

Legal Pluralism and Military Justice: A Critical Analysis of Equality Before the Law in Indonesia

**Cecilia F. Harsono^{1*} Marsetio¹, Anton Nugroho¹, I Nengah Putra Apriyanto¹,
Faonaso Harefa²**

¹National Security Concentration, Indonesia Defense University, Jakarta, Indonesia.

²Defense Health Concentration, Indonesia Defense University, Jakarta, Indonesia.

*Corresponding Author Email: faonaso.harefa@doktoral.idu.ac.id

ABSTRACT

The growing public demand in recent years for members of the Indonesian National Armed Forces to be subject to general courts has become a significant legal issue. This study analyzes the jurisdiction of military courts in Indonesia from the perspective of legal pluralism, with a focus on the principle of equality before the law as part of human rights protection. The existence of military courts based on Law Number 31 of 1997 reflects the principle of *lex specialis derogat legi generali*; however, the broad scope of their jurisdiction, including authority over ordinary criminal offenses, raises concerns regarding legal equality, accountability, and justice within a democratic rule-of-law system. This research employs a normative legal approach combined with a socio-legal perspective to analyze regulations, legal doctrines, and their practical implementation. The findings indicate a normative disharmony between military court regulations and the principle of equality before the law, as well as a tension between institutional military interests and human rights protection. The dualism of jurisdiction between military and general courts reflects a form of legal pluralism that may be functionally justified, yet it also has the potential to create unequal access to justice. This study proposes a functional reconstruction of jurisdiction, whereby military courts are limited to handling offenses directly related to military duties, while ordinary crimes are considered for transfer to general courts through legal reform, including judicial review at the Constitutional Court, as well as the optimization of Connectivity courts as a transitional model. These findings underscore the importance of regulatory harmonization in order to establish a fair and accountable judicial system.

Keywords: Equality before the law, Human rights, Judicial reform, Legal pluralism, Military justice, National Defense.

ABSTRAK

Adanya tuntutan masyarakat akhir-akhir ini agar TNI dapat di bawa pada Peradilan Umum. Penelitian ini menganalisis yurisdiksi peradilan militer di Indonesia dalam perspektif pluralisme hukum dengan menitikberatkan pada prinsip persamaan di hadapan hukum sebagai bagian dari perlindungan hak asasi manusia. Keberadaan peradilan militer berdasarkan Undang-Undang Nomor 31 Tahun 1997 mencerminkan prinsip *lex specialis derogat legi generali*, namun cakupan yurisdiksinya yang luas, termasuk terhadap tindak pidana umum, menimbulkan persoalan kesetaraan hukum, akuntabilitas, dan keadilan dalam negara hukum demokratis. Penelitian ini menggunakan pendekatan hukum normatif yang dikombinasikan dengan perspektif socio-legal untuk menganalisis peraturan, doktrin hukum, dan praktik implementasi. Hasil penelitian menunjukkan adanya disharmoni norma antara pengaturan peradilan militer dengan prinsip persamaan di hadapan hukum, serta ketegangan antara kepentingan institusional militer dan perlindungan hak asasi manusia. Dualisme yurisdiksi antara peradilan militer dan peradilan umum mencerminkan pluralisme hukum yang secara fungsional dapat dibenarkan, namun berpotensi menimbulkan ketimpangan akses keadilan. Penelitian ini menawarkan rekonstruksi yurisdiksi berbasis fungsi, di mana kewenangan peradilan militer dibatasi pada pelanggaran terkait tugas militer, sedangkan tindak pidana umum dipertimbangkan untuk dialihkan ke peradilan umum melalui reformasi hukum, termasuk judicial review di MK, serta optimalisasi peradilan koneksitas

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sebagai model transisi. Temuan ini menegaskan pentingnya harmonisasi regulasi guna mewujudkan sistem peradilan yang adil dan akuntabel.

Kata Kunci: Hak Asasi Manusia, Kesetaraan di hadapan hukum, Pertahanan negara, Pluralisme hukum, Reformasi peradilan.

INTRODUCTION

The issue of applying general courts to members of the Indonesian National Armed Forces has once again drawn attention in Indonesia's legal discourse, particularly in relation to strengthening human rights principles (Bexell et al., 2023). In a democratic rule-of-law state, the principle of equality before the law serves as a fundamental pillar, ensuring that all citizens, without exception, are treated equally within the justice system (Purwadi et al., 2022). This principle is not only part of modern legal doctrine but is also constitutionally recognized in the 1945 Constitution of the Republic of Indonesia, as well as in various international legal instruments ratified by the country. However, in practice, the existence of the military court system as a special jurisdiction for TNI personnel raises important questions about the consistent application of this principle.

Military courts in Indonesia constitute one of the four judicial environments under the Supreme Court, alongside general courts, religious courts, and special courts, as regulated within the national judicial system. Their existence is justified by the distinct nature of the military institution, which operates under unique functions, structures, and disciplinary systems compared to civilian society. The principle of *lex specialis derogat legi generali* is often invoked to legitimize the jurisdiction of military courts over TNI personnel, based on the argument that military law is a special legal regime governing specific subjects under particular conditions. This context, Law No. 31 of 1997 on Military Courts and Law No. 26 of 1997 on Military Discipline serve as the primary normative foundations (Kemenhan RI, 2026).

