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Sentencing and Victim Restitution in Premeditated Murder by Military Personnel: A Case Study of the Murder of a Car Rental Owner

Awan Kesuma Wijaya[1*], Farahwati[2], Ony Rosifani[3], Ali Imron[4]
[1-4] Universitas 17 Agustus 1945 Samarinda, Indonesia
*Corresponding Author: kesumaawan8@gmail.com

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Abstract
This study analyzes the application of criminal law to the offense of premeditated murder committed by a member of the Indonesian National Armed Forces (TNI) in the shooting case involving a car rental owner. It examines the judges' considerations in rendering the decision and its implications for the principle of equality before the law within the military justice system. This study employs normative legal research using a statutory approach and a case approach. The legal materials consist of primary, secondary, and tertiary legal materials obtained through library research and analyzed qualitatively using a descriptive-analytical method. The results indicate that the defendant's actions fulfilled the elements of premeditated murder as stipulated in Article 340 of the Indonesian Criminal Code (KUHP) and the corresponding provisions under Law Number 1 of 2023 concerning the Criminal Code. The elements of intent and prior planning were demonstrated by the preparation undertaken before the shooting and the opportunity available to the perpetrator to abandon the intended act. The Military Court II-08 Jakarta initially imposed life imprisonment and dismissal from military service. At the cassation level, the decision was amended to 15 years of imprisonment accompanied by an obligation to provide restitution to the victim's family. This change raises legal issues concerning sentencing considerations, victim protection, and the application of equality before the law within the military justice system. The study concludes that the application of the elements of premeditated murder has a strong legal basis, while the judicial mechanism for handling ordinary criminal offenses committed by TNI personnel requires strengthening in terms of transparency, victim protection, and equality before the law. (;).

Info Artikel

Kata Kunci:
pembunuhan berencana; anggota TNI; peradilan militer; hukum pidana; equality before the law;.

Abstrak
Penelitian ini menganalisis penerapan hukum pidana terhadap tindak pidana pembunuhan berencana yang dilakukan oleh anggota Tentara Nasional Indonesia (TNI) dalam kasus penembakan pemilik rental mobil. Penelitian juga mengkaji pertimbangan hakim serta implikasinya terhadap prinsip equality before the law dalam sistem peradilan militer. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan (statute approach) dan pendekatan kasus (case approach). Bahan hukum terdiri atas bahan hukum primer, sekunder, dan tersier yang diperoleh melalui studi

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kepustakaan. Analisis dilakukan secara kualitatif dengan teknik deskriptif-analitis. Hasil penelitian menunjukkan bahwa perbuatan terdakwa memenuhi unsur pembunuhan berencana sebagaimana diatur dalam Pasal 340 KUHP dan ketentuan terkait dalam Undang-Undang Nomor 1 Tahun 2023 tentang KUHP. Unsur kesengajaan dan perencanaan terlebih dahulu ditunjukkan melalui adanya persiapan sebelum penembakan serta kesempatan bagi pelaku untuk membatalkan niatnya. Pengadilan Militer II-08 Jakarta menjatuhkan pidana penjara seumur hidup disertai pemecatan dari dinas militer. Pada tingkat kasasi, putusan tersebut diubah menjadi pidana penjara selama 15 tahun disertai kewajiban restitusi kepada keluarga korban. Perubahan putusan menimbulkan persoalan hukum terkait pertimbangan pemidanaan, perlindungan hak korban, dan penerapan prinsip equality before the law. Penelitian ini menyimpulkan bahwa penerapan unsur pembunuhan berencana memiliki dasar hukum yang kuat, tetapi mekanisme peradilan terhadap tindak pidana umum oleh anggota TNI masih memerlukan penguatan dalam aspek transparansi, perlindungan korban, dan kesetaraan di hadapan hukum (;).

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INTRODUCTION

Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia establishes Indonesia as a state governed by the rule of law, requiring all individuals, including members of the Indonesian National Defense Forces (TNI), to be subject to the law. However, the enforcement of criminal law against military personnel who commit ordinary criminal offenses raises significant legal concerns, particularly regarding equality before the law, judicial accountability, and the consistency of sentencing. These concerns become more pronounced when military personnel are involved in serious offenses such as premeditated murder, where the application of criminal sanctions must reflect the gravity of the offense and ensure justice for victims. Consequently, the central issue is not merely the legal obligation to enforce the law, but whether the military justice system provides fair, consistent, and proportionate punishment without compromising the rights of victims (Az-zahra & Kholiq, 2025). The principle of the rule of law affirms that every citizen is equal before the law, regardless of social status, position, or profession. This is in line with the provisions of Article 28D, paragraph (1) of the 1945 Constitution, which states that every person has the right to fair legal recognition, guarantees, protection, and certainty, as well as equal treatment before the law (Andreana & Umardani, 2025).

