians, any different treatment of the judicial forum requires a stronger legal justification. The distinction must not rest solely on the perpetrator's status.

The special nature of military law is fundamentally a consequence of the state's defense function. Military institutions operate through command structures, discipline, readiness, and obedience to lawful orders. These characteristics require special rules to enable the organization to perform its defense function effectively. However, such specificity must be distinguished from privilege lacking an objective basis. In a rule-of-law state, every different treatment must be justified by function, necessity, and law. From a preventive perspective, combining criminal and disciplinary mechanisms can have a stronger effect when applied proportionately. Criminal punishment responds to violations of criminal law, while disciplinary action maintains organizational standards of conduct. The two mechanisms must nevertheless have clear boundaries to avoid unjustified repeated punishment or the use of one mechanism to evade the other. This concept is consistent with theories of criminal liability. Tanjung and Siregar [10] highlight the importance of the relationship between conduct and the perpetrator's liability. For soldiers, service status does not replace proof. The conduct, culpability, causal relationship where required, and other statutory elements must be established. Punishment must not be based solely on rank or position.

In practice, a lawful information-exchange mechanism is needed between officials handling criminal matters and those handling disciplinary matters. Information must be used carefully, preserving the confidentiality of investigations and the rights of the person examined. The

objective is to ensure that service-related decisions do not interfere with criminal proof and that criminal proceedings remain relevant to service-related assessments. This distinction has important implications when soldiers commit ordinary criminal offenses. A disciplinary examination should not automatically close criminal proceedings where the elements of an offense have been satisfied. Conversely, criminal proceedings do not necessarily eliminate every service-related consequence. Where there is a legal basis, one act may have consequences in more than one domain. What must be avoided is using discipline to evade criminal liability. Criminal liability and disciplinary liability are two mechanisms with different purposes and legal bases. Criminal liability concerns conduct that satisfies the elements of an offense and leads to criminal consequences. Military discipline concerns compliance with service rules and order that sustain the organization. Because their purposes and normative sources differ, the two mechanisms are not interchangeable. This approach demonstrates that successful criminal law reform cannot be measured solely by consistency in sentencing. A sound system must also provide victims with a sense of justice, guarantee the rights of suspects or defendants, and safeguard institutional interests. Accountability is therefore not opposed to defense interests; it is an element of professionalism for state institutions.

Victim protection should be integrated from the earliest stage. Victims should receive information about complaint mechanisms, their right to protection, and possible forms of redress under applicable law. In cases involving material or immaterial loss, officials should ensure that criminal proceedings do not deprive victims of access to other legal remedies [25], [22]. Every decision concerning the forum, discontinuance of a case, transfer of a case, or other law-enforcement action should have documented legal reasons. Documentation is not merely an administrative formality but an instrument of accountability. Written reasons allow decisions to be reviewed through available oversight mechanisms and legal remedies. They also reduce the risk of inconsistent treatment of cases with similar characteristics [27]. Accountability is important because legal proceedings involving members of state institutions affect public trust. The public needs assurance that alleged criminal offenses will be examined objectively, while the TNI needs assurance that its members will not be processed arbitrarily. This balance can be achieved only through transparent procedures within the limits permitted by law. Discussion of soldiers as legal subjects is incomplete without placing victims at the center. National criminal law reform requires an enforcement system that does not focus solely on perpetrators but also addresses victims' losses and needs. When the perpetrator is a soldier, the victim may come from civilian society or the military community. Differences in status must not remove victims' rights to protection and due process. The reform framework ultimately leads to one principle: military status must be positioned proportionately within the criminal law system. Soldiers need special law because the defense function requires discipline and distinctive organizational characteristics. However, this specificity must operate consistently with the rule of law. The National Criminal Code provides the foundation for substantive criminal law, while military law supplies the special rules required by the institution. The two must be connected through clear boundaries of authority. At the evaluation level, implementation of the new system should be assessed periodically using measurable indicators, including the number of jurisdictional disputes, case-processing duration, consistency in forum selection, protection of the rights of parties, and execution of judgments. Such evaluation can inform policymakers' efforts to improve regulations and procedures [6].

At the educational level, the National Criminal Code should be integrated into legal education and training for soldiers. The material should address not only criminal penalties but also rights and obligations, liability for conduct outside official duties, the relationship between criminal law and discipline, and the consequences of conduct that harms the public. Good legal education is a preventive measure that costs less than enforcement after a violation occurs.

At the institutional level, an inter-agency coordination mechanism may be established for institutions authorized to handle cases involving soldiers. It may include preliminary consultation, assessment of the nature of the case, determination of the forum, and procedures

for resolving disagreements. The central principle is that forum decisions must be legally grounded and accountable, rather than simply reflecting the dominance of one institution. At the legislative level, lawmakers need to clarify the relationship between ordinary criminal offenses and military offenses. Rules on jurisdiction should not create prolonged dependence on transitional provisions. Transitional rules are necessary to prevent a legal vacuum, but they must provide a clear path toward resolution. The longer a transition continues without consistent guidance, the greater the risk of jurisdictional conflict [13]. The relationship between the National Criminal Code and military law shows that legal reform must proceed on several levels. First, legislative harmonization is needed to remove uncertainty concerning jurisdiction. Second, institutions and procedures must be adjusted. Third, officials' capacity must be strengthened so that new norms are understood consistently. Fourth, an evaluation mechanism is needed to determine whether the new approach produces legal certainty and justice.

Conclusion

This study shows that TNI soldiers remain subjects of national criminal law following the enactment of the National Criminal Code. Military status does not confer criminal immunity or replace the requirement to prove the elements of an offense and the perpetrator's culpability. The application of criminal law must consider the time of the conduct, the nature of the offense, and the applicable legal basis. Special military law may continue to apply where it has a legal basis and is objectively related to military functions, discipline, and defense interests. Thus, equality before the law must operate alongside recognition of the special characteristics of military institutions.

The main problem in applying the National Criminal Code to TNI soldiers is the need to synchronize substantive criminal law, judicial jurisdiction, and procedural law. The Military Courts Law and developments in the TNI Law require systematic interpretation, particularly during the transitional period. Forum selection should not be based solely on the perpetrator's status, but should consider the nature of the conduct, the legal interest protected, its relationship to military duties, and the applicable jurisdictional provisions. Harmonization must therefore clarify the boundaries of authority, improve inter-agency coordination, protect the rights of suspects or defendants and victims, and clearly separate criminal liability from military discipline.

The required handling model begins with identifying the perpetrator's status and the nature of the case, followed by substantive classification, determination of the forum according to absolute jurisdiction, coordination and documentation of legal reasons, and separation of criminal and disciplinary consequences. At the policy level, legislative harmonization is required among national criminal law, the Military Courts Law, and the TNI Law, together with coordination guidelines, capacity-building for officials and soldiers, and evaluation of consistency in forum selection and protection of the parties' rights. This model positions military specificity proportionately without abandoning the rule of law, enabling the National Criminal Code to be applied with legal certainty, accountability, victim protection, and continued support for the TNI's professionalism and defense function.

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