Nevertheless, post-reform developments in legal discourse and security sector reform have intensified criticism of the exclusivity of military jurisdiction, particularly in cases involving ordinary criminal offenses. This concern is also reflected in Hasan et al. (2025), who show that the legal-political relationship between the Indonesian National Armed Forces and the National Police remains marked by regulatory ambiguity, overlapping authority, and challenges to institutional accountability. Their findings strengthen the argument that military involvement in legal and security affairs requires clearer normative boundaries in order to maintain civilian control, legal certainty, and democratic accountability. Such criticism stems from the concern that jurisdiction based solely on the status of the offender as military personnel may create inequality in access to justice and weaken accountability in law enforcement. From a human rights perspective, this becomes problematic as it may contradict the principles of non-discrimination and equality before the law. Moreover, within the framework of human security, ambiguity in accountability mechanisms for state actors can erode public trust and weaken the protection of civilians (Kirby & Welsh, 2025).

The normative tension between the principle of *lex specialis derogat legi generali* and the principle of equality before the law lies at the core of this debate (Al-Fikri et al., 2025). On one hand, military courts are considered essential for maintaining discipline, hierarchy, and operational effectiveness, especially in matters related to national defense (Sarjito, 2025). On the other hand, an overly broad jurisdiction risks blurring the line between institutional interests and public interests in law enforcement. In practice, not all offenses committed by TNI personnel are directly related to military duties, raising the question of whether such cases should remain within the jurisdiction of military courts (Shina, 2024).

Previous studies have generally approached military courts from a normative standpoint, focusing on legal legitimacy and institutional necessity, without sufficiently examining their implications for human rights principles (Adams et al., 2020). Some studies also emphasize the formal juridical aspects of military court law without linking them to evolving social dynamics and legal reform demands (Adams, 2021). As a result, there remains a gap in the literature that comprehensively analyzes the relationship between jurisdictional dualism and the fulfillment of the right to equality before the law. Studies integrating normative legal approaches with socio-legal perspectives in the context of military justice are still limited, even though such approaches are crucial for understanding law not only as written norms but also as social practice shaped by power relations, institutional structures, and public perception.

Based on this background, this study addresses a significant research gap by critically analyzing the jurisdiction of military courts over TNI personnel from the perspective of equality before the law. It also explores the possibility of reconstructing a more balanced jurisdictional model that accommodates both the institutional needs of the military and the demands of human rights protection (Jovanovic et al., 2026). Theoretically, this research contributes to the development of legal pluralism studies, particularly in the field of military law, by offering a new perspective on the relationship between law, power, and justice within Indonesia's national legal system (Drobush et al., 2025). Practically, it is expected to provide a foundation for more responsive legal policy formulation that upholds human rights principles while still recognizing the strategic role of the military in safeguarding national sovereignty (Ismail, 2023).

The novelty of this study lies in its integrative approach that combines normative legal analysis with a socio-legal perspective in examining the jurisdiction of military courts, while positioning it within the framework of legal pluralism and directly linking it to the principle of equality before the law as a human rights issue. Unlike previous studies that tend to be doctrinal and focus on the legal legitimacy of military justice, this research critically identifies normative disharmony and structural tensions between institutional military interests and public demands for justice (A. Lubis, 2022). It also proposes a functional reconstruction of jurisdiction, supported by the mechanism of judicial review in the Constitutional Court and the optimization of connectivity courts as a transitional solution (Appleby & Delaney, 2022).

LITERATURE REVIEW

The theoretical framework of this study is constructed through the integration of the principles of *lex specialis derogat legi generali*, equality before the law, and the rule of law, supported by an analysis of military court jurisprudence and a comparative review of military law in various countries.

Lex Specialis Derogat Legi General

The principle of *lex specialis derogat legi generali* is a fundamental doctrine in legal systems, which holds that a specific law prevails over a general law. In the context of military justice in Indonesia, this principle serves as the basis for legitimizing the existence of military courts as a special judicial system governing members of the Indonesian National Armed Forces (Fauzi, 2021). Law No. 31 of 1997 on Military Courts reflects this principle by granting specific jurisdiction to military courts, particularly in maintaining discipline and institutional effectiveness (Kemenhan RI, 2026). However, the extent to which this principle can be justified when applied to ordinary crimes unrelated to military duties remains questionable, as it may conflict with broader legal principles (Yulianti, 2025).

Equality Before the Law

The principle of equality before the law is a cornerstone of the rule-of-law state, ensuring that all individuals are treated equally before the law without discrimination. In Indonesia, this principle is constitutionally guaranteed under the 1945 Constitution, particularly Articles 27 (1) and 28D (1) (Kemenham RI, 2026). Its application is crucial in assessing military court jurisdiction, especially when TNI personnel who commit ordinary crimes are processed within a different judicial system from civilians. Such differential treatment may lead to inequality in justice and undermine the principle of legal equality, thereby necessitating a reassessment of military jurisdiction within a human rights framework (Acemoglu & Wolitzky, 2021).