Law enforcement plays a vital role in maintaining social stability. Effective law enforcement fosters a sense of security and public trust in the state. Weak law enforcement can lead to social unrest and erode public trust in law enforcement agencies (Utama, 2019). Law enforcement is not merely about the formal application of rules but also concerns the sense of justice perceived by the public. In reality, the law enforcement process often faces various obstacles stemming from both internal and external factors. These obstacles can range from weak oversight and abuse of authority to a lack of professionalism among officials, as well as the influence of certain vested interests on the law enforcement process (Fahrani & Novianto, 2019).

Increasingly complex social and economic developments also influence crime rates in society. Changes in social patterns give rise to various forms of conflict that can escalate into criminal acts. Economic factors are one of the causes of rising crime rates in various regions. Mounting economic pressure often drives individuals to commit unlawful acts in order to meet

their basic needs. In addition to economic factors, low legal awareness, weak social oversight, and environmental influences also contribute to criminal behavior. These conditions indicate that criminal acts are influenced not only by individual factors but also by the evolving social context within society (Caninggia & Kartika, 2025).

Social interactions in society do not always proceed harmoniously. Interpersonal relationships can lead to disputes that result in unlawful acts. The forms of criminal offenses that occur in society are highly diverse, ranging from theft, embezzlement, fraud, defamation, sexual assault, and battery to murder. Among these various forms of criminal offenses, murder is the most serious crime because it is directly linked to the loss of a person′ s life. Murder not only causes harm to the victim but also inflicts trauma and suffering on the victim′ s family. Consequently, the crime of murder is one that receives significant attention within Indonesia′ s criminal justice system (Fahrani, 2019; Widodo et al., 2023).

Criminal law serves as a state instrument to protect society from various forms of crime. Provisions regarding criminal offenses are set forth in the Criminal Code (KUHP). Under criminal law, any act that meets the elements of a criminal offense is subject to sanctions in accordance with applicable provisions. The imposition of criminal sanctions aims to deter offenders and prevent similar criminal acts from occurring in the future. In addition, criminal sanctions also serve to restore a sense of justice in society. Therefore, criminal law must be applied objectively and non-discriminatorily so that the principle of justice can be truly realized (Sofiati & Yusuf, 2024).

One case study in this research is the murder that began with the shooting of a car rental company owner, allegedly committed by a member of the Indonesian National Armed Forces (TNI). The case sparked widespread public outrage because it involved military personnel whose primary duty is to maintain national security and protect the public (Prasetya, 2023; Suharyono et al., 2026). This incident raised various questions regarding the professionalism of military personnel in the use of firearms, as well as the effectiveness of internal oversight within the military. Acts of violence committed by military personnel against civilians indicate a deviation from the fundamental values that every soldier is expected to uphold (Caninggia & Kartika, 2025).

As a national defense institution, members of the military hold a strategic position in safeguarding national sovereignty and national security. The presence of military personnel is not only related to defense functions but also concerns public trust in the state. Therefore, every action taken by military personnel must reflect professionalism and respect for the law and human rights. Criminal acts committed by military personnel can have a significant impact on the military'ss image in the eyes of the public. Public trust in the nation's defense forces may decline if law enforcement against military personnel is not carried out transparently and fairly.

The use of firearms by military personnel against civilians is an act that violates the principles of military professionalism. Firearms possessed by military personnel are state assets used to maintain security and defend the nation′ s sovereignty. The use of these weapons must be carried out responsibly in accordance with the law and the military code of ethics. In a military context, weapons are not only tools of defense but also symbols of the state′ s trust that must be safeguarded with the utmost responsibility. The misuse of firearms by military personnel constitutes a violation of the values of military discipline and ethics.

The use of firearms by military personnel against civilians is an act that contradicts the principle of military professionalism (Alfajri et al., 2025). Firearms possessed by military personnel are state assets used to maintain security and defend national sovereignty. The use of these weapons must be carried out responsibly in accordance with the law and the military code of ethics. In a military context, weapons are not only tools of defense but also symbols of the state′ s trust that

must be safeguarded with the utmost responsibility. The misuse of firearms by military personnel constitutes a violation of the values of military discipline and ethics (Ervianto & Susanti, 2026).

The principle of professionalism within the TNI is enshrined in Law No. 34 of 2004 on the Indonesian National Armed Forces. Article 2(d) of this law states that the TNI is a professional military force that is well-trained, well-educated, and well-equipped; it does not engage in practical politics or business activities, and it ensures the welfare of the people. These provisions indicate that every member of the TNI must carry out their duties based on the principles of professionalism and the interests of the people. Furthermore, the Soldier′ s Oath and the Eight Obligations of the TNI also affirm that soldiers are obligated to protect the people and refrain from actions that harm the community. Thus, the killing of civilians by military personnel constitutes a violation of the TNI′ s identity as a people′ s army (Widodo et al., 2023).

