

Legal analysis of the application of Article 24 Paragraph (1) of The KUHPM to TNI soldiers who have been sentenced to prison

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Abstract

Purpose: Imprisonment is essentially a punishment of loss of freedom of movement for lawbreakers for a certain period of time or for life, which is determined by a judge and the decision has permanent legal force. During the loss of freedom of movement, the convict is placed in a Correctional Institution to be given guidance. Imprisonment is imposed on people who commit crimes in the form of crimes, both civil and military (TNI soldiers). The purpose of imposing a prison sentence is to educate prisoners, namely by creating a deterrent effect so that they repent and do not commit the act again. TNI soldiers who have been sentenced to imprisonment certainly have their own consequences that can be felt, both for the person concerned, their family, their unit and society in general. The imposition of imprisonment on TNI soldiers can have negative impacts, such as decreasing public trust in the TNI institution and damaging the image of the TNI as an institution that upholds discipline and law. Regarding the submission of UKP, it is certainly the right of every TNI soldier who has normatively met the requirements. How is the regulation and implementation of the reduction of service period for TNI soldiers who have been sentenced to prison in their subsequent career development and what is the ideal concept of regulating the service period for TNI soldiers who have been sentenced to prison in their subsequent career development.

Research Methodology: The type that the author chose was legal synchronization, because the author saw a lack of synchronization between lower regulations (regulations in the TNI environment regarding the submission of UKP) and higher regulations, namely Article 24 paragraph (1) of the Criminal Code (Law Number 39 of 1947).

Results: The TNI Commander's Regulation needs to explicitly regulate that the criminal period is not counted as part of the active service period, but the period before and after the criminal sentence is still counted as the total service period.

Keywords: *Reduction of Service Period for TNI Soldiers*

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1. Introduction

TNI soldiers who have been sentenced to prison certainly have their own consequences that can be felt, both for the person concerned, their family, their unit and society in general. The imposition of a prison sentence on TNI soldiers can have negative impacts, such as decreasing public trust in the TNI institution and damaging the image of the TNI as an institution that upholds discipline and law.

In the context of criminal punishment according to military criminal law, TNI soldiers who are sentenced to prison will serve their sentence at the Military Correctional Institution (Lemasmil). Unlike the general public, the period of serving a sentence for TNI soldiers has many implications, both in career development, rights and obligations, to the submission of a Proposal for Promotion (UKP) to the soldier (Sudarto 1986). Regarding the submission of UKP, it is certainly the right of every TNI soldier who has normatively met the requirements. Submission of UKP for TNI soldiers is a right that must be received according to their achievements and as a form of moral welfare. Therefore, every TNI soldier who has devoted himself without any defects or without any legal problems will certainly be submitted for UKP. In several cases that the author knows, there are TNI soldiers who have legal problems and are sentenced to prison but in submitting UKP they are not guided by the provisions of Article 24 paragraph (1) of the Criminal Code.

If we look at the provisions of Article 24 paragraph (1) of the Criminal Code which states that: "The time during which a military convict is deprived of his freedom to serve the sentence imposed on him, is not counted as his service period", then it can be understood that for TNI soldiers who have been sentenced to prison, their service period will certainly be reduced. Although this article does not provide further explanation of the procedures for its application and whether implementing regulations and so on are needed, this article must be guided by.

By understanding the text of the article, it is clear that between TNI soldiers who have been sentenced to prison and those who have never been sentenced to prison, there is a time difference in submitting UKP. The real condition that the author knows in practice is that the submission of UKP for TNI soldiers who have been sentenced to prison has not been based on these provisions (Amu, 2012; Pramono, 2020).

Various regulations concerning the administration of soldiers as referred to in Government Regulation Number 39 of 2010 concerning the Administrative Law of TNI Soldiers to technical regulations in the TNI environment have also not implemented the provisions of Article 24 paragraph (1) of the Criminal Code. It is clear that the provisions of Article 24 paragraph (1) of the Criminal Code have not been understood by personnel officials in the TNI environment.

One of the real conditions that occurred and will be the object of the author's research is the case of Prada Aqshal Setiawan Nurhidayat NRP 31200178390800, Ta Yonif Mekanis Raider 412/BES/6/2 Kostrad who was sentenced to 6 (six) months in prison for committing a crime: "Who without the right receives, controls, carries, stores, hides something munition" according to Article 1 paragraph (1) of Law Number 12 Drt 1951.

Prada Aqshal Setiawan Nurhidayat was inaugurated as a TNI soldier since April 18, 2020. According to the provisions, if Prada Aqshal Setiawan Nurhidayat has never been sentenced to imprisonment, then the person concerned will be promoted on time on October 1, 2023, namely after serving for 3 years 5 months 13 days. However, because the person concerned was previously sentenced to 6 (six) months in prison, then according to Article 24 paragraph (1) of the Criminal Code, his service period is reduced by 6 (six) months, namely 2 years 11 months 13 days. Thus, the submission of UKP will certainly not be the same as his friends in the same class. In addition, the person concerned was also subject to administrative sanctions based on the Decree of the Danyonif Mekanis Raider 412/BES as Ankum Number Kep/03/IX/2021 dated September 11, 2021 in the form of a postponement of promotion for 3 (three) periods.

Regarding the real conditions, the author also interviewed personnel officers from Yonif Mekanis Raider 412/BES who basically said that the provisions of Article 24 Paragraph (1) of the Criminal Code have not been understood in their application regarding the submission of UKP for soldiers who have been sentenced to imprisonment. This is because there has never been any socialization or rules that must be followed as implementing regulations for the article (Zailani, Idham, & Erniyanti, 2023).

Based on these things, the author is interested and feels the need to conduct research and analyze legally

the application of Article 24 Paragraph (1) of the Criminal Code related to the submission of UKP, with the hope of providing a better understanding of the article, as well as its implications for TNI soldiers who have been sentenced to imprisonment in the form of a thesis entitled "Legal Analysis of the Application of Article 24 Paragraph (1) of the Criminal Code Against TNI Soldiers Who Have Been Sentenced to Imprisonment".

This research is the first research because from the various writings that the author has studied, be it theses, even theses and dissertations or other literature, none have researched with a similar title or theme. Thus, the author states that this research is guaranteed to be authentic or original (Manalu, Idham, & Erniyanti, 2023).

