

REFORMULASI TINDAK PIDANA DESERSI DALAM MENDUKUNG OPERASI MILITER SELAIN PERANG

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis urgensi reformulasi tindak pidana desersi dalam mendukung operasi militer selain perang serta mengkaji dan merumuskan kebijakan reformulasi tindak pidana desersi dimasa mendatang dalam mendukung operasi militer selain perang.

Penelitian ini merupakan penelitian hukum normatif yang didukung data primer. Data yang digunakan adalah data sekunder sebagai data utama yang terdiri dari bahan hukum primer, sekunder, dan tersier serta didukung dengan data primer berupa wawancara. Proses analisis data menggunakan metode menggunakan pendekatan undang-undang (*statute approach*) dan pendekatan komparatif (*comparative approach*) dan pendekatan konseptual (*conseptual approach*). Analisis data dilakukan secara kualitatif dan diuraikan secara deskriptif dan preskriptif.

Hasil penelitian yang telah dilakukan oleh penulis dapat ditarik dua kesimpulan. Pertama, tindak pidana desersi sebenarnya telah diatur dalam KUHPM, namun rumusan tindak pidana desersi dalam operasi militer selain perang belum terakomodasi dalam rumusan KUHPM. Melandasi hal tersebut dibutuhkan reformulasi tindak pidana desersi dalam KUHPM sehingga dapat mendukung pelaksanaan tugas operasi militer selain perang. Kedua, pembaruan KUHPM dalam hal reformulasi rumusan tindak pidana desersi harus berpedoman terhadap kepentingan pertahanan negara sesuai dengan Pasal 64 Undang-Undang Nomor 34 tahun 2004 tentang TNI. Hal tersebut bertujuan agar pelaksanaan operasi militer selain perang dapat berjalan dengan baik dan lancar, sehingga kepentingan pertahanan negara dapat terlindungi.

Kata Kunci : Reformulasi, Tindak Pidana Desersi, Hukum Militer, Operasi Militer, Operasi Militer Selain Perang.

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REFORM THE CRIME OF DESERTION IN SUPPORTING MILITARY OPERATIONS OTHER THAN WAR

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ABSTRACT

This study aims to identify and analyze the urgency of desertion crime reformulation in supporting military operations other than war and to examine and formulate future desertion crime reformulation policies in support of military operations other than war.

This research is normative legal research supported by primary data. The data used is secondary data as the main data consisting of primary, secondary, and tertiary legal materials and is supported by primary data in the form of interviews. The data analysis process uses a statutory approach and a comparative and conceptual approach. Data analysis was carried out qualitatively and described descriptively and prescriptively.

The results of research that has been carried out by the author can be drawn to two conclusions. First, the criminal act of desertion has been regulated in the KUHPM, but the formulation of the criminal act of desertion in military operations other than war has not been accommodated in the formulation of the KUHPM. Based on this, it is necessary to reformulate the criminal act of desertion in the KUHPM so that it can support the implementation of military operations other than war. Second, the reform of the KUHPM in terms of reformulation of the formulation of the criminal act of desertion must be guided by the interests of state defense by Article 64 of Law Number 34 of 2004 concerning the TNI. It is aimed that the implementation of military operations other than war can run well and smoothly, so at protecting the interests of national defense.

Keywords: Reformulation, the crime of desertion, Military Law, Military operations, Military operations other than war.

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