The case of a car rental company owner being shot by a member of the military has also drawn attention to the military justice system in Indonesia. The military justice system has the authority to investigate and adjudicate criminal offenses committed by military personnel. The purpose of the military justice system is to maintain discipline and order within the Indonesian National Armed Forces (TNI). However, in practice, the military justice system is often under scrutiny because it is perceived as not fully reflecting the principles of transparency and independence. The public often believes that the handling of cases within the military tends to grant special treatment to members of the TNI. This situation raises doubts about the military justice system′ s ability to uphold the principle of equality before the law (Amri & Anggono, 2024).

Public attention to this case has grown following the issuance of Military Court Decision No. 25-K/PM.II-08/AL/II/2025. In that decision, the panel of judges commuted the principal defendant's life sentence to 15 years imprisonment. In addition, the judges also ordered the defendant to pay restitution to the victim's family. The ruling sparked disappointment among the victim's family, as they felt it did not provide a sense of justice. The reduction in the sentence was viewed as disproportionate to the consequences of the premeditated murder (Eirene et al., 2025).

In the case of the shooting of a car rental company owner, the application of Article 459 of the Criminal Code sparked controversy due to discrepancies between the evidence regarding the elements of the crime and the final sentence imposed. Substantively, the element of premeditation was deemed to have been met. However, the reduction of the sentence at the cassation level raises questions regarding the consistency of criminal law application in this case. This situation highlights a dilemma between legal certainty, justice, and utility in the law enforcement process. Legal certainty demands that every perpetrator of a criminal act receive a sentence in accordance with the provisions of the law (Putri et al., 2026). On the other hand, justice requires consideration of the victim's rights and specific circumstances that influence the judge's decision.

Another issue that arises in this case relates to the protection of human rights. The killing of civilians constitutes a serious violation of the right to life, which is guaranteed by the Constitution. The right to life is a fundamental right that cannot be diminished under any circumstances. Therefore, the state has an obligation to provide maximum protection for every citizen's right to life. Law enforcement against perpetrators of murder must be carried out firmly so that the state can demonstrate its commitment to protecting human rights. If the law enforcement process is perceived as unfair, it can lead to public distrust in the national legal system (Alisya Fahrani, 2019).

The handling of criminal offenses committed by members of the Indonesian National Armed Forces (TNI) raises important questions concerning the effectiveness of the military justice system in ensuring equality before the law and judicial accountability. Although the military justice system is designed to maintain discipline and enforce military regulations, its authority to adjudicate

criminal offenses committed by military personnel has continued to attract public attention. Concerns arise particularly when serious criminal offenses against civilians are examined within the military justice system, as the process must ensure judicial independence, objectivity, and equal legal protection. Furthermore, the use of military authority or official facilities in committing criminal acts highlights the need for effective institutional oversight and accountability (Az-zahra & Kholiq, 2025; Winanda, 2026).

Previous studies have examined several aspects of this issue. Ruslan and Qadir Gassing, in their study entitled "The Application of the Principle of Equality Before the Law in the Military Justice System at the Military Court III-16 Makassar," focused on the importance of equal legal treatment for military personnel and civilians within the military justice system. Similarly, Ramadlon Adi Ali Fikri et al. examined the jurisdictional authority of military courts in adjudicating general criminal offenses committed by TNI personnel, particularly in relation to the dualism of jurisdiction between military and general courts. Although these studies provide important insights into equality before the law and the jurisdiction of military courts, they do not specifically examine the relationship between the legal determination of premeditated murder, the modification of criminal sentences at the cassation level, and the fulfillment of victims' restitution rights within a single case.

This gap provides the basis for the present study, which examines the shooting of a car rental owner by members of the TNI as a case involving the application of criminal law to premeditated murder. Unlike previous studies that primarily emphasize jurisdictional authority and equality before the law, this research focuses on the judicial reasoning underlying the determination of premeditated murder, particularly the assessment of intent and premeditation, as well as the modification of the sentence from life imprisonment to 15 years of imprisonment at the cassation level. It also examines the relationship between the modification of the sentence and the order for restitution to the victims' families. Accordingly, this study aims to analyze the application of criminal law, the judges' legal considerations at different judicial levels, and the implications of the sentencing decision for substantive justice and victims' rights, particularly from the perspective of Dignified Justice Theory proposed by Teguh Prasetyo.