Rule of Law

The concept of the rule of law emphasizes that all state actions must be grounded in laws that are fair, transparent, and accountable. In modern legal systems, it encompasses legal supremacy, certainty, and the protection of human rights. In the context of military justice, the rule of law requires that the judicial system not only preserves military discipline but also ensures fairness and accountability. This normative orientation is also supported by Setiawan (2026), who shows that Indonesian pesantren cultivate moderate Islamic values through justice, balance, tolerance, anti-violence, and national commitment. Although his study focuses on Islamic education, these values are relevant to the broader legal discourse because equality before the law also requires a justice-oriented institutional culture that rejects discriminatory treatment and supports accountability. When military courts exercise jurisdiction over ordinary crimes, concerns arise regarding independence, transparency, and equality in judicial processes, thus requiring evaluation in light of democratic rule-of-law principles (Berger & Lake, 2018).

Military Court Jurisprudence

Military court jurisprudence serves as an important source for understanding how law is applied in practice within the military justice system. Through the analysis of available decisions, it is possible to identify patterns in law enforcement, judicial reasoning, and consistency in applying legal norms to TNI personnel. Jurisprudence also illustrates how military courts handle both ordinary crimes and disciplinary violations (Hasan et al., 2024). In certain cases, there are indications that institutional considerations influence judicial outcomes, raising concerns regarding transparency, accountability, and human rights protection. Therefore, jurisprudential analysis is essential to assess the alignment of military justice practices with principles of fairness and legal equality (Isamail et al., 2024).

Comparative Perspective

The study of military law in other countries provides a comparative perspective on the limits of military jurisdiction and the application of legal equality. In several democratic countries, such as the United States, the United Kingdom, and Germany, there is a tendency to restrict military court jurisdiction to offenses directly related to military duties, although variations still exist in practice. This perspective is also relevant to Moonti et al. (2025), who show that plural legal arrangements may operate differently depending on local institutions, social legitimacy, and constitutional context. Although their study focuses on customary and Islamic constitutional norms, it supports the broader argument that legal pluralism must be managed through clear institutional boundaries and accountability mechanisms. In the context of military justice, the coexistence of military and general court jurisdictions should therefore be examined

not only as a formal legal arrangement, but also as a question of institutional function, public legitimacy, and equality before the law. Accordingly, comparative analysis offers an important foundation for legal reform in Indonesia, particularly in redefining military jurisdiction to better align with democratic rule-of-law principles and human rights protection (Deineko, 2025).

This study is theoretically grounded in legal pluralism and socio-legal analysis. This perspective is supported by Mubayyinah et al. (2025), who show that Indonesian criminal law reform reflects legal pluralism through the interaction between local normative values, Islamic and customary traditions, and positivist legal frameworks. In the context of military justice, legal pluralism is similarly reflected in the coexistence of military and general court jurisdictions, which must be managed carefully to avoid unequal access to justice. Legal pluralism is used to explain the coexistence of military and general court jurisdictions within Indonesia's legal system, while the socio-legal approach is employed to examine how those legal arrangements operate in relation to accountability, equality before the law, and human rights protection.

RESEARCH METHOD

This study adopts a qualitative research design using a socio-legal approach (William et al., 2025). It does not view military law merely as a normative system, but also as a social and institutional practice shaped by regulatory frameworks, judicial structures, and civil-military relations in Indonesia (Budianto, 2020). Although this study does not rely on primary data such as interviews or surveys, its empirical character is reflected in the systematic analysis of legal documents, policy frameworks, judicial practices, and socio-legal literature related to military court jurisdiction and the principle of equality before the law (Odusote, 2024). The selection of legal materials and documents in this study is based on three criteria: relevance to the issue of military court jurisdiction and equality before the law, authority of the legal source, and analytical significance for understanding normative and institutional tensions within Indonesia's military justice system.

This research employs two types of legal materials. First, primary legal materials consist of statutory regulations governing military justice and discipline, including Law No. 31 of 1997 on Military Courts and Law No. 26 of 1997 on Military Discipline, as well as provisions of the 1945 Constitution of the Republic of Indonesia related to equality before the law and judicial power. These materials are selected as they form the core normative framework regulating jurisdiction over members of the Indonesian National Armed Forces (Vester, 2025).

Second, secondary legal materials include peer-reviewed journal articles, academic publications, policy analyses, and legal literature relevant to military justice, human rights, legal pluralism, and judicial reform. The selection criteria for these sources are: (1) relevance to military jurisdiction and equality before the law; (2) normative or socio-legal orientation; and (3) focus on the Indonesian legal context (Ali, 2025).

The scope of analysis covers constitutional provisions, statutes governing military justice, selected policy-related legal documents, and relevant jurisprudence on military court practices, particularly those concerning ordinary criminal offenses committed by military personnel and their implications for equality before the law.

Data analysis is conducted using a combination of doctrinal-interpretative analysis and thematic socio-legal analysis. The doctrinal approach is applied to interpret statutory provisions and legal principles such as *lex specialis derogat legi generali*, equality before the law, and the rule of law, in order to identify the normative structure of military jurisdiction (Lindasari, 2025). Meanwhile, the socio-legal analysis

examines the relationship between law in books and law in action, particularly in institutional practices, accountability mechanisms, and public perceptions of justice (Bhattacharjee, 2025; Kirby & Welsh, 2025).