1.1 Problem Formulation

Berdasarkan uraian pada latar belakang di atas, penulis mengangkat pokok permasalahan as follows:

1. How is the arrangement and implementation of the reduction in service period for TNI Soldiers who have been sentenced to prison in their subsequent career development?
2. What is the ideal concept for the arrangement of service period for TNI Soldiers who have been sentenced to prison in their subsequent career development?

2. Literature Review

2.1. Imprisonment

Imprisonment is a punishment in the form of restrictions on the movement of a convict, which is carried out by locking the person in a correctional institution, by requiring the person to obey all applicable rules and regulations in the correctional institution, which are associated with certain disciplinary actions for those who have violated these rules (Lamintang & Lamintang, 1984; Suartama & Dewi, 2023).

In relation to the discussion in this study, the author will describe the court decision in the Military Court environment which imposes imprisonment as the main punishment accompanied by the additional punishment of "dismissal from military service with or without revocation of his right to enter the Armed Forces" and which is only sentenced to imprisonment without the additional punishment of "dismissal from military service with or without revocation of his right to enter the Armed Forces" and its implications for the reduction of the service period as referred to in Article 24 paragraph (1) of the Criminal Code. The Criminal Code regulates the additional penalty of "dismissal from military service with or without revocation of the right to enter the Armed Forces" in Article 26 paragraph (1) which is formulated as follows:

Dismissal from military service with or without revocation of the right to enter the Armed Forces, other than that stipulated in Article 39, may be imposed by a judge together with every decision to impose the death penalty or imprisonment on a military person who, based on the crimes committed, is deemed no longer worthy of remaining in the military.

Referring to Article 26 paragraph (1), the additional penalty of "dismissal from military service" for the military can only be imposed by a judge together with the main penalty of death or imprisonment. Furthermore, the measure for imposing a penalty of dismissal in addition to the main penalty is the "view" of the military judge regarding the crime committed by the Defendant/Convict based on the "value" as no longer worthy of being maintained in the life of the military community (Harefa, Idham, & Erniyanti, 2023; Panggabean, 2005).

Military (TNI Soldiers) who commit crimes and are sentenced to the additional penalty of "dismissal from military service" serve their sentences in general Correctional Institutions (Lapas) because the person concerned is no longer a military member but has civilian status. The implication for a military/TNI Soldier who is sentenced to the additional penalty of "dismissal from military service" is the loss of all rights obtained from the Armed Forces during his previous service and the loss of the right to own and wear stars, honorary medals or insigniac (Damaiyanti, Nofrial, & Erniyanti, 2022).

Implikasi lain yang muncul sesuai dengan judul penelitian ini adalah terjadi perbedaan dalam hal pengajuan usul kenaikan pangkat (UKP) maupun penerimaan tanda kehormatan negara Satyalancana Kesetiaan. Prajurit A tersebut akan terlambat dari prajurit lainnya dalam satu angkatan (*leting*). Keterlambatan dalam UKP bertambah panjang lagi, karena Prajurit A tersebut harus dikenai sanksi administratif berupa penundaan kenaikan pangkat dalam beberapa periode sesuai Peraturan Panglima TNI Nomor 11 Tahun 2018 tentang Sanksi Administratif Bagi Prajurit Tentara Nasional Indonesia.

Class I administrative sanctions applied to TNI soldiers are as follows:

1. Given a disciplinary punishment of reprimand, given an administrative sanction of being postponed from attending education for 1 (one) period and postponement of promotion for 1 (one) period;
2. Given a disciplinary punishment of light detention, given an administrative sanction of being postponed from attending education for 1 (one) period and postponement of promotion for 2 (two) periods; and
3. Given a disciplinary punishment of heavy detention, given an administrative sanction of being postponed from attending education for 1 (one) period and postponement of promotion for 3 (three) periods.

Furthermore, class II administrative sanctions that apply to TNI soldiers are as follows:

1. Sentenced to a fine outside of traffic violations, subject to administrative sanctions of being postponed from attending education or promotion for 1 (one) period;
2. Sentenced to a conditional sentence, subject to administrative sanctions of being postponed from attending education for 1 (one) period and promotion for 2 (two) periods;
3. Sentenced to a prison sentence/imprisonment/substitute imprisonment for up to 3 (three) months, subject to administrative sanctions of being postponed from attending education for 1 (one) period and promotion for 3 (three) periods;
4. Sentenced to a prison sentence/imprisonment/substitute imprisonment for more than 3 (three) months up to 6 (six) months, subject to administrative sanctions of being postponed from attending education for 2 (two) periods and promotion for 4 (four) to 5 (five) periods; and
5. Sentenced to a prison sentence/imprisonment/substitute imprisonment of more than (six) months, subject to administrative sanctions in the form of a postponement of attending education for 3 (three) periods and promotion for 6 (six) to 7 (seven) periods.

2.2. Appointment to Military Service

Military service is the devotion of a citizen as a soldier, either as a volunteer soldier or as a mandatory soldier. Government Regulation Number 39 of 2010 concerning the Administration of Indonesian National Army Soldiers regulates the period of military service in Articles 17 to 22, which are as follows:

Article 17.

- (1) Career Soldiers undergo Military Service with a Voluntary Soldier Service Bond which is divided into:
 - a. First Service Bond; and
 - b. Advanced Service Bond.
- (2) Soldiers who are assigned to study science and technology education for 3 (three) months or more in a specific field of expertise or vocation and graduate, are subject to a Special Service Bond.
- (3) Soldiers who will undertake a Special Service Bond are required to sign a Service Bond Agreement.
- (4) Further provisions regarding the form and content of the Special Service Bond Agreement as referred to in paragraph (3) are regulated by the Commander's Regulation.

Article 18

Short Service Volunteer Soldiers undertake Military Service with a Short Service Bond.

Article 19

- (1) Soldiers who will undertake the First Service Bond and Short Service Bond are required to sign the Service Bond Agreement.
- (2) Further provisions regarding the form and content of the First Service Bond and Short Service Bond

Agreement as referred to in paragraph (1) are regulated by the Ministerial Regulation.