RESEARCH METHOD

This study employs normative legal research using statutory and case approaches. The statutory approach examines relevant legal provisions, including the Indonesian Criminal Code, Law Number 34 of 2004 concerning the Indonesian National Armed Forces, and Law Number 31 of 1997 concerning Military Courts. The case approach analyzes the Jakarta II-08 Military Court judgment and Supreme Court Decision Number 25-K/PM.II-08/AL/II/2025, focusing on the legal elements of premeditated murder, judicial considerations, sentencing, and victims' restitution. The legal materials consist of primary materials, including legislation and court decisions, and secondary materials, including scholarly books and journal articles. Data are collected through documentary research and literature review, then analyzed qualitatively through statutory interpretation and comparison of judicial decisions. Conclusions are drawn deductively based on the applicable legal provisions and the findings of the case analysis.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include statutory regulations, court decisions, and official documents relevant to the case. The analysis also examines the chronology of the incident, beginning with the business relationship between the victim and the defendants, the dispute over rental vehicle management, and the subsequent shooting using a service-issued firearm. Secondary legal materials include legal textbooks, scholarly journals, legal articles, and previous studies

discussing premeditated murder and the military justice system. Tertiary legal materials include legal dictionaries and other references supporting the interpretation of legal concepts. Tertiary legal materials include legal dictionaries, legal encyclopedias, and other relevant reference sources. Legal materials were collected through library research. The process involved reading, recording, identifying, and examining various legal sources relevant to the research problem.

The legal materials were analyzed qualitatively using a descriptive-analytical method. The collected legal materials were analyzed based on the legal provisions relevant to the subject of the study. The analysis focuses on the application of criminal law to members of the Indonesian National Defense Forces who commit homicide against civilians. The legal considerations of the judges in Military Court Decision Number 25-K/PM.II-08/AL/II/2025 were examined in relation to the applicable statutory provisions. The findings of the analysis were used to draw conclusions regarding the criminal liability of military personnel and the application of the principles of justice and legal certainty in the resolution of the case.

RESULTS AND DISCUSSION

The Application of Article 459 of the Criminal Code to Justice for Victims and the Penalties Imposed in Cassation Decisions

This section presents the findings concerning the shooting of a rental car owner by members of the Indonesian National Armed Forces (Tentara Nasional Indonesia or TNI). The findings are organised around the factual background of the case, the legal elements of premeditated murder, the comparison of judicial sentences, and the implications of the cassation decision for the application of substantive justice.

1. Factual Background and Chronology of the Case

The case originated from a business relationship between the victim and the defendants involving a car-rental business. The relationship subsequently developed into a dispute concerning the management of the rental vehicles. The dispute culminated in the shooting of the victim using a firearm issued for official military service. The use of a service-issued firearm in a personal dispute indicates a serious departure from its official purpose and raises issues of both criminal responsibility and military discipline.

Table 1. Factual Sequence of the Shooting Case

No.	Stage	Finding reported in the case
1	Business relationship	The victim and the defendants had a business relationship involving a car-rental business.
2	Emergence of dispute	A dispute developed concerning the management of the rental vehicles.
3	Use of service-issued firearm	The shooting was carried out using a firearm issued for official military service.
4	Shooting incident	The victim was shot, resulting in the criminal case examined by the military justice system.
5	First-instance adjudication	The Jakarta II-08 Military Court examined the case and imposed life imprisonment on the two principal defendants, together with dismissal from military service.
6	Cassation proceedings	The defendants pursued cassation before the Supreme Court of the Republic of Indonesia.
7	Cassation decision	Through Decision No. 25-K/PM.II-08/AL/II/2025, the sentence was modified to 15 years' imprisonment and restitution was ordered for the victims' families.

Source: Authors' compilation based on the case facts and judicial decisions described in this study.

Table 1 shows that the offense arose in the context of a private business dispute but involved the use of a firearm provided for official military purposes. The sequence is significant because it connects the underlying dispute with the defendants' conduct and the subsequent judicial response. The case therefore involves not only the deprivation of human life but also the misuse of an official instrument and a breach of the standards expected of military personnel.

2. Findings on the Elements of Premeditated Murder

The findings indicate that the elements of intent and premeditation were considered fulfilled in the proceedings. According to the case description, the court identified an interval between the defendants' possession of the firearm and the execution of the shooting. During this interval, the defendants had an opportunity to reconsider their intended actions or abandon them. Nevertheless, they proceeded with the shooting.

Table 2. Findings Relating to the Elements of Premeditated Murder

Element examined	Finding described in the proceedings	Significance for the legal assessment
Intent	The victim was deliberately shot by the defendants.	The conduct was treated as an intentional act directed against the victim.
Premeditation	There was an interval between possession of the firearm and the shooting, during which the defendants had an opportunity to reconsider or abandon their intention.	The interval was regarded as relevant to establishing prior consideration and the opportunity to desist.
Decision to proceed	Despite the opportunity to reconsider, the defendants proceeded with the shooting.	This circumstance supports the finding that the act was not merely an instantaneous response.
Criminal responsibility	The two principal defendants were convicted and sentenced by the Jakarta II-08 Military Court.	The judicial outcome reflects the court's attribution of criminal responsibility to the defendants.

