

# Completing Doctorate after Studying Independency of Military Court


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Criminal law enforcement systems in the military justice must be independent, both institutionally and functionally, free from interference by other institutions outside the judiciary as a logical consequence of a democratic legal state system. Investigations that were carried out by military police involving the Army, Navy and Air Force should be independent and responsible to the Commander of the Indonesian National Armed Forces (TNI).

This statement was made by military judge of the Army, Col. Slamet Sarwo Edy, on his doctoral exam at the Faculty of Law UGM, Monday (18/7). In his dissertation entitled *Independence of the Military Judicial System in Indonesia; Study on Military Judicial Structure*, Slamet Sarwo Edy said the un independence in the military tribunal system was due to their military interest that is associated with the principal task of TNI to defend national sovereignty. In addition, the placement of civilian personnel in military courts raises many objections because they are considered not profitable to the military or military units. "The placement of the civil justice officials as an officer in the military courts often exceed their role as a person who is fully responsible on the state of security and order within the force," he said.

According to the man, the prosecution and the case transfer to court should be carried out independently by the military prosecutor and accounted to the Armed Forces General. Then, the



execution of sentences to the military member should be implemented by not differentiating treatment based on the rank he held. "The authority of the court is no longer based on the rank of the defendant, as well as the rank of the judges, and prosecutors," he said.

Nevertheless, he said, development of administrative and financial organisation of military courts fully remain under the Supreme Court like other courts as stipulated in the Judicial Power.

As known military tribunal is one of the country's judicial systems whose existence is governed by Law No. 7 of 1946 regarding regulation of court-martial held in addition to regular court and Law No. 8 of 1946 regarding regulation of criminal procedure law on court-martial.

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