Article 20

- (1) The First Service Bond Period as referred to in Article 17 paragraph (1) letter a is determined as follows:
 - a. for officers for 10 (ten) years;
 - b. for non-commissioned officers for a minimum of 7 (seven) years and a maximum of 10 (ten) years; and
 - c. for privates for a minimum of 5 (five) years and a maximum of 10 (ten) years.
- (2) The First Service Bond is made and signed before the selected Citizen is appointed as a Student Soldier and is valid from the date the person concerned graduates from the First Education.
- (3) Further provisions regarding the First Service Bond Period as referred to in paragraph (1) and paragraph (2) are regulated by the Ministerial Regulation.

Article 21

- (1) The Continuing Service Bond period as referred to in Article 17 paragraph (1) letter b is determined as follows:
 - a. for officers up to a maximum age of 58 (fifty eight) years; and
 - b. for non-commissioned officers and privates up to a maximum age of 53 (fifty three) years.
- (2) Career Soldiers who will end their Military Service after the end of the First Service Bond period must submit a written application to the authorized official hierarchically no later than 6 (six) months before the end of the First Service Bond period.
- (3) Career Soldiers who have completed their First Service Bond period and do not apply to resign for certain reasons are considered to be continuing their Continuing Service Bond.
- (4) For the interests of the TNI, the Commander in Chief may end the Continuing Service Bond period as referred to in paragraph (1), at the time or after the Soldier in question has served 20 (twenty) years of Military Service.
- (5) The termination of the Continuing Service Bond period as referred to in paragraph (1) must be notified to the Soldier concerned within 1 (one) year before the Continuing Service Bond period ends.
- (6) Further provisions regarding the Continuing Service Bond as referred to in paragraph (1) are regulated by the Commander's Regulation..

Article 22

- (1) The Special Service Bond period as referred to in Article 17 paragraph (2) is set at a minimum of 2 (two) times and a maximum of 5 (five) times the period of education undertaken and is calculated after the completion of the First Service Bond period as referred to in Article 20.
- (2) The Special Service Bond is made and signed before the person concerned undergoes education and is calculated from the end date of the Service Bond period currently being undertaken.
- (3) Further provisions regarding the Special Service Bond as referred to in paragraph (1) and paragraph (2) are regulated by the Commander-in-Chief Regulation.

Article 23

- (1) The Short Service Bond period as referred to in Article 18 is set at a minimum of 5 (five) years and a maximum of 10 (ten) years.
- (2) The Short Service Bond is made and signed before the selected Citizen is appointed as a Student Soldier and is valid from the date of graduation from the First Education.
- (3) The Short Service Bond period cannot be extended.
- (4) Voluntary Short Service Soldiers whose service period has ended can be appointed as Career Soldiers with the following requirements:
- (5) Further provisions regarding the Short Service Bond as referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4) are regulated by the Ministerial Regulation.

Furthermore, to find out how long the period of military service is and at what age TNI Soldiers must end their period of service, this is regulated in Article 50 of the Government Regulation which states as follows:

Article 50

- (1) The retirement age limit for Officers is a minimum of 48 (forty-eight) years and a maximum of 58 (fifty-eight) years.
- (2) The retirement age limit for non-commissioned officers and privates is a minimum of 42 (forty-two) years and a maximum of 53 (fifty-three) years.
- (3) The retirement age limit for officers is a minimum of 45 (forty-five) years and a maximum of 47 (forty-seven) years.
- (4) The retirement age limit for non-commissioned officers and privates is a minimum of 38 (thirty-eight) years and a maximum of 41 (forty-one) years.

Referring to the provisions above, it can be ascertained that the length of service for each soldier will not be the same because at the time of inauguration their ages were also not the same. As explained above, Soldier A who was born in 2000 was inaugurated at the age of 19 years, his service period reached 34 years, but other soldiers who were 20 years old, 21 years old, or even 22 years old certainly had shorter service periods when compared to Soldier A.

2.3. Reduction of Military Service Period

Apabila diteliti dan ditinjau secara cermat Peraturan Pemerintah Nomor 39 Tahun 2010 tentang The Indonesian National Army Soldier Administration and previous regulations governing soldier administration, there is not a single article that regulates the reduction of the military service period. In accordance with the title and purpose of this study, the author needs to state this in this literature review.

The reduction of the military service period is regulated in Article 24 of the Military Criminal Code (KUHPM) which states as follows:

Article 24

1. The time during which a convicted military convict is deprived of his liberty to serve the sentence imposed on him is not counted as a period of service.
2. The same provisions also apply to the time during which temporary detention is served, before carrying out the judge's decision, but is only limited to the detention time that is reduced to serve the sentence imposed on him.

According to Panggabean (2005), the service period referred to in Article 24 if he is a Military Personnel Officer, is since he graduated from education (Tamtama, Bintara, Perwira or special) for the period he has signed the service bond document (first, continued and special). The first service bond period for Officers is a minimum of 6 years and a maximum of 10 years. While for Bintara and Tamtama it is a minimum of 3 years and a maximum of 6 years for each extension. Extensions are given after fulfilling the requirements of conduct, health, age and formation permitting as well as special matters for special extensions.

If he is a Conscripted Military Personnel Officer, then his service period is the total series of mandatory military service periods calculated from each report day determined by the Unit Commander. The first service period is a maximum of 24 months and the continuation is a maximum of 90 days, for each call, except for carrying out military duties in an emergency or war situation and other special circumstances regulated by law. The service period for those who are equated with the military, for individuals is adjusted to the provisions above. Meanwhile, for those who are members of a certain body/organization since they were equated until they were returned to their original status.

In relation to the implementation of the criminal act of deprivation of liberty, the period of time during which a convict serves his sentence "does not include the service period". During the period of temporary detention which is calculated as part of the sentence (which in the judge's decision is stated as minus the detention period") is also "not included as the service period". So if a military convict at the time of starting his sentence still has one year of his service bond remaining and if he is not

dismissed, then he must still serve in the military for one more year after he has completed his sentence if there is no further service bond. If the convict does not serve the sentence because he was given a conditional sentence or was on parole, then that period of time is included as the service period.

The description explained by Sianturi (2020) above, it is clear that the provisions of Article 24 of the Criminal Code are still valid to this day in the career development pattern of TNI Soldiers including in terms of proposals for promotion. However, in its implementation it has not been followed by related officials, especially personnel and administration officials within the TNI. The reduction in the service period for TNI Soldiers who have been sentenced to prison as referred to in Article 24 of the Criminal Code has a very broad impact on the career development pattern of TNI Soldiers if it is applied consistently. The real impact is in terms of proposals for promotion, the awarding of the state honorary badge of Satyalancana Kesetiaan, and the income after the person concerned retires will certainly not be the same as other TNI Soldiers even though they are of the same generation (letting).