Through this analytical framework, the study identifies normative disharmony and structural tensions between military judicial authority and human rights principles. By integrating doctrinal analysis with a socio-legal perspective, this research aims to provide a critical evaluation and propose a reconstruction model of judicial jurisdiction that aligns with the principles of justice, equality, and accountability within Indonesia's legal system (Mulcahy & Cahill-O'Callaghan, 2021). Operationally, the analysis was conducted in three stages: first, identifying the relevant legal norms and institutional arrangements; second, interpreting them through doctrinal analysis to assess their consistency with the principles of equality before the law and the rule of law; and third, examining their practical implications through a socio-legal reading of accountability, institutional interests, and access to justice.

This study is limited to document-based analysis and does not employ primary empirical data such as interviews, surveys, or field observations. Therefore, while the study is able to provide a strong normative and socio-legal reading of military court jurisdiction, it may not fully capture the internal dynamics of institutional practice within the military justice system.

RESULTS AND DISCUSSION

The 1945 Constitution Perspective

From a constitutional perspective, the differentiation of jurisdiction raises questions regarding equality in the administration of justice. The Indonesian Constitution affirms the principle of a rule-of-law state, which implies that all individuals should be treated equally before the law. In this context, the application of different judicial mechanisms to substantively similar offenses indicates that legal processes are determined not only by the nature of the act, but also by the status of the offender. This condition reflects the coexistence of multiple legal pathways for similar cases, which may affect the consistency of how the principle of equality is applied within the justice system. Furthermore, such differentiation must be assessed within the framework of proportionality and rationality, which are inherent in constitutional principles. Differential treatment may be justified if it is based on objective grounds and directly related to a legitimate purpose. However, when the offenses in question are not directly connected to military functions or duties, the application of a separate jurisdiction becomes less justifiable from a constitutional standpoint. Therefore, examining the limits of jurisdiction is essential to ensure that such differentiation remains consistent with the principle of equality before the law and does not undermine coherence and fairness within the national justice system (Foran, 2022).

MPR Decree No. VII/MPR/2000 and Normative Disharmony

MPR Decree No. VII/MPR/2000 must be understood in light of MPR Decree No. I/MPR/2003 on the Review of the Legal Status of MPR/MPRS Decrees, which clarifies that not all MPR decrees remain fully binding. MPR Decree No. VII/MPR/2000 retains relevance, but its applicability is limited and transitional, meaning it remains valid only until further legislation is enacted to regulate the same subject matter. In subsequent legal developments, there has also been a view that, formally, the decree no longer operates as a directly binding normative instrument, although its underlying values and principles continue to inform Indonesia's legal system. Accordingly, the decree no longer functions as an operational legal norm with binding force, but it still carries constitutional and historical significance as a form of legal policy. This distinction is important to avoid misplacing its normative authority within legal analysis (MPRI RI, 2026).

Substantively, particularly under Article 3 (4), the decree establishes that members of the Indonesian National Armed Forces are subject to military courts for military offenses and to civilian courts for ordinary crimes. This reflects post-authoritarian security sector reform aimed at separating military and civilian functions while strengthening accountability. However, when compared with Law No. 31 of 1997 on Military Courts, a clear inconsistency emerges. The law continues to place TNI personnel predominantly under military jurisdiction, including for ordinary criminal offenses. This creates normative disharmony between the policy direction reflected in the MPR decree and the provisions of statutory law. Such disharmony has serious implications for legal certainty. In legal theory, consistency between norms is essential for predictability in law enforcement. When conflicting rules govern the same issue, uncertainty arises regarding which forum has jurisdiction, potentially causing confusion among law enforcement authorities and the public (Farmer & Copenhaver, 2022).

This inconsistency also affects the principle of equality before the law. When TNI personnel are tried in military courts for ordinary crimes, while civilians are tried in general courts for similar offenses, differential treatment based on institutional status becomes evident. This may give rise to perceptions of legal privilege and weaken public trust in the justice system. At the same time, military courts remain justified in maintaining discipline and operational effectiveness. The issue, therefore, is not their existence, but the scope of their jurisdiction. In this regard, the principles embodied in MPR Decree No. VII/MPR/2000 may still serve as a normative and philosophical basis for legal reform, despite their limited formal status. In conclusion, the disharmony between MPR Decree No. VII/MPR/2000 and Law No. 31 of 1997 highlights the urgent need for regulatory harmonization. This may be achieved through legislative revision, the enactment of new regulations, or judicial review before the Constitutional Court. This argument is supported by Omara and Rahman (2024), who emphasize the important role of constitutional courts in reviewing criminal law policy and interpreting constitutional rights within the framework of human rights protection. Such efforts are essential not only to ensure legal certainty but also to align Indonesia's justice system with the principles of fairness, equality, and accountability within a democratic rule-of-law framework (Manṭuc, 2023).

