

**KEWENANGAN KOMISI PEMBERANTASAN KORUPSI (KPK)
DALAM MELAKUKAN PENYIDIKAN
TINDAK PIDANA KORUPSI YANG DILAKUKAN OLEH
PRAJURIT TENTARA NASIONAL INDONESIA (TNI)**

TESIS

Diajukan guna memenuhi persyaratan memperoleh gelar Magister Ilmu Hukum



**PROGRAM MAGISTER ILMU HUKUM
FAKULTAS HUKUM
UNIVERSITAS ANDALAS
PADANG
2017**

**AUTHORITY OF THE COMMISSION OF CORRUPTION
ERADICATION (KPK)
IN DOING INVESTIGATION OF
CRIMINAL ACTS OF CORRUPTION COMMITTED BY
THE INDONESIAN NATIONAL MILITARY (TNI)**
(Fakhrurrazi, S.H., 1520112033, Master Program of Law, Faculty of Law
Andalas University, 97 Pages, 2017)

ABSTRACT

The criminal acts of corruption are not only committed by civilians, but TNI soldiers who are disciplined by the discipline can also be involved in becoming corrupt perpetrators, resulting in the loss of the state. The formulation of the problem in this thesis is How KPK's authority in conducting investigation of criminal acts of corruption committed by TNI Soldiers and its obstacles. Based on the formulation of the above problem, then approach problem in this research is normative juridical approach by using secondary data. The results of this study indicate that the Commission can conduct investigations against TNI soldiers because TNI soldiers are included in the subject of corruption. The results of investigations conducted by BPK can be used as the basis of investigation by the KPK and for the handling of criminal acts of corruption committed jointly by the subjects in the military court and general court, the KPK may cooperate in the investigation with Military Police / Military Oditur and Article 42 Act The KPK is authorized to control the investigation of cases of connectivity. The Corruption Eradication Commission Law with the Military Justice Act is included in the special provisions of special criminal proceedings, because of the "Lex Specialis derogate Lex Generalis" legislation principle then the KPK Law is of special nature. The obstacles faced by the KPK in conducting an investigation into corruption crimes involving TNI Soldiers during this time is due to a limitation on the authority of the Corruption Eradication Commission in conducting an investigation of corruption cases against TNI Soldiers namely Article 9 of the Military Justice Law. Officials who are specifically authorized by the military court to conduct investigations against TNI Soldiers, Anjum, Military Police, and / or Military Oditur. Before the new Military Justice Act was established, soldiers who committed criminal acts other than military crimes remained in the military court so that TNI soldiers who committed corruption could not be investigated by the KPK, which is the domain of general justice. Article 54 of the Corruption Eradication Commission Law stipulates that the KPK can only conduct investigations against persons subject to the general court. As well as the absence of technical implementation regulations handling cases of connectivity between KPK and TNI institutions so that the handling of cases of connectivity is currently based on the Criminal Procedure Code.

Keywords: *Authority, KPK, TNI Soldiers*