Source: Authors' synthesis of the findings described in the judicial proceedings.

The findings in Table 2 demonstrate the importance of the interval preceding the shooting in assessing premeditation. The opportunity to reconsider, followed by the decision to proceed with the shooting, was treated as an important circumstance supporting the existence of prior planning. Accordingly, the application of Article 459 of the Indonesian Criminal Code, as identified in this study, was based on the relationship between the defendants' intention, the interval before the act, and their decision to carry it out. The statutory provision and its temporal applicability should be checked against the version of the Criminal Code governing the offense.

3. Comparison of the Sentences at the Military Court and Cassation Levels

The Jakarta II-08 Military Court sentenced the two principal defendants, Chief Seaman Bambang Apri Atmojo and First Sergeant Akbar Adli, to life imprisonment and imposed the additional punishment of dismissal from military service. At the cassation stage, the Supreme Court modified the sentence to 15 years' imprisonment and ordered the defendants to pay restitution to the victims' families.

Table 3. Comparison of the Judicial Outcomes

Aspect	Jakarta II-08 Military Court	Supreme Court (Cassation)
Defendants	Chief Seaman Bambang Apri Atmojo and First Sergeant Akbar Adli	The two principal defendants, as described in the study
Principal sentence	Life imprisonment	15 years' imprisonment
Additional sanction	Dismissal from military service	The continued status of this sanction should be confirmed from the operative part of the cassation decision.
Restitution	Not specified in the supplied case description for this stage	Restitution ordered for the victims' families; the amount is not stated in the supplied material.
Overall judicial outcome	A life sentence and dismissal from military service	A modified term of imprisonment accompanied by an order for restitution

Source: Authors' compilation based on the judicial outcomes stated in the case description and Supreme Court Decision No. 25-K/PM.II-08/AL/II/2025.

Table 3 identifies a substantial difference between the sentences imposed at the two judicial levels. The initial life-imprisonment sentence was modified to 15 years' imprisonment at the cassation stage, while restitution was ordered for the victims' families. This change is central to the legal issue examined in this study because it raises questions about the relationship between the severity of the offense, the objectives of punishment, and the recognition of victims' rights. The comparison also demonstrates that the cassation decision did not merely reproduce the first-instance outcome but altered the principal sentence.

4. Implications of the Cassation Decision for Substantive Justice

The findings further indicate that the modification of the sentence was associated with the provision of restitution to the victims' families. From a criminal-law perspective, this raises a normative question: to what extent can restitution be considered alongside imprisonment when determining a proportionate response to premeditated murder? Restitution may recognise the material rights of victims' families, but it does not replace the state's responsibility to impose a sentence that reflects the gravity of the intentional deprivation of human life.

Table 4. Substantive Issues Arising from the Cassation Decision

Finding	Legal issue	Implication for substantive justice
The sentence was reduced from life imprisonment to 15 years.	Whether the modified sentence is proportionate to the seriousness of premeditated murder.	Requires an assessment of the reasons for sentence modification against the gravity and circumstances of the offense.
Restitution was ordered for the victims' families.	The relationship between compensation for victims and the state's penal response.	Recognises victims' material interests but should not automatically be treated as a substitute for proportionate punishment.
The offense involved a service-issued firearm used in a personal dispute.	Abuse of an official instrument and breach of military discipline.	Calls for accountability that addresses both individual criminal conduct and the

		integrity of military service.
The case was adjudicated within the military justice system.	Public confidence and equality before the law in the handling of ordinary criminal offenses by military personnel.	Highlights the importance of transparent, objective, and consistent adjudication.

Source: Authors' legal analysis of the judicial outcomes and the case facts presented in this study.

Viewed through Teguh Prasetyo's Dignified Justice Theory, the issue is not limited to the length of imprisonment. Justice must also recognise human dignity, including the dignity and rights of victims and their families, while ensuring that the legal response remains fair and accountable. The reduction of the sentence therefore warrants examination of whether the Supreme Court's reasoning adequately balances the defendants' legal position, the seriousness of the offense, and the interests of the victims' families. The order for restitution represents one dimension of victim-oriented justice, but the proportionality of the criminal sentence remains a separate issue requiring reasoned legal justification.

Overall, the findings show that the case raises two interconnected legal questions. The first concerns the application of the legal elements of premeditated murder to the defendants' conduct. The second concerns the proportionality and justice implications of the sentence modification at the cassation level. Although the order for restitution addresses the interests of the victims' families, the modification of imprisonment continues to invite normative scrutiny regarding the adequacy of the criminal response to the intentional and planned taking of human life.