Law No. 31 of 1997

The expansion of jurisdiction as reflected in the military justice system indicates that authority originally focused on internal military discipline has extended into the realm of general criminal law. This development positions military courts not only as instruments for maintaining discipline but also as part of the broader criminal justice mechanism. Consequently, there is a functional shift in which military courts assume a role beyond their traditional internal institutional scope. The implications of this expansion are evident in the differentiation of judicial mechanisms applied to substantively similar offenses. Military personnel who commit ordinary crimes continue to be processed within the military justice system, while civilians are subject to the general courts. This condition demonstrates that the judicial process is determined not solely by the nature of the offense, but also by the status of the offender. As a result, differences arise in procedural approaches, institutional frameworks, and the overall handling of cases. In this context, the core issue lies in the breadth of jurisdiction, which may lead to differing legal treatment for similar conduct. When ordinary crimes are not directly related to military duties, the application of a separate jurisdiction becomes increasingly difficult to justify on a proportional basis. Therefore, examining the limits of military jurisdiction is essential to ensure that such differentiation remains consistent with the principle of equality before the law and maintains coherence within the national justice system (Sutiawati, 2023).

The New Penal Code and Its Implications for Military Court Jurisdiction

In the context of national legal reform, the enactment of Law No. 1 of 2023 on the new Indonesian Penal Code (KUHP) marks a shift in criminal law toward a stronger emphasis on public protection and human rights. One significant aspect of this reform is the reaffirmation of offenses related to violence, including collective violence, which is substantively equivalent to the former Article 170 of the previous Penal Code (Faisal et al., 2024). This provision not only prohibits acts of collective violence but also reflects the state's commitment to maintaining public order, ensuring community safety, and protecting victims. From the perspective of modern criminal law, collective violence is not merely understood as an offense against individuals, but also as a threat to public order and human security. Accordingly, the handling of such crimes requires a judicial system that is transparent, accountable, and enjoys strong public legitimacy. In this regard, the principle that every offender must be processed fairly, regardless of social or institutional status, becomes highly relevant. Modern criminal law rejects preferential treatment that may reduce accountability before the law (Oktarina, 2024).

However, within Indonesia's legal system, the existence of military jurisdiction under Law No. 31 of 1997 continues to place members of the Indonesian National Armed Forces within a separate judicial framework, including in cases involving ordinary crimes. This raises critical questions when viewed in light of the new Penal Code's emphasis on equality and public protection. If collective violence is committed by military personnel outside the scope of military duties, there is no substantive difference from similar offenses committed by civilians. Therefore, differential treatment based solely on institutional status may create inequality in law enforcement. From a human rights perspective, particularly the principle of equality before the law as guaranteed in Article 28D (1) of the 1945 Constitution, all individuals are entitled to equal legal standing and fair treatment. In this context, the application of military jurisdiction to ordinary crimes represents a form of legal differentiation that requires strong justification. Without a clear functional basis, such differentiation risks contradicting the principles of equality and justice (Arianti & Noviya, 2026). On the other hand, the existence of connectivity courts demonstrates that Indonesia's legal system has recognized the need to integrate jurisdictions in certain cases, particularly those involving both military and civilian actors. However, this mechanism remains limited and does not fully address the structural issue of jurisdictional dualism. In the context of the new Penal Code, which emphasizes public accountability and victim protection, optimizing the connectivity mechanism may serve as an initial step toward a more integrated judicial system (M. T. S. Lubis, 2025; Rahmatyar & Sakti, 2025; Rozah & Yudistira, 2025).

Thus, the enactment of the new Penal Code reinforces the urgency of reassessing the boundaries of military court jurisdiction, particularly in cases involving ordinary crimes unrelated to military functions. This reassessment does not aim to abolish military courts, but rather to ensure their relevance and alignment with the development of national law and human rights principles. Legal reform, including judicial review before the Constitutional Court and the enactment of new regulations, represents a strategic pathway to harmonize institutional military needs with the demands of justice in society. Overall, the new Penal Code functions not only as a criminal law instrument but also as a reflection of national legal policy that prioritizes public protection and accountability. Integrating these principles into the military justice system is therefore essential in advancing a democratic and just rule-of-law state (Junaidi & Susanto, 2025; RIYADI, 2024; Saputri, 2024).

System Critique

The core issue in the military justice system does not lie in the existence of military courts, but rather in the breadth of their jurisdiction. Military courts serve an important function in maintaining discipline, hierarchy, and operational effectiveness within the armed forces, and their existence forms an integral part of the broader national defense system. In this context, a specialized jurisdiction is designed to accommodate the unique institutional characteristics of the military. However, when this jurisdiction extends to include ordinary criminal offenses, it raises the need to examine how such authority is framed within the broader legal system. The expansion of jurisdiction has implications for the structure of the justice system, particularly in terms of differentiated mechanisms for handling cases. Substantively similar offenses may be processed through different judicial forums depending on the status of the offender. This reflects a form of legal pluralism in which multiple judicial mechanisms operate simultaneously within a unified legal framework. This condition is relevant to Sulfinadia et al. (2026), who explain that functional legal pluralism depends on whether different normative systems operate according to clear social functions, institutional legitimacy, and contextual boundaries. Applied to military justice, this perspective suggests that military and general court jurisdictions may coexist, but their boundaries must be clearly defined so that pluralism does not produce unequal treatment before the law. In practice, these differences may involve procedural approaches, institutional settings, and methods of case handling. While such differentiation is part of the legal system's design, it remains important to ensure that its application maintains coherence and consistency in the administration of justice (Harefa et al., 2025).