2.4. Requirements for Proposal for Promotion of TNI Soldiers

Before discussing further the requirements and procedures for the proposal for promotion of TNI Soldiers, the author needs to first state the existence of regulations within the TNI as a basis for career development as reviewed from the provisions of Law Number 12 of 2011 concerning the Formation of Legislation as has been amended twice and last amended by Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation.

Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Legislation states that the types and hierarchy of Legislation consist of:

1. The 1945 Constitution of the Republic of Indonesia;
2. Decrees of the People's Consultative Assembly;
3. Laws/Government Regulations in Lieu of Laws;
4. Government Regulations;
5. Presidential Regulations;
6. Provincial Regional Regulations; and
7. Regency/City Regional Regulations.

Meanwhile, Article 8 of Law Number 12 of 2011 concerning the Formation of Legislation states that:

1. Paragraph (1): Types of Legislation other than those referred to in Article 7 paragraph (1) include regulations stipulated by the People's Consultative Assembly, People's Representative Council, Regional Representative Council, Supreme Court, Constitutional Court, Audit Board, Judicial Commission, Bank Indonesia, Minister, agency, institution, or commission of the same level that is established by Law or Government Regulation on the order of Law, Provincial People's Representative Council, Governor, Regency/City People's Representative Council, Regent/Mayor, Village Head or the equivalent.
2. Paragraph (2): Legislation as referred to in paragraph (1) is recognized as existing and has binding legal force as long as it is ordered by higher Legislation or is established based on the authority.

If we examine the two articles above carefully, the existence of regulations within the TNI, especially the Commander's Regulations, is regulated in Article 8, namely, it is included in the regulations stipulated by officials at the Ministerial level which are formed by Law or Government Regulation on the orders of the Law.

3. Research methodology

3.1. Types of Research and Nature of Research

The type of research used in this study is a normative legal research type. Normative legal research includes research on principles, legal systematics, legal synchronization, legal history and comparative law, through literature studies. In this study, the type that the author chose was legal synchronization, because the author saw a lack of synchronization between lower regulations (regulations in the TNI environment related to the submission of UKP) and higher regulations, namely Article 24 paragraph (1) of the Criminal Code (Law Number 39 of 1947).

This research is a descriptive analytical research, namely to obtain an overview of the selected research object to be further analyzed according to the provisions of related laws and regulations, legal theories and the opinions of competent experts in the field of personnel in accordance with the research object.

3.2. Data Sources

- 1) Law of the Republic of Indonesia Number 39 of 1947 concerning the Military Criminal Code;
- 2) Law of the Republic of Indonesia Number 31 of 1997 concerning Military Justice;
- 3) Law of the Republic of Indonesia Number 34 of 2004 concerning the Indonesian National Army;
- 4) Law of the Republic of Indonesia Number 25 of 2014 concerning Military Disciplinary Law;
- 5) Government Regulation of the Republic of Indonesia Number 39 of 2010 concerning Administrative Law of TNI Soldiers; and
- 6) Regulations applicable in the TNI environment related to the object of research.

3.3. Data Collection and Data Analysis

The data collection technique in this thesis research was obtained through library research in the form of legal materials related to the problems studied. In this research, the author uses the deduction method, where the work is done by concluding concrete knowledge about the correct and appropriate rules to be applied in solving a problem, associated with the opinions of previous scholars.

3.4. Drawing Conclusions

The conclusion drawing in this thesis research uses a deductive method, namely drawing conclusions that start from a general proposition whose truth has been known and ends in a more specific conclusion (Sunggono, 2005). The results of the analysis as a general proposition in this study are concluded using a deductive method by starting from the results of the analysis as a general proposition and then drawing specific conclusions in answering the problem. By using the deductive method in drawing conclusions, researchers will connect existing general theories or premises with specific research findings, resulting in conclusions and recommendations based on a strong theoretical framework.

4. Results and discussions

4.1. Analysis of the Regulation and Implementation of Reduction of Service Period for TNI Soldiers Who Have Been Sentenced to Prison in Career Development

In military life, a career is something that is highly desired by every TNI soldier as a basis for self-development in the context of devotion to the nation and state. Therefore, the higher the rank and position of a TNI soldier, the greater and heavier the burden of his duties. Career development for TNI soldiers is also a form of appreciation given by the nation and state.

Career development for TNI soldiers, especially promotions, has a very important meaning, because it is not only an acknowledgement of services, performance and dedication but also as a symbol of honor, pride and integrity for the soldier. However, not all TNI soldiers get this normally, especially for those who commit criminal offenses and are sentenced to imprisonment by a court in a military court environment, of course it is different.

Normatively, the basis for the difference is the existence of Article 24 paragraph (1) of the Criminal Code. The application of Article 24 paragraph (1) of the Criminal Code will certainly cause its own problems, especially in submitting proposals for promotions.

Article 24 Paragraph (1) of the Criminal Code explicitly states that, "The time during which a military convict is deprived of his freedom to serve the sentence imposed on him, is not counted as the period of service". This article has no explanation (*memorie van toelichting*) and no delegation to the regulations below it according to the hierarchy of laws and regulations.