The Role of Law No. 31 of 1997 Regarding General Criminal Offenses Committed by Members of the Military

Based on the findings of this study, the jurisdiction over ordinary criminal offenses committed by military personnel is regulated under Law Number 31 of 1997 concerning Military Courts. Article 9 of the Law stipulates that military personnel who commit criminal offenses remain under the jurisdiction of military courts. This provision constitutes the legal basis for the Jakarta II-08 Military Court to examine and adjudicate the shooting case involving the owner of a rental car allegedly committed by members of the Indonesian National Defense Forces (Tentara Nasional Indonesia or TNI).

The findings indicate that the role of military courts in adjudicating ordinary criminal offenses committed by TNI personnel remains a subject of public debate. Some parties argue that ordinary criminal offenses involving civilian victims should be examined by general courts to ensure the principles of equality before the law and transparency in law enforcement. Under Law Number 31 of 1997, however, military personnel remain subject to military jurisdiction even when the offense committed constitutes an ordinary criminal offense.

This study finds that the military justice system is still perceived as less transparent than the general court system. Judicial proceedings conducted within the military justice environment may create perceptions of limited access for civilians and victims′ families to monitor the legal process. Such circumstances may raise concerns regarding impartiality because military institutions are involved in the investigation and prosecution of military personnel while the cases are ultimately adjudicated within the military justice system.

These findings are consistent with the research conducted by Haris Azhar concerning *equality before the law* within the Indonesian justice system. His research argues that an exclusive military justice system may create perceptions of preferential treatment for state officials or security personnel. The study emphasizes the importance of reforming the military justice system to ensure

the effective implementation of the rule of law without distinctions based on the social status or professional background of the offender.

Furthermore, the study by Adelia Kartika Nur Huda and Saiful Abdullah entitled " The Authority to Examine and Adjudicate Military Courts in the Resolution of Ordinary Criminal Offenses Committed by Military Personnel" explains that the exclusive jurisdiction of military courts over ordinary criminal offenses continues to raise normative conflicts among the Military Court Law, MPR Decree Number VII of 2000, and Law Number 34 of 2004 concerning the Indonesian National Defense Forces. This normative conflict demonstrates the need for legal reform to establish greater legal certainty and strengthen public confidence in the Indonesian justice system.

The findings also indicate that the misuse of a firearm by military personnel in this case reflects weaknesses in internal supervision within the TNI. Oversight of firearm use and the development of military personnel' s professional and ethical conduct are considered to require further strengthening. Enhanced internal supervision and evaluation of mechanisms governing access to firearms by military personnel are therefore necessary to prevent abuses of authority that may adversely affect civilians.

Based on the overall findings, it can be concluded that Law Number 31 of 1997 grants military courts jurisdiction to adjudicate ordinary criminal offenses committed by TNI personnel. In practice, however, this system continues to generate criticism concerning transparency, objectivity, and the fulfillment of justice for civilian victims. An evaluation of the military justice system is therefore necessary to strengthen the implementation of the rule of law and the principle of *equality before the law* in addressing ordinary criminal offenses involving military personnel.

Analysis of the Additional Punishment: Dismissal from Military Service

In addition to imposing the principal penalty of life imprisonment on the principal defendants, the panel of judges also imposed an additional penalty of dismissal from military service on the three defendants. This additional punishment indicates that the defendants' conduct was regarded not only as a violation of general criminal law but also as a serious violation of military discipline and the honor of the military profession. Dismissal from military service constitutes a form of administrative and ethical accountability because the defendants were considered no longer suitable to remain members of the Indonesian National Defense Forces.

The panel of judges considered that the killing of civilians using military firearms had damaged the public image of the TNI. As members of the national defense apparatus, military personnel are expected to demonstrate a high level of discipline, uphold professionalism, and maintain public trust. Criminal conduct committed by active military personnel is therefore considered inconsistent with fundamental military values and detrimental to the honor of the military institution. In this case, dismissal from military service constitutes a firm measure intended to preserve the integrity and institutional authority of the TNI.

The Dilemma Between Restitution and Justice for Civilian Victims

The findings indicate that one of the significant issues in this case concerns the restitution claim submitted on behalf of the families of the victims, Ilyas Abdurrahman and Ramli. During the judicial proceedings, the Witness and Victim Protection Agency (Lembaga Perlindungan Saksi dan Korban or LPSK) submitted a calculation of restitution intended to restore the economic rights of the victims' families following the homicide committed by the defendants. In its consideration,

however, the panel of judges held that the imposition of life imprisonment would limit the defendants' financial capacity to fulfill their restitution obligations.