From the perspective of equality before the law, the breadth of jurisdiction becomes particularly relevant when offenses handled under military courts are not directly related to military duties or functions. In such cases, the use of different judicial forums for similar conduct may result in variations in legal treatment. This does not necessarily imply inconsistency, but it highlights the importance of ensuring that such differentiation is supported by rational and proportional considerations. Accordingly, defining the limits of jurisdiction becomes essential to maintain alignment with general principles of justice. In addition, the scope of jurisdiction is closely related to institutional arrangements and governance within the military justice system. Military courts operate within an institutional environment characterized by command structures and internal disciplinary systems. This context provides advantages in maintaining internal order, but it also requires careful consideration when addressing matters beyond that scope. It is therefore important to ensure that existing mechanisms support independence, objectivity, and accountability in all judicial processes, regardless of the forum in which cases are adjudicated (Defense & Esper, 2020; Harman et al., 2024).

In the development of modern legal systems, there has been a tendency to refine the scope of military jurisdiction to focus more closely on offenses directly related to military functions. This approach does not seek to diminish the role of military courts, but rather to clarify their authority within the broader justice system. Clearer boundaries may contribute to a more balanced relationship between institutional needs and general legal principles, ensuring that different components of the justice system operate in a complementary manner. Overall, the central issue concerns how the scope of jurisdiction is defined and implemented, rather than the existence of military courts as an institution. A proportional and context-sensitive approach to jurisdictional arrangements may help maintain coherence between institutional functions and broader legal principles. Such an approach allows the justice system to function effectively while remaining aligned with the values of consistency, accountability, and equality within a rule-of-law framework (Harsono et al., 2026).

Human Rights Implications

The application of military jurisdiction to ordinary crimes has implications for access to justice, particularly in cases involving civilian victims. This condition is associated with differences in the procedural framework and institutional characteristics of the judicial systems applied to substantively similar offenses. When an ordinary criminal offense is processed within the military justice system, it is handled within a distinct procedural and institutional setting compared to the general court system. These differences do not necessarily indicate inconsistency, but rather reflect differentiated arrangements designed to accommodate the specific functions and needs of each judicial system. From the perspective of fairness, the differentiation of jurisdiction based on the status of the offender illustrates a variation in approaches to case handling. Military courts play an important role in maintaining discipline, hierarchy, and operational effectiveness within the armed forces, and are therefore structured with specific institutional characteristics to support these functions. In contrast, general courts are oriented toward the broader administration of justice applicable to all citizens. When both systems are applied to similar types of offenses, it becomes important to ensure that such differentiation remains within a framework that upholds equal treatment under the law. Accordingly, the issue is not the existence of different judicial systems, but how such differentiation is implemented in a proportional and balanced manner (Chen & Hai, 2024).

Transparency is another relevant dimension in understanding these implications. General courts typically operate with a higher degree of openness, including public access to proceedings and the availability of judicial decisions. Military courts, on the other hand, may incorporate certain limitations on openness in consideration of institutional and security-related factors. These differences can be understood as part of the functional distinctions between the two systems. Nevertheless, it remains important to ensure that the level of transparency allows for adequate public oversight, particularly in cases that involve broader societal interests. Accountability is closely related to both fairness and transparency. This concern is supported by Febianti et al. (2026), who argue that governance reform should not rely solely on regulations and institutional redesign, but must also strengthen ethical conduct, integrity, public service quality, and public trust. In the context of military justice, this perspective reinforces the need for judicial mechanisms that are not only formally regulated, but also ethically accountable, transparent, and capable of maintaining public confidence. In a system where similar cases may be handled by different judicial forums, maintaining consistent standards of accountability is essential. This is important because the legitimacy of security institutions is closely connected to public trust, institutional professionalism, and accountability. Kartiko et al. (2025) show that state security institutions play a strategic role in maintaining democratic stability, particularly when political and social tensions require intelligence-based institutional responses. In the context of military justice, this supports the argument that security-related institutions must operate within transparent, accountable, and rights-oriented legal boundaries. Military courts are supported by internal mechanisms aimed at ensuring integrity and professionalism, while general courts rely more heavily on public oversight and institutional checks and balances. Each approach offers its own strengths, and the key consideration lies in ensuring that judicial processes in all forums remain objectively accountable and aligned with broader legal standards, particularly in cases involving ordinary crimes (Arizon-Peretz et al., 2021; Cvetković et al., 2025).

