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## Law Enforcement of Sexual Crimes by Indonesian National Armed Forces at Kodam XV Pattimura Ambon

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### Abstract

*Sexual offenses are a form of crime that not only violate legal norms but also moral and ethical norms that exist within society. In a military context, such violations have broader implications as they can damage the institution's image and weaken soldier discipline. This research aims to analyze the law enforcement against immoral crimes committed by Indonesian National Soldiers at Kodam XV Pattimura Ambon and to identify the factors affecting the effectiveness of that law enforcement. The research method used is normative juridical research with a statutory approach and a conceptual approach. Data were obtained thru library research on legislation, legal literature, and national and international journal articles. The research results show that law enforcement against Indonesian National Armed Forces who commit immoral acts is carried out thru the military justice mechanism, which involves investigations by the Military Police, prosecutions by the Military Prosecutor's Office, and trials by the Military Court. In addition to criminal sanctions, the perpetrator may also face military disciplinary sanctions such as demotion, disciplinary detention, and dismissal from military service. The effectiveness of law enforcement is influenced by the substance of the law, the institutional structure of law enforcers, and the legal culture within the military environment. Therefore, strengthening internal oversight, enhancing the mental training of soldiers, and implementing strict and consistent sanctions are necessary to prevent similar violations in the future.*

**Keywords:** Law Enforcement, Sexual Crimes, Indonesian National Armed Forces, Military Court.

## Introduction

Indonesia is a state of law as affirmed in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The concept of a rule of law places law as the main foundation in the administration of national and state life. In a rule of law state, every action of the government and citizens must be based on the applicable law and uphold the principles of justice, legal certainty, and utility. In a state governed by law, every action of the government and citizens must be based on the prevailing laws and uphold the principles of justice, legal certainty, and utility (Asshiddiqie, 2010).

Law enforcement has become one of the main pillars in realizing a rule of law state. Law enforcement is not only understood as the formal application of legal norms but also as an effort to realize justice values in society. According to Soerjono Soekanto, law enforcement is an activity that harmonizes the relationship between the values contained in legal norms and societal behavior in order to create social order. According to Soerjono Soekanto, law enforcement is an activity that harmonizes the relationship between the values contained in legal norms and societal behavior to create social order (Soekanto, 2017).

In the Indonesian legal system, law enforcement is carried out through various judicial institutions, namely general courts, religious courts, administrative courts, and military courts. Military courts have special authority to adjudicate members of the Indonesian National Army who commit criminal offenses. The existence of military courts is intended to maintain the discipline and honor of soldiers in carrying out their duties as the nation's defense apparatus.

The Indonesian National Armed Forces is a state institution that plays a strategic role in maintaining the sovereignty of the state and preserving the territorial integrity of the Unitary State of the Republic of Indonesia. Therefore, every Indonesian National Armed Forces is required to have high discipline and uphold moral and legal values. However, in practice, there are still Indonesian National Armed Forces who commit legal violations, including immoral acts.

Sexual offenses are a form of crime related to the violation of moral norms. In Indonesian criminal law, sexual offenses are regulated in various provisions of the Criminal Code (KUHP) such as indecent acts, adultery, and rape. This crime not only harms the victim physically and psychologically but can also disrupt the social order of the community. This crime not only harms the victim physically and psychologically, but it can also disrupt the social order of the community (Hamzah, 2015).

If an immoral act is committed by an Indonesian National Armed Forces, then the violation has more serious consequences. In addition to violating general criminal law, the perpetrator also violates military disciplinary law, which regulates the behavior of soldiers in military life. Such violations can lead to a decline in soldier discipline and damage the image of the military institution in the eyes of the public.

Cases of sexual offenses involving Indonesian National Army indicate that this issue remains a challenge in military law enforcement. Therefore, firm, transparent, and fair law enforcement efforts are needed to deter perpetrators and uphold the honor of the military institution. Taking into account the information given, the research problem is: What is the law enforcement procedure for the unethical actions perpetrated by Indonesian National Army personnel in Kodam XV Pattimura Ambon and what variables affect the enforcement of

laws pertaining to immoral conduct within the Indonesian National Army personnel's context?