According to the Author, because the article has no explanation and no delegation to the regulations below it, it is certainly confusing and is not implemented in its implementation. Although it seems confusing, the Author also believes that Article 24 paragraph (1) of the Criminal Code has stated it explicitly and does not need to be interpreted again so it just needs to be implemented. Furthermore,

based on the data that has been described in Chapter III above, the Author will first analyze the proposal for promotion of TNI Soldiers through mathematical calculations when faced with the TNI Commander Regulation Number 87 of 2022 concerning the Third Amendment to the TNI Commander Regulation Number 50 of 2015 concerning TNI Soldier Ranks, Army Chief of Staff Regulation Number 21 of 2019 concerning TNI AD Soldier Ranks, and TNI Commander Regulation Number 11 of 2018 concerning Administrative Sanctions for TNI Soldiers as follows:

	Name	Rank	Proposal for promotion to	Time of Promotion According to Mddp/Mdp (Perpan g No.87 Year 2022)	Sentenced to Prison (Court Decision)	Service period in rank reduced shall be punished with imprisonment (Article 24 Paragraph (1) of the Criminal Code)	Period of Proposed Promotion Normative Delayed	Administrative Sanctions (Perpang No.11 of 2018)	Postponement of Proposed Period for Overall Promotion
1	Joko Panuntun	Sergeant First Class	Master Sergeant	5 years	11 months	4 years, 1 month	2 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods
2	Anton Anggeriadi	Private Second Class	Private First Class	4 years	6 months	3 years, 6 months	1 Period	Postponed Promotion 4 to 5 periods	5 to 6 periods
3	Darjono	Sergeant First Class	Master Sergeant	5 years	6 months	4 years, 6 months	1 Period	Postponed Promotion 4 to 5 periods	5 to 6 periods
4	Glenhard Upessy	Private First Class	Corporal	4 years	1 year and 2 months	2 years, 10 months	2 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods
5	Febriyanto	Private First Class	Corporal	4 years	2 months	2 years, 10 months	2 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods
6	Hanafi Lubis	Corporal	Corporal First Class	5 years	1 year and 2 months	4 years, 3 months, 18 days	1 Period	Postponed Promotion 6 to 7 periods	7 to 8 periods
7	Hendrikus Agustinus Nahinde	Sergeant First Class	Master Sergeant	5 years	2 months	months, 18 days	2 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods
8	Achmad Sukri	Sergeant First Class	Sergeant First Class	5 years	1 year and 2 months	3 years, 10 months	2 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods
9	Wismoyo Haris	Master Sergeant	Sergeant major	5 years	2 months	4 years, 5 months, 20 days	1 Period	Postponed Promotion 6 to 7 periods	7 to 8 periods
10	Agustinus Dicriatmo	Private Second Class	Private First Class	4 years	6 months and	3 years	2 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods
11.	Muh. Hajar Ali	Private	Private Second Class	3 years	10 days	2 years	2 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods

12.	Fahri Ramadhan	Private	Private Second Class	3 years	1 year	2 years	2 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods
13.	Hiskia	Sergeant First Class	Master Sergeant	5 years	1 year	4 years, 1 month	2 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods
14.	Yoo Hendra Laksana	Sergeant	Sergeant First Class	5 years	1 year	4 years, 5 months, 20 days	1 Period	Postponed Promotion 6 to 7 periods	7 to 8 periods
15.	Suyadi	Corporal	Corporal First Class	5 years	11 months	4 years, 2 months	2 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods
16.	Ditya Pristiara Saputra	Private	Private Second Class	3 years	6 months and	2 years, 5 months	1 Period	Postponed Promotion 6 to 7 periods	7 to 8 periods
17.	N. Firman Sahputra Sitepu	Private	Private Second Class	3 years	10 days	2 years	2 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods
18.	Jajang Wildan	Corporal	Corporal First Class	5 years	10 months	4 years, 3 months, 18 days	1 Period	Postponed Promotion 6 to 7 periods	7 to 8 periods
19.	Mohlis Heri Priyono	Private First Class	Corporal	4 years	7 months	3 years, 3 months, 18 days	1 Period	Postponed Promotion 6 to 7 periods	8 to 9 periods
20.	Theo Leonardo	Master Sergeant	Sergeant major	5 years	1 year	3 years, 10 months	2 Periods	Postponed Promotion 6 to 7 periods	7 to 8 periods
21.	Muhammad Rabial	Master Sergeant	Sergeant major	5 years	8 months and	4 years, 3 months, 18 days	1 Period	Postponed Promotion 6 to 7 periods	8 to 9 periods
22.	Saefudin Zuhri	Corporal	Corporal First Class	5 years	12 days	4 years, 3 months, 18 days	1 Period	Postponed Promotion 6 to 7 periods	7 to 8 periods
23.	Tri Widarto	Master Sergeant	Sergeant major	5 years	8 months and	4 years, 3 months, 18 days	1 Period	Postponed Promotion 6 to 7 periods	7 to 8 periods
24.	Juli Marito	Sergeant First Class	Master Sergeant	5 years	12 days	4 years, 3 months, 18 days	3 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods
25.	Syarifuddin Madel	Corporal	Corporal First Class	5 years	1 year and	3 years, 4 months	3 Periods	Postponed Promotion 6 to 7 periods	7 to 8 periods
26.	Rahmad Hidayat	Sergeant First Class	Corporal	5 years	2 months	3 years, 4 months	2 Periods	Postponed Promotion 6 to 7 periods	7 to 8 periods
27.	Indrawan Bunaen	Private Second Class	Private First Class	5 years	8 months and	3 years, 10 months	2 Periods	Postponed Promotion 6 to 7 periods	7 to 8 periods

28.	Loudry Exsaudio Chistensen Latulola	Private Second Class	Private First Class	4 years	12 days	3 years, 1 month	2 Periods	Postponed Promotion 6 to 7 periods	9 to 10 periods
29.	Candra	Second Lieutenant	First Lieutenant	4 years	8 months and	3 years, 1 month	2 Periods	Postponed Promotion 6 to 7 periods	9 to 10 periods
30.	Kahar	Private Second Class	Private First Class	4 years	12 days	3 years, 2 months	3 Periods	Postponed Promotion 6 to 7 periods	8 to 9 periods

Referring to the mathematical calculation analysis above, it is known that TNI soldiers who are sentenced to imprisonment will have a reduced period for promotion normatively because it is related to the time serving the sentence not being counted as service time. Thus, it is normatively reduced against the time of the promotion proposal because it does not meet the minimum requirements for the Service Period in Rank (MDDP) for Bintara and Tamtama or the Period in Rank (MDP) for Officers.

For more details, the author will describe and analyze how to calculate the submission of a promotion proposal on behalf of Sertu Joko Panuntun who was sentenced to 11 months in prison. The 11-month prison sentence if leveled is equivalent to two periods for the promotion proposal because one period is equal to 6 months. The requirements for submitting a promotion proposal from Sertu to Serka if the minimum MDDP is 5 years according to the TNI Commander Regulation Number 87 of 2022 concerning the Third Amendment to the TNI Commander Regulation Number 50 of 2015 concerning the Rank of TNI Soldiers. Because Sergeant Joko Panuntun was sentenced to 11 months in prison, his MDDP was reduced by 11 months, namely 4 years and 1 month in accordance with the provisions of Article 24 paragraph (1) of the Criminal Code. Thus, normatively, the proposal for promotion to Sergeant cannot be submitted because the MDDP is only 4 years and 1 month. Thus, Sergeant Joko Panuntun will be two periods behind his waiting period to be promoted to Sergeant.