These considerations are also linked to the broader concept of access to justice, which encompasses not only the ability to bring a case before a court, but also the assurance that the process is understandable, accessible, and fair for all parties involved. In cases involving civilian victims, differences in procedural

norms and institutional environments may influence their experience in navigating the legal process. Therefore, it is important to ensure that all judicial systems provide adequate opportunities for participation and protection for all parties, regardless of the forum in which the case is adjudicated. Overall, the application of military jurisdiction to ordinary crimes reflects the need to balance institutional functions with the broader principles of justice within the legal system. This argument is supported by Yanti et al. (2025), who show that legal pluralism requires a contextual and dialogical reading when different normative systems operate within the same social order. In the context of military justice, this means that the coexistence of military and general court jurisdictions must be assessed not only from institutional necessity, but also from its implications for fairness, accountability, and equal access to justice. The coexistence of military and general courts represents a form of legal pluralism, in which different judicial mechanisms operate within a unified legal framework. The key challenge lies in ensuring that such differentiation remains consistent with the principles of equality, transparency, and accountability. A proportional and context-sensitive approach is therefore essential to ensure that the justice system functions effectively while maintaining public confidence and fairness across different segments of society (Greve, 2020).

Implications of the Research Findings

The findings of this study imply the need for structural and normative reforms within Indonesia's military justice system to ensure alignment with human rights principles, particularly equality before the law (Malko et al., 2021). Practically, limiting military court jurisdiction to offenses directly related to military duties has the potential to enhance accountability, transparency, and public trust in the justice system (Silalahi¹ & Siregar, 2024). At the same time, optimizing the connectivity court mechanism and considering the transfer of ordinary criminal offenses to civilian courts through legal reform, including judicial review, may serve as an integrative solution to jurisdictional dualism (Grabenwarter et al., 2021). Theoretically, these findings reinforce the importance of a legal pluralism approach grounded in proportionality and non-discrimination, ensuring that differentiated judicial systems remain consistent with the rule of law without undermining substantive justice in a democratic legal state (Amato, 2025).

An important implication of this study is the need for institutional reconstruction within Indonesia's criminal justice system through the establishment of specialized units involving TNI personnel within the District Attorney's Offices, High Prosecutor's Offices, District Courts, and High Courts. These units would function as a transitional mechanism to handle ordinary criminal offenses committed by TNI personnel outside their official duties, functions, and roles, without entirely eliminating the distinct characteristics of the military institution. From an analytical perspective, this model can bridge the jurisdictional dualism between military and general courts while responding to the principle of equality before the law. The involvement of TNI elements remains essential to ensure an understanding of military culture, command structure, and disciplinary context, thereby preserving institutional relevance in legal proceedings. At the same time, placing these units within the general judicial system would strengthen accountability, transparency, and public trust in law enforcement involving military personnel. This approach can also be positioned as an operational enhancement of the concurrent jurisdiction system, making it more adaptive and effective. Therefore, the establishment of such units represents not only a pragmatic solution but also a strategic step toward harmonizing national defense interests with human rights protection in a democratic rule-of-law framework (Modise, 2024).

These findings indicate that, without adjustments to jurisdictional arrangements, variations in the mechanisms for handling similar cases may continue within the justice system. This condition relates to

the existence of different judicial forums for substantively similar offenses, where legal processes are determined not only by the nature of the act but also by the status of the offender. Such differentiation is essentially part of a legal system designed to accommodate various institutional needs, including those within the military context. Within this framework, it is important to ensure that existing arrangements remain within proportional limits so as not to affect the overall coherence of legal application. Accordingly, adjustments to jurisdiction may be understood as part of an effort to maintain balance within the justice system, ensuring alignment with principles of equality, consistency, and accountability in law enforcement (Irvita & Asriani, 2025).

Strengths of the Study

This study offers a comprehensive and integrative analysis by combining normative legal approaches with a socio-legal perspective, enabling a deeper understanding of both the regulatory framework (law in the books) and its practical implementation (law in action). It demonstrates strong theoretical grounding through the integration of key legal principles *lex specialis derogat legi generali*, equality before the law, and rule of law while also incorporating jurisprudential analysis and comparative insights from other countries (Septiningsih, 2024). In addition, the study contributes a novel function-based model for reconstructing military jurisdiction, which is both conceptually robust and practically relevant for legal reform. Its alignment with contemporary legal developments, including the new Criminal Code (Law No. 1 of 2023), further strengthens its relevance in addressing current legal and human rights challenges in Indonesia.

Limitations of the Study

This study has limitations as it relies solely on document-based analysis and does not incorporate empirical field data. As a result, the findings primarily reflect normative and conceptual perspectives and may not fully capture the dynamics of institutional practices in real-world contexts. While this approach provides a comprehensive understanding of the legal framework and regulatory arrangements, there may be differences between the formal norms and their practical implementation. Therefore, future research is recommended to incorporate empirical approaches, such as interviews, observations, or case studies, in order to obtain a more comprehensive understanding of how the system operates in practice and to enrich the analysis presented in this study.

CONCLUSION

This study shows that the jurisdiction of military courts in Indonesia reflects a form of legal pluralism, in which military law operates as a special legal regime within the national legal system. Its existence is normatively justified through the principle of *lex specialis derogat legi generali*; however, the broad scope of its jurisdiction, particularly over ordinary criminal offenses, raises challenges in maintaining consistency with the principles of *equality before the law* and the *rule of law*. In addition, there are indications of normative disharmony between Law Number 31 of 1997 and the policy direction reflected in MPR Decree Number VII/MPR/2000, which may lead to legal uncertainty and differences in judicial treatment.