Based on the description, this research is important to examine how law enforcement against immoral crimes committed by Indonesian National Army in Kodam XV Pattimura Ambon and the factors that influence the effectiveness of that law enforcement.

## Research Methods

This study employs a normative juridical research methodology that concentrates on the examination of legal norms present in legislation, legal doctrines, and pertinent scientific literature related to the research subject. This study employs a normative juridical research methodology that concentrates on the examination of legal norms present in legislation, legal doctrines, and pertinent scientific literature related to the research subject (Marzuki, 2016). The approach used in this research includes statute approach; this approach is carried out by examining various laws and regulations related to immoral acts and military justice. Conceptual approach; the conceptual approach is carried out by examining legal theories related to law enforcement, legal certainty, and penal theories proposed by legal experts.

## Conceptual Framework

### A. Law Enforcement Concept

Law enforcement is the process of realizing legal norms into reality in the life of society. Soerjono Soekanto explains that law enforcement is essentially an activity of harmonizing the relationship between the values contained in legal norms and the actual behavior of society. Soerjono Soekanto explains that law enforcement is essentially an activity of harmonizing the relationship between the values contained in legal norms and the actual behavior of society (Soekanto, 2017).

According to Soerjono Soekanto, there are five factors that influence the success of law enforcement, namely: legal factor (legal substance), factor of law enforcement agencies, supporting facilities or infrastructure factors, social factor and legal culture factor (Manampiring et al., 2023).

The five factors are interconnected and influence the effectiveness of law enforcement. If one of the factors does not function well, the law enforcement process may encounter obstacles.

In the context of law enforcement within the military environment, the law enforcement structure consists of several agencies, namely: Military Police (MP) as investigators, Military Prosecutor's Office as the public prosecutor and Military Court as an institution that examines and adjudicates cases.

Titahelu explains that the law enforcement system in the military environment has specific characteristics because, in addition to enforcing criminal law, it must also consider the interests of military discipline and hierarchy (Sopacua et al., 2021). Therefore, law enforcement against soldiers who commit crimes must be carried out professionally and transparently to maintain the integrity of the military institution.

### B. The Concept of Legal Certainty

Legal certainty is one of the main objectives of the law beside justice and utility. Gustav Radbruch stated that law must fulfill three basic values: justice, legal certainty, and utility. Gustav Radbruch stated that law must fulfill three basic values: justice, legal certainty, and utility (Radbruch, 2010).

Legal certainty provides a guarantee that every individual will be treated fairly based on clear and consistent legal rules. Without legal certainty, society will experience uncertainty in exercising their rights and obligations. Hans Kelsen, in his normative theory, states that law is a system of norms that regulates human behavior in society (Kelsen, 1945). Therefore, any violation of legal norms must be resolved through the established legal mechanisms (Aziz et al., 2025).

In the context of law enforcement against Indonesian National Armed Forces, legal certainty is very important so that every soldier knows the legal consequences of their actions. Consistent application of the law against violations committed by soldiers will also enhance discipline and public trust in the military institution.

### C. Concept of Military Criminal Law

Military criminal law is a part of the criminal justice system that specifically regulates offenses committed by military personnel. Military criminal law has characteristics that differ from general criminal law because it relates to defense interests and military discipline. According to Andi Hamzah, military criminal law is a legal provision that regulates prohibited actions for military personnel and the sanctions that can be imposed for such violations (Titahelu, 2022). The main purpose of military criminal law is to maintain the discipline and honor of soldiers in carrying out their duties. In the Indonesian legal system, regulations regarding military criminal law are found in Military Criminal Code (KUHPM and Law Number 31 of 1997 on Military Justice.