In this case, Sergeant Joko Panuntun, who is a member of Korem 072/Pamungkas, based on the Decree of Danrem 072/Pamungkas as the Superior Who Has the Right to Punish (Ankum) Number Kep/23/VIII/2022 dated August 18, 2022 concerning Administrative Sanctions, the person concerned was given the following administrative sanctions:

1. postponed from participating in Diktukpareg for 3 periods since eligible; and
2. postponement of promotion for 6 periods since eligible TMT. 1-10-2024 to 1-4-2027.

According to the Author, the imposition of administrative sanctions related to the postponement of promotion for 6 periods since the eligible period is appropriate according to the TNI Commander Regulation Number 11 of 2018 concerning Administrative Sanctions for TNI Soldiers, because Sergeant Joko Panuntun was sentenced to more than 6 months in prison, namely 11 months in prison, then administrative sanctions are imposed in the form of a postponement of promotion for 6 to 7 periods. However, the Author still has doubts about the application of Article 24 paragraph (1) of the Criminal Code against Sergeant Joko Panuntun by Danrem 072/Pamungkas in submitting a proposal for promotion.

As explained above, that automatically the proposal for promotion of Sergeant Joko Panuntun to Master Sergeant has been postponed for 2 periods because he was sentenced to 11 months in prison, so it does not meet the minimum MDDP requirement of 5 years. The unit in this case Korem 072/Pamungkas (Head of Press) should also calculate the total number of periods of postponement of promotion of Sergeant Joko Panuntun to Serka. According to the author, overall Sergeant Joko Panuntun's promotion to Sergeant Major will be delayed for 8 periods or 4 years.

Based on the results of the interview with the Head of Press of Korem 072/Pamungkas, it turns out that the application of Article 24 paragraph (1) of the Criminal Code has not been understood because the

article is no longer relevant to be taken into account in submitting a proposal for promotion. According to the Author, this kind of understanding is very reasonable because of the lack of socialization of the article by legal units within the TNI. This kind of understanding is likely not only experienced by the Head of Press of Korem 072/Pamungkas but also by other personnel officials within the TNI.

4.2. Ideal Concept for Implementing Article 24 paragraph (1) of the Criminal Code Regarding Proposals for Promotion of Ranks of TNI Soldiers

Referring to the lack of understanding of the implementation of Article 24 paragraph (1) of the Criminal Code regarding proposals for promotion in the TNI environment, the Author will convey an ideal concept based on an analysis of the real conditions that occur and various regulations in the TNI environment regarding career development patterns, especially proposals for promotion. Normatively, proposals for promotion for TNI soldiers have been regulated in the TNI Commander Regulation Number 87 of 2022 concerning the Third Amendment to the TNI Commander Regulation Number 50 of 2015 concerning the Ranks of TNI Soldiers. In addition, it is also regulated in the TNI Commander Regulation Number 11 of 2018 concerning Administrative Sanctions for TNI Soldiers.

According to the Author, the two TNI Commander regulations have not included the provisions of Article 24 paragraph (1) of the Criminal Code so that it seems to only regulate in general. In this case, the Author will try to dissect the two TNI Commander regulations based on the theory of legislation. Hans Kelsen as one of the most influential legal experts argues that law is a normative system, where each norm comes from a higher norm, up to the basic norm called the 'Grundnorm'. According to him, legislation must be consistent with this basic norm. According to Hans Kelsen's opinion, if we look closely at the birth process of the two TNI Commander regulations, it is correct, namely based on higher regulations or norms, namely Government Regulation Number 39 of 2010 concerning TNI Soldier Administration and other related regulations that are even higher, namely:

1. Law Number 31 of 1997 concerning Military Justice;
2. Law Number 34 of 2004 concerning the Indonesian National Army; and
3. Law Number 25 of 2014 concerning Military Disciplinary Law.

However, according to the Author, in consideration of the Regulation Government Regulation Number 39 of 2010 concerning the Administration of TNI Soldiers does not include Law Number 39 of 1947 concerning the Military Criminal Code where many articles need further regulation even though they do not explicitly delegate to regulations below in the form of Government Regulations or TNI Commander Regulations. The resulting consequences are that the articles of the KUHPM cannot be applied in practice, both judicial practice in the Military Court and administrative practice in the TNI environment including the application of Article 24 paragraph (1) of the KUHPM.

The problem of the application of Article 24 paragraph (1) of the KUHPM in the career development of TNI Soldiers will continue if stakeholders do not understand it, especially the Ministry of Defense and the Headquarters of the Indonesian National Army. In this case, the Author further argues that the articles in Book I of the KUHPM are not widely applied in practice. Although the KUHPM is a law left over from the Dutch colonial era that is quite old, it is still recognized as positive law in Indonesia and should still be followed.

Next, the author will analyze based on the theory of "legal certainty" regarding the implementation of Article 24 paragraph (1) of the Criminal Code. One of the objectives of law as stated by Gustav Radbruch is that law must have a certain value. As a country that adheres to the Continental European legal system, its main support is written law, namely statutory regulations. The Criminal Code as one of the written laws has a certain value that is reflected in the formulation of its articles. Article 24 paragraph (1) of the Criminal Code clearly formulates norms that contain legal certainty, so that they must be implemented in order to produce a sense of justice and its benefits for society, especially the military community (Bismar et al., 2022).