This judicial consideration creates a legal dilemma concerning the fulfillment of the rights of victims of crime. On the one hand, a severe penalty such as life imprisonment may be regarded as a strong form of law enforcement against perpetrators of premeditated murder. On the other hand, such a sentence may limit the possibility for victims' families to obtain economic recovery through restitution payments. This situation demonstrates a gap between the criminal justice system and the protection of victims in Indonesia, particularly in serious criminal cases involving state officials or members of state institutions.

This phenomenon illustrates that the criminal justice system remains substantially oriented toward punishing offenders rather than providing comprehensive recovery for victims. From a restorative justice perspective, victims of crime require not only accountability and punishment of offenders but also effective mechanisms for recovering the losses they have suffered. Legal reform is therefore necessary to provide a stronger role for the state in facilitating compensation for victims when offenders are financially unable to fulfill their restitution obligations. Justice should consequently be understood not only as the imposition of punishment on offenders but also as an effort to restore the rights and dignity of victims of crime.

Discussion

The application of Article 459 of the Indonesian Criminal Code (KUHP) in the case involving the shooting of a rental car owner by a member of the Indonesian National Defense Forces (Tentara Nasional Indonesia or TNI) indicates that the defendants' conduct fulfilled the elements of premeditated murder. The facts established during the trial demonstrated the existence of an interval between the defendants' possession of the firearm and the execution of the shooting. This interval provided the defendants with an opportunity to reconsider their actions calmly and to abandon their intention to carry out the shooting.

The defendants did not take advantage of the opportunity to withdraw their intention. The shooting was nevertheless carried out and resulted in the death of the victim. This circumstance constituted a basis for the judges' consideration in determining whether the element of "premeditation" as stipulated under Article 459 of the Indonesian Criminal Code had been fulfilled. This element concerns the existence of sufficient time for the perpetrator to reflect on and consider the consequences of the intended conduct before committing the criminal act. Based on the facts established during the trial and the legal considerations contained in the decision, the elements of premeditated murder may be considered to have been legally and convincingly established (Luluatussholihah & Syafingi, 2023).

The panel of judges of the Jakarta II-08 Military Court imposed life imprisonment on the principal defendant because the conduct was regarded as a serious violation of criminal law and military discipline. The judges considered that the use of a military firearm against a civilian not only resulted in the loss of the victim's life but also undermined the honor of the Indonesian National Defense Forces as an institution. The decision demonstrates the military court's imposition of a severe sanction on military personnel who commit ordinary criminal offenses.

A legal issue arose when the Supreme Court, at the cassation level, modified the sentence from life imprisonment to 15 years of imprisonment. The reduction of the sentence generated criticism from members of the public and the victims' families because it was considered insufficient to reflect substantive justice. From a criminal law perspective, premeditated murder

constitutes an offense involving a high degree of culpability because it is committed consciously and following prior preparation (Simanjuntak & Sibarani, 2025). Premeditated murder is characterized by the existence of sufficient time for the perpetrator to consider the consequences of the intended conduct while nevertheless proceeding with the offense (Caninggia & Kartika, 2025). The imposition of punishment for premeditated murder should therefore take into account the seriousness of the offender′ s culpability.

This case also reveals issues concerning the jurisdictional system of military justice in Indonesia. Under Article 9 of Law Number 31 of 1997 concerning Military Courts, military personnel who commit criminal offenses remain subject to the jurisdiction of military courts even when the offenses constitute ordinary criminal offenses. This provision has generated debate because the victims in this case were civilians. Some members of the public have argued that the case should instead be examined by the general courts to ensure the principle of *equality before the law* (Ihza & Muttaqi, 2025).

The principle of *equality before the law* requires that no particular group receive preferential treatment in the enforcement of the law. This principle places all citizens on an equal footing before the law regardless of profession, position, or social status (Amri & Anggono, 2024). Indonesia's military justice system is still frequently perceived as providing an exclusive sphere for military personnel. This perception has raised public concerns regarding the objectivity of judicial proceedings involving members of the military.

Transparency is also among the criticisms directed at the military justice system. Judicial proceedings conducted within the military justice environment are often perceived as being less accessible to the general public and victims' families. This condition may create the perception that public oversight of legal proceedings is limited. Reform of the military justice system is necessary to establish a legal system that is transparent, objective, and capable of providing justice to both civilians and military personnel (Caninggia & Kartika, 2025). Such reform is important to maintain public confidence in both legal institutions and military institutions.

The use of a firearm in this criminal offense also indicates an abuse of the functions and authority associated with military service. Firearms issued to military personnel constitute state facilities intended for national defense and security purposes. Using a firearm to resolve a personal dispute constitutes a serious violation of military discipline and professional ethics. Law Number 34 of 2004 concerning the Indonesian National Defense Forces provides that the primary function of military personnel is to safeguard national sovereignty and protect the people. Acts of violence against civilians are clearly inconsistent with these principles.