In the context of this research, sexual offenses committed by Indonesian National Army can be processed through the military justice system while still adhering to the applicable general criminal law provisions.

## Result and Discussions

### A. The Law Enforcement Process for Sexual Crimes Committed by Indonesian National Army at Kodam XV Pattimura Ambon

The military justice system is different from the regular criminal justice system in that it punishes soldiers of the Indonesian National Army for immoral acts at the Kodam XV Pattimura Ambon. These traits are part of the main goals of the military legal system, which not only enforces criminal law but also keeps soldiers disciplined, honorable, and professional while they do their national defense duties.

Law Number 31 of 1997 on Military Justice and other rules about military criminal law set the rules for how to enforce the law against military personnel in the context of national law. According to these rules, any soldier who breaks the law must go through the military justice system, which includes the Military Police, the Military Prosecutor's Office, and the Military Court.

#### 1) The Military Police's investigation and inquiry stage

The Military Police (PM) start the law enforcement process for immoral acts done by Indonesian National Army in Kodam XV Pattimura Ambon by looking into them and asking questions. As investigators in the military justice system, the Military Police (MP) have the power to look into claims of criminal behavior by military personnel.

At the investigation stage, the Military Police (MP) investigator does a number of things to get basic information about the alleged immoral crime. Victim reports, community reports, or internal reports from the

military unit where the soldier is stationed can all provide this information. The investigation stage begins after signs of a crime are found (Latupeirissa et al., 2019).

During the investigation stage, the Military Police (MP) do a number of legal things, such as: examination of witnesses, examination of the victim, questioning a suspect, gathering of proof, rebuilding of events if needed. The primary aim of the investigation process is to gather adequate evidence to ascertain whether the soldier's actions constitute an immoral crime warranting further proceedings in military court.

But in real life, the process of investigating sexual crimes often has a lot of problems. One of the most common problems is that the victim's mental state may be affected by trauma, which makes it hard to give a full account. There may also be social or institutional pressure that makes it harder for the victim to have the courage to report what happened to them.

In a military setting, a corps solidarity culture among soldiers can also affect how the investigation goes. This sense of unity is a good thing that makes the military organization stronger, but it can also be a problem if it is used to protect people who break the law.

#### 2) The Military Prosecutor's Office is in charge of the prosecution stage;

The next step is prosecution by the Military Prosecutor's Office after the investigation is over and the case file is deemed complete. The Military Prosecutor's Office is the military justice system's public prosecutor. It can bring cases to the military court.

At this point, the military prosecutor looks at all the evidence that was gathered during the investigation to see if the case is strong enough to go to the military court. The military prosecutor is also in charge of writing the indictment, which the military judge will use to look at the case.

Military prosecutors can use both the Criminal Code (KUHP) and the Military Criminal Code (KUHPM) when Indonesian National Army commit sexual crimes. It is very important to choose the right article because it will decide what kind of criminal responsibility the defendant will have to face.

The prosecution stage is very important for law enforcement because it sets the course for the judicial process. To avoid raising doubts about the evidence in court, the military prosecutor must write the indictment clearly, completely, and in a logical way.

Also, military prosecutors need to think about protecting the victim in cases of sexual crimes. This protection can include keeping the victim's name secret, giving them mental health support, and making sure they are safe during the trial.

#### 3) The Military Court's examination and decision stage;

The Military Court will look at the case next in the law enforcement process. At this point, the military judge looks at the defendant based on the charges brought by the military prosecutor and the evidence presented in court.

The way a military court works is very similar to how trials work in the regular court system. There are a few important parts to the trial, such as: the military prosecutor reading the charges, looking into witnesses and victims, the defendant's examination, proof with real proof, criminal charges from the military prosecutor, defense from the defendant or their lawyer, the military judge reading the verdict.

When military judges make a decision, they don't just think about the law. They also think about military discipline and how the defendant's actions affect the military as a whole. If the defendant is found to have committed an immoral crime in a legal and convincing way, the military judge can give them different types of punishments, such as: sentence to prison, extra punishment in the form of being kicked out of the military lowering of rank, other punishments for breaking military rules.