Based on the above analyses, according to the Author, the ideal concept for Article 24 paragraph (1) of

the Criminal Code to be applied in relation to the proposal for promotion of TNI Soldiers who have been sentenced to prison, requires implementing regulations in the form of TNI Commander Regulations even though the article does not delegate to regulations below it. In addition, it is also necessary to harmonize other laws and regulations related to the career development pattern of TNI Soldiers so that they are in line with Article 24 paragraph (1) of the Criminal Code to ensure that the article can be applied effectively and in accordance with applicable legal principles. This harmonization involves several important steps, including:

4.2.1. Review and Revision of the TNI Commander Regulation

Considering that several existing regulations have not explicitly accommodated the provisions of Article 24 paragraph (1) of the Criminal Code, it is necessary to review the TNI Commander Regulation Number 87 of 2022 and the TNI Commander Regulation Number 11 of 2018. This revision aims to include more detailed and specific provisions regarding the application of Article 24 paragraph (1) of the Criminal Code, so that there is no longer a legal vacuum in administrative and judicial practices within the TNI.

a. Formation of Special Working Group

To ensure that the harmonization of laws and regulations runs smoothly, it is necessary to form a special working team consisting of military law experts, officials from the Ministry of Defense, and representatives from the Indonesian National Armed Forces Headquarters. This team is tasked with reviewing and drafting implementing regulations that are in accordance with applicable legal principles and consider aspects of legal certainty, justice, and benefit.

b. Socialization and Training

After the implementing regulations are drafted and implemented, the next step is to conduct socialization and training for all TNI soldiers and related parties. This is important to ensure that all parties understand and are able to implement the provisions of Article 24 paragraph (1) of the Criminal Code correctly in the context of the proposal for promotion of soldiers who have been sentenced to prison. This socialization can be done through seminars, workshops, and intensive training in the TNI environment.

c. Evaluation and Monitoring

The implementation of new regulations must always be evaluated and monitored to identify obstacles and challenges that may arise. This evaluation can be carried out periodically to ensure that the regulations are effective and have a positive impact on the career development of TNI soldiers. The results of the evaluation can be used as a basis for making further improvements and refinements to existing regulations (Seran, Pandie, & Sayrani, 2022; Zulfa, Raharjo, & Shafira, 2022).

d. Inter-Institutional Cooperation

Harmonization of regulations also requires good cooperation between related institutions, including the Ministry of Defense, the Indonesian National Armed Forces Headquarters, and other government agencies. This cooperation is important to ensure that all parties have the same understanding and work towards the same goal in implementing Article 24 paragraph (1) of the Criminal Code.

f. Holistic Approach

The implementation of Article 24 paragraph (1) of the Criminal Code cannot only be seen from a legal perspective, but must also consider the psychological and social aspects of TNI soldiers. This holistic approach will help create a better working environment and support the overall career development of soldiers. By adopting these steps, it is hoped that the implementation of Article 24 paragraph (1) of the Criminal Code in the proposal for promotion of TNI soldiers who have been sentenced to prison can run effectively and provide a positive contribution to the career development pattern of TNI soldiers. This will ultimately increase the professionalism and integrity of TNI soldiers and strengthen the legal system in the Indonesian military environment.

4.3. Analysis of the Ideal Concept of Arranging Service Periods for TNI Soldiers Who Have Been Sentenced to Prison in Career Development

Analysis of the ideal concept of regulating the service period for TNI soldiers who have been sentenced to prison in career development involves several in-depth legal and administrative considerations. Basically, the service period is an important period that determines the career path of a soldier. However, when a soldier has been sentenced to prison, the service period needs to be rearranged to be in line with the principles of law, justice, and legal certainty, namely:

a. Clear Determination of Service Period

The TNI Commander's Regulation needs to clearly regulate how the service period of soldiers who have been sentenced to prison is calculated. This can be done by establishing a rule that the prison period is not counted as part of the active service period, but still calculating the period before and after the prison as the total service period.

b. Reassessment of Eligibility

After the prison period ends, the soldier must undergo a reassessment of eligibility. This assessment involves an evaluation of mental, physical, and professional aspects to ensure that the soldier is ready to return to duty. This includes health tests, psychology, and evaluation of previous performance.

c. Preparation of Reintegration Policy

A comprehensive reintegration policy must be developed to assist soldiers returning from prison. This program can include retraining, mentoring, and moral support to help soldiers readjust to military life.

d. Transparency and Accountability

The process of determining the service period must be transparent and accountable. All decisions must be well documented and auditable to ensure that there is no discrimination or injustice in their implementation.

e. Harmonization with Higher Regulations

The regulation of service periods must also be harmonized with higher regulations, such as the Law on the Indonesian National Armed Forces and government regulations related to soldier administration. This ensures that the TNI's internal regulations do not conflict with broader laws.

f. Individual Approach

Given that each criminal case has a different context and impact, a more individual approach needs to be applied. This means that each soldier must be evaluated on a case-by-case basis to determine the impact of the sentence on their service period and career.

g. Development of Rehabilitation Programs

In addition to reassessment of eligibility and reintegration policies, there needs to be a special rehabilitation program designed for soldiers returning from prison. This program should include skills training, psychological counseling, and social support to help them overcome the psychological and social impacts of their prison term.

h. Periodic Monitoring and Evaluation

The implementation of the policy of regulating the period of service must be monitored and evaluated periodically. This monitoring involves collecting data on the effectiveness of the policy and its impact on the career of soldiers. Periodic evaluation allows the policy to be adjusted according to evolving needs and conditions.

i. Family and Community Involvement

The reintegration of soldiers who have been sentenced to prison involves not only the military institution but also their families and communities. Support from families and communities can accelerate the reintegration process and help soldiers undergo their period of service better.

j. Providing Opportunities for Redemption

The policy of regulating the period of service must provide opportunities for soldiers to atone for their mistakes and prove themselves. This can be done by giving special tasks that allow them to demonstrate their abilities and dedication to military duty.

k. Preparation of Technical Guidelines

To ensure consistency and uniformity in the implementation of the policy, detailed technical guidelines need to be prepared. These guidelines must include standard operating procedures (SOPs) for each step in the process of regulating the period of service of soldiers who have been sentenced to prison.

l. Adjustment to Legal Dynamics

As laws and regulations develop in Indonesia, the policy on the regulation of service periods must continue to be adjusted. This ensures that the policy remains relevant and in accordance with applicable legal norms.

m. Training and Education for Commanders

Commanders and leaders within the TNI need to receive special training and education regarding the regulation of service periods for soldiers who have been sentenced to prison. This ensures that they have the right understanding and can implement policies fairly and wisely.

n. Humanistic Approach

The policy on the regulation of service periods must adopt a humanistic approach that respects the human rights and dignity of soldiers. This approach ensures that soldiers are treated with respect and get a fair opportunity to improve themselves. With these steps, it is hoped that the regulation of service periods for TNI soldiers who have been sentenced to prison can become more ideal and effective. This not only supports fair career development but also strengthens the legal and disciplinary system within the TNI, as well as increases the professionalism and integrity of soldiers. Thus, soldiers who return from prison can continue their service with new enthusiasm and positive contributions to the TNI, nation and state.