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The misuse of firearms by military personnel indicates weaknesses in internal supervision and the mental and professional development of military personnel within the military institution. Access to and use of firearms should be subject to strict supervision because military firearms have significant potential for misuse when they are not properly controlled (Sianturi et al., 2025). An evaluation of the internal supervision system within the military institution is therefore important to prevent the abuse of authority by state officials.

This case also illustrates a dilemma concerning the fulfillment of restitution rights for the victims′ families. In the cassation decision, the judges considered the defendants′ financial capacity to fulfill their restitution obligations toward the victims. This consideration generated debate because the severe punishment imposed on the offenders was considered to potentially hinder the fulfillment of the victims′ economic rights. This situation demonstrates a tension between the objectives of punishing offenders and protecting victims′ rights within Indonesia′s criminal justice system.

Indonesia′s criminal justice system continues to place greater emphasis on punishing offenders than on restoring victims′ rights. From a victimological perspective, victims of criminal offenses have the right to legal protection, psychological recovery, and economic recovery for losses resulting from criminal acts. The state should provide support through a compensation mechanism when offenders are unable to fulfill their restitution obligations toward victims.

The Dignified Justice Theory developed by Teguh Prasetyo views law as a means of humanizing individuals and safeguarding the dignity and worth of victims. Under this theory, justice is not limited to punishing offenders. It also encompasses efforts to restore victims′ rights and maintain social balance within society. When a judicial decision fails to provide a sense of justice to victims and society, the law may be perceived as losing its moral value.

Indonesia′s military justice system continues to face challenges in applying the principle of *equality before the law* due to structural relationships and the culture of command within the military environment. Such circumstances may affect the independence of judicial proceedings and generate negative perceptions within society regarding the objectivity of decisions rendered by military judges (Andreana & Umardani, 2025). Strengthening the independence of military courts is important to ensure that law enforcement operates professionally and is not influenced by the interests of particular institutions.

The shooting of a rental car owner by military personnel occurred at KM 45 Rest Area of the Tangerang–Merak Toll Road in Jayanti District, Tangerang Regency, Banten. The case demonstrates that law enforcement against state officials remains a challenge within Indonesia′s legal system. The public expects firm, transparent, and objective legal proceedings against military personnel who commit ordinary criminal offenses. Inconsistent law enforcement may reduce public confidence in military institutions and judicial institutions.

Based on the foregoing discussion, the application of Article 459 of the Indonesian Criminal Code in this case may be understood as legally consistent with the elements of premeditated murder. The modification of the sentence at the cassation level, issues concerning victims′ restitution, and the jurisdictional framework of military justice indicate that Indonesia′s legal system continues to face challenges in realizing substantive justice, legal certainty, and the principle of *equality before the law* for both civilians and state officials.

CONCLUSION.

Based on the research findings and legal analysis, it can be concluded that the shooting of a rental car owner by a member of the Indonesian National Defense Forces (Tentara Nasional Indonesia or TNI) fulfilled the elements of premeditated murder as stipulated in Article 340 of the Indonesian Criminal Code. Subsequently, Indonesia enacted Law Number 1 of 2023 concerning the Criminal Code, which regulates premeditated murder under Article 459. The elements of ″intent″ and ″premeditation″ were established through the preparation undertaken before the shooting and the existence of an opportunity for the perpetrator to reconsider and abandon the

intended act. The use of a military firearm in a personal dispute also demonstrates an abuse of authority and constitutes a serious violation of military discipline and the professional obligations of TNI personnel.

The application of military court jurisdiction in this case was based on Law Number 31 of 1997 concerning Military Courts, which grants military courts jurisdiction to adjudicate ordinary criminal offenses committed by military personnel. The application of this jurisdictional framework in a case involving civilian victims has raised concerns regarding the implementation of the principle of equality before the law and transparency in law enforcement. The modification of the sentence at the cassation level from life imprisonment to 15 years of imprisonment also generated debate concerning the interests of the victims' families and the effectiveness of law enforcement against military personnel who commit ordinary criminal offenses.

The findings further indicate that the case involves not only the criminal liability of the individual perpetrator but also broader institutional issues concerning military justice, internal supervision, and the control of military firearms. These issues are relevant to the accountability of military personnel and public confidence in the administration of justice.

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AI USAGE STATEMENT

Artificial intelligence tools were used solely to assist with language editing and grammatical refinement. All research findings, legal interpretations, and conclusions remain the responsibility of the author.

CONFLICT OF INTEREST

The author declares that there is no conflict of interest regarding the research, authorship, or publication of this article.

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