In cases of immoral behavior, Indonesian National Army may face additional punishments, such as being kicked out of the military, because such behavior goes against the values of honor and morality that soldiers must uphold.

#### **4) Implementation of military court verdict**

After the military court's verdict is pronounced, the final stage is the execution of the verdict. If the defendant is found guilty, they must serve the sentence decided by the military judge. In several cases of immoral criminal acts committed by Indonesian National Army, in addition to being sentenced to prison, the perpetrators may also face additional sanctions in the form of dismissal from military service. This sanction is considered important because the violations committed by the soldiers not only break the law but also tarnish the honor of the military institution.

#### **5) Study of how well law enforcement works**

When examined through the lens of law enforcement theory, the efficacy of the law enforcement process in addressing immoral conduct within the military context is significantly impacted by several critical factors.

First is the legal substance, which is the fact that there are laws against immoral acts and a military court system. The second factor is the legal structure, which includes law enforcement agencies like the Military Police (MP), Military Prosecutor's Office, and Military Court. These agencies are very important to the process of enforcing the law. Third is the legal culture, which is how soldiers feel about and understand the law and the rules that are in place.

For the law enforcement process to work well, all three factors must be in balance. If one of the factors does not work well, the law enforcement process may encounter obstacles.

### **B. Factors Affecting Law Enforcement against Sexual Crimes in the Environment of Indonesian National Army**

Law enforcement against immoral acts committed by Indonesian National Army cannot be separated from various factors that influence the effectiveness of the legal process. In the study of law enforcement theory, Soerjono Soekanto explains that the success of law enforcement is influenced by five main factors, namely the legal factor (legal substance), law enforcement apparatus (legal structure), means and facilities, society, and legal culture. These factors are interconnected and form a system that determines whether the law can be enforced effectively or not.

In the context of law enforcement against sexual offenses within the military environment, these five factors have their own characteristics because the military legal system not only aims to enforce criminal law but also to maintain discipline, morality, and the honor of the military institution.

#### **1) Legal substance factor**

The first factor that influences law enforcement against immoral acts within the Indonesian National Army is the substantive legal factor, namely the legal rules governing immoral acts and the handling mechanisms within the military justice system. In the Indonesian legal system, immoral acts are fundamentally regulated in the Criminal Code (KUHP), which governs various forms of moral crimes such as rape, indecent acts, and adultery. Additionally, for military personnel, the Military Criminal Code (KUHPM) and the provisions in Law Number 31 of 1997 concerning Military Justice also apply.

Nevertheless, in practice, there are still several issues in the legal substance that can affect the effectiveness of law enforcement against immoral acts in the military environment. One of these issues is the limitation of regulations that specifically address immoral acts committed by military personnel in the context of social relations within the military environment.

Moreover, the development of forms of moral crimes in the modern era also poses new challenges for the existing legal system. For example, moral crimes that occur thru digital media or abuse of power in military hierarchical relationships. If the legal rules cannot keep up with these developments, then the law enforcement process may face difficulties in determining the appropriate legal basis to prosecute the perpetrators.

#### **2) Law enforcement apparatus factor**

The second factor that greatly determines the effectiveness of law enforcement is the law enforcement apparatus. In the military justice system, the law enforcement apparatus consists of several institutions, namely the Military Police, Military Prosecutor's Office, and Military Court.

The Military Police have the authority to conduct investigations and inquiries into criminal acts committed by military personnel. The Military Prosecutor's Office serves as the public prosecutor that brings cases to the military court, while the Military Court functions to examine and adjudicate those cases.

The professionalism and integrity of military law enforcement officers are crucial for the success of the law enforcement process against sexual offenses. Law enforcement officers must be able to carry out their duties objectively, independently, and free from the influence of certain parties. However, in practice, law enforcement in the military environment often faces challenges related to the hierarchical structure of military organizations. In some cases, the existence of command relationships or institutional closeness between the perpetrator and certain parties within the military organization can affect the law enforcement process if not handled professionally.