5. Conclusions

5.1. Conclusion

Based on the analysis of the main research problems, the following conclusions can be drawn:

1. Regulation and Implementation of Reduction of Service Period for TNI Soldiers Who Have Been Sentenced to Prison in Further Career Development

Regulation and Implementation:

- a. Legal Basis: Article 24 paragraph (1) of the Military Criminal Code (KUHPM) states that the time during which a military convict is deprived of his liberty to serve the sentence imposed on him is not counted as service period (CHAPTER I Revised).
- b. Impact on Career: This uncounted service period has an impact on the submission of a Proposal for Promotion (UKP). Soldiers who have been sentenced to prison experience a reduction in service period so that the submission of UKP is delayed.
- c. Administrative Sanctions: In addition to the reduction in service period, soldiers are also subject to administrative sanctions in the form of a delay in promotion for several periods. This sanction is regulated in the TNI Commander Regulation Number 11 of 2018.
- d. Inconsistent Implementation: The implementation of Article 24 paragraph (1) of the KUHPM has not been understood and implemented consistently by personnel officials within the TNI. This is due to the lack of socialization and clear implementing regulations.

2. Ideal Concept of Service Period Arrangement for TNI Soldiers Who Have Been Sentenced to Prison:

- a. Clear Determination of Service Period: The TNI Commander's Regulation needs to clearly regulate that the criminal period is not counted as part of the active service period, but still takes into account the period before and after the criminal period as the total service period.

- b. **Reassessment of Eligibility:** After the criminal period ends, soldiers must undergo a reassessment of eligibility which includes mental, physical, and professional evaluations to ensure that soldiers are ready to return to duty.
- c. **Reintegration Policy:** A comprehensive reintegration policy must be formulated, including retraining, mentoring, and moral support to help soldiers readjust to military life.
- d. **Transparency and Accountability:** The service period arrangement process must be transparent and accountable, with good documentation and can be audited to ensure there is no discrimination or injustice in its application.
- e. **Individual and Humanistic Approach:** Each criminal case has a different context and impact, so a more individual approach is needed. The policy must adopt a humanistic approach that respects the human rights and dignity of soldiers.
- f. **Development of Rehabilitation Program:** Special rehabilitation programs should be designed for soldiers returning from prison, including skills training, psychological counseling, and social support.
- g. **Harmonization with Higher Regulations:** The regulation of service periods should be harmonized with higher regulations such as the Law on the Indonesian National Armed Forces and government regulations related to soldier administration.
- h. **Periodic Evaluation and Monitoring:** The implementation of the policy on regulation of service periods should be monitored and evaluated periodically to ensure the effectiveness of the policy and its impact on soldiers' careers.

By adopting these steps, it is hoped that the implementation of Article 24 paragraph (1) of the Criminal Code in regulating the service period of TNI soldiers who have been sentenced to prison can be carried out effectively and provide a positive contribution to the career development of TNI soldiers.

5.2. Suggestions

Suggestions for the Ministry of Defense (Kemhan) and the TNI Commander regarding the Regulation and Implementation of Reduction of Service Period for TNI Soldiers Who Have Been Sentenced to Prison Based on the analysis of existing documents, the following are suggestions that can be submitted to the Ministry of Defense (Kemhan) and the TNI Commander regarding the regulation and implementation of reduction of service period for TNI Soldiers who have been sentenced to prison:

1. Establishment of a Clear Legal Basis

Recommendation: The TNI Commander's Regulation needs to explicitly regulate that the criminal period is not counted as part of the active service period, but the period before and after the criminal period is still counted as the total service period.

Reason: To provide legal certainty and prevent confusion in submitting Proposals for Promotion (UKP), and to ensure that all parties understand and apply the same rules.

2. Reassessment of Soldier Eligibility

Recommendation: Implementation of a reassessment program for eligibility after the criminal period ends which includes mental, physical, and professional evaluations.

Reason: To ensure that soldiers returning to duty are physically and mentally ready, and have the competencies needed to carry out their duties properly.

3. Comprehensive Reintegration Policy

Recommendation: Development of a reintegration policy that includes retraining, mentoring, and moral support to help soldiers readjust to military life.

Reason: To help soldiers readjust to military life and improve their readiness to carry out their duties, as well as reduce the risk of future violations.

4. Transparency and Accountability

Recommendation: The service period arrangement process must be transparent and accountable, with good documentation and can be audited.

Reason: To ensure there is no discrimination or injustice in its implementation and to maintain the integrity of the TNI institution.

5. Individual and Humanistic Approach

Recommendation: Adopt an individual approach that respects the human rights and dignity of soldiers in every policy related to reducing the service period.

Reason: Each criminal case has a different context and impact, so it requires a more personal approach, which can help soldiers feel more appreciated and motivated to contribute positively.

6. Development of Rehabilitation Programs

Recommendation: Preparation of special rehabilitation programs that include skills training, psychological counseling, and social support.

Reason: To help soldiers returning from prison in the reintegration process and improve their productivity and morale, as well as support their mental and emotional recovery.

7. Harmonization with Higher Regulations

Recommendation: Harmonize the regulation of service periods with higher regulations such as the Law on the Indonesian National Armed Forces and government regulations related to soldier administration.

Reason: To ensure consistency in law enforcement and regulations within the TNI environment, and to avoid legal conflicts that could harm the institution or soldiers.

8. Periodic Evaluation and Monitoring

Recommendation: Implement periodic evaluation and monitoring of the policy on regulation of service periods to ensure the effectiveness and impact of the policy.

Reason: To improve and optimize the policy based on evaluation results and feedback from its implementation, and to ensure that the policy truly provides the expected benefits.

By adopting these steps, it is hoped that the implementation of Article 24 paragraph (1) of the Criminal Code in regulating the service periods of TNI soldiers who have been sentenced to prison can run more effectively and provide a positive contribution to the development of TNI soldier careers. This suggestion also aims to strengthen the integrity and professionalism of the TNI as an institution that upholds discipline and law.

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