Moreover, the sensitivity of sexual offense cases often creates dilemmas for law enforcement officers because these cases not only involve legal aspects but also the reputation of military institutions.

#### **3) Factors of supporting facilities and infrastructure**

The factors of means and facilities also play an important role in supporting the law enforcement process against immoral acts in the military environment. These means and facilities include the availability of competent human resources, adequate investigative facilities, and technological support that can assist in the proof process in criminal cases.

In cases of sexual offenses, the process of proving often requires support from various parties such as medical personnel, psychologists, and forensic experts. Therefore, the availability of adequate facilities is essential so that the investigation and proof process can be carried out accurately and professionally. In addition, supporting facilities such as case documentation systems, legal information systems, and victim protection facilities are also important factors in enhancing the effectiveness of law enforcement.

#### 4) Factors of legal culture in the military environment

The factor of legal culture is a highly influential factor in the process of law enforcement in the military environment. Legal culture is related to the attitudes, values, and perceptions of community members toward the prevailing law.

In a military organization, there are values that are highly upheld such as loyalty, solidarity, and discipline. These values are essentially the foundation that is important in maintaining the cohesion and effectiveness of the military organization. However, in the context of law enforcement, a strong corps solidarity culture can sometimes create obstacles when used to protect law violators. For example, there is a tendency to cover up violations committed by fellow soldiers to protect the reputation of the unit or institution.

If such conditions occur, the law enforcement process may face obstacles due to a lack of transparency in revealing facts related to the crime that has occurred.

#### 5) Factors of soldiers' legal awareness

Another factor that also influences law enforcement against sexual offenses in the military environment is the level of legal awareness among soldiers. Legal awareness is related to an individual's understanding and compliance with the prevailing legal norms. Indonesian National Army, as state apparatus, should have a high level of legal awareness because they not only serve to maintain national security but also set an example for the community in obeying the law.

However, in some cases, a lack of understanding of the legal consequences of an action can lead soldiers to commit legal violations, including offenses related to morality. Therefore, increasing legal awareness thru legal education and mental training for soldiers becomes one of the important factors in preventing legal violations within the military environment.

### Conclusion

Based on the results and discussion regarding the law enforcement process against immoral acts committed by Indonesian National Armed Forces in the Kodam XV Pattimura Ambon, it can be concluded that the law enforcement mechanism has been carried out thru the military justice system, which includes the investigation and inquiry stages by the Military Police, prosecution by the Military Prosecutor's Office, and examination and verdict by the Military Court. Normatively, this mechanism is in accordance with the provisions of Law Number 31 of 1997 concerning Military Justice and applicable criminal law regulations. However, in its implementation, the law enforcement process has not yet been fully optimal. This is due to various structural and cultural constraints, such as the influence of the command hierarchy, the strong culture of corps solidarity, and the sensitivity of cases related to the morality of soldiers and the image of the military institution. These conditions have the potential to affect objectivity and transparency in the law enforcement process if not

balanced with the professionalism of military law enforcement officials.

The results and discussion, it can be concluded that law enforcement against immoral acts within the Indonesian National Armed Forces is influenced by various interconnected factors, namely the substance of the law, law enforcement apparatus, facilities and infrastructure, legal culture, and the legal awareness of the soldiers. These five factors form a system that determines the effectiveness of law enforcement in the military environment.

### Recomendation

Based on the analysis of the law enforcement process regarding immoral acts committed by Indonesian National Armed Forces Kodam XV Pattimura Ambon, the author provides the following recommendations:

- 1) Strengthening internal supervision mechanisms.
- 2) Improvement of the professionalism of military law enforcement officers.
- 3) Strengthening protection for victims.
- 4) Improvement of soldiers' moral and ethical training.

Implementation of strict and consistent sanctions.

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