From a legal pluralism perspective, this condition reflects the dynamic nature of a plural legal system that evolves according to institutional needs and social practices. Nevertheless, such pluralism must be managed proportionally to remain consistent with the principles of non-discrimination,

accountability, and human rights protection. Accordingly, limiting military court jurisdiction to offenses directly related to military duties may be considered a more balanced approach, while ordinary criminal offenses may be addressed within the framework of the general court system.

As a way forward, this study points to the need for reconstructing jurisdiction through regulatory harmonization, including the possibility of judicial review before the Constitutional Court regarding relevant legal provisions. In addition, a transitional mechanism may be considered through the establishment of specialized units involving TNI personnel within general judicial institutions, such as the prosecution service and courts, to handle ordinary crimes committed by military personnel outside their official duties. This approach has the potential to bridge jurisdictional dualism while maintaining an understanding of military characteristics, and at the same time enhancing transparency, accountability, and public trust.

In this regard, strengthening military justice within a legal pluralism framework is not only a matter of normative legitimacy but also of the system's capacity to adapt in balancing institutional interests with the demands of justice. This approach is expected to support the development of a more consistent, responsive, and accountable judicial system in line with the principles of a democratic rule-of-law state.

REFERENCES

- Acemoglu, D., & Wolitzky, A. (2021). A theory of equality before the law. *The Economic Journal*, 131(636), 1429–1465.
- Adams, N. P. (2021). Legitimacy and institutional purpose. In *Legitimacy beyond the state* (pp. 12–30). Routledge.
- Adams, N. P., Scherz, A., & Schmelzle, C. (2020). Legitimacy beyond the state: Institutional purposes and contextual constraints. *Critical Review of International Social and Political Philosophy*, 23(3), 281–291.
- Al-Fikri, M. F., Farisqi, M. R., & Atha, M. (2025). Analisis yuridis lex specialis terhadap tindak pidana kekerasan dalam rumah. *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 3(2), 2123–2128.
- Ali, N. (2025). Fair trial rights under military jurisdiction: Constitutional and international perspectives from Pakistan and the UK. *International Journal of Research and Innovation in Social Science (IJRISS)*, 9(10).
- Amato, L. F. (2025). Structural litigation, destabilization rights and trans-judicial cooperation networks: Lessons from comparative constitutional law. *Suprema: Revista de Estudos Constitucionais*, 5(Especial), 419–444.
- Appleby, G., & Delaney, E. F. (2022). Judicial legitimacy and federal judicial design: Managing integrity and autochthony. *Yale Law Journal*, 132, 2419.
- Arianti, F., & Noviya, A. (2026). Implications of the implementation of the new Indonesian Penal Code in 2026 on legal certainty and human rights. *Jurnal Hukum dan Keadilan*, 3(2), 61–76.
- Arizon-Peretz, R., Hadar, I., & Luria, G. (2021). The importance of security is in the eye of the beholder: Cultural, organizational, and personal factors affecting the implementation of security by design. *IEEE Transactions on Software Engineering*, 48(11), 4433–4446.
- Berger, T., & Lake, M. (2018). Human rights, the rule of law, and democracy. In *The Oxford handbook of governance and limited statehood* (p. 416).
- Bexell, M., Hickmann, T., & Schapper, A. (2023). Strengthening the Sustainable Development Goals through integration with human rights. *International Environmental Agreements: Politics, Law and Economics*, 23(2), 133–139.
- Bhattacharjee, M. (2025). Legal reforms and access to justice: A socio-legal study on court efficiency, legal aid, and alternative dispute resolution mechanisms. *International Journal of Applied Mathematics*, 38(11s), 302–314.

- Budianto, A. (2020). Legal research methodology reposition in research on social science. *International Journal of Criminology and Sociology*, 9(1), 1339–1346.
- Chen, H., & Hai, Y. (2024). Exploring the critical success factors of information security management: A mixed-method approach. *Information & Computer Security*, 32(5), 545–572.
- Cvetković, V. M., Lipovac, M., Renner, R., Stanarević, S., & Raonić, Z. (2025). A predictive framework for understanding multidimensional security perceptions among students in Serbia: The role of institutional, socio-economic, and demographic determinants of sustainability. *Sustainability*, 17(11), 5030.
- Deineko, D. (2025). Rebuilding the rules-based order: How democracies should respond. *Ukraine Analytica*, 11(03[38]), 12–22.
- Drobush, I., Kornuta, L., & Ukrainets, M. (2025). Ensuring state sovereignty as a guarantee of the country's economic development. *Baltic Journal of Economic Studies*, 11(3), 212–221.
- Faisal, Yanto, A., Rahayu, D. P., Haryadi, D., Darmawan, A., & Manik, J. D. N. (2024). Genuine paradigm of criminal justice: Rethinking penal reform within Indonesia new Criminal Code. *Cogent Social Sciences*, 10(1), 2301634.
- Farmer, A. K., & Copenhaver, A. (2022). Policing in a pandemic: How law enforcement communicates with the public. *Policing: An International Journal*, 45(1), 124–138.
- Fauzi, R. D. (2021). Role of regional autonomy in the Indonesian national defense and security system (Sishankamrata). *Journal of Law and Legal Reform*, 2(1), 15–38.
- Febianti, F., Helmiawan, M. A., Aulia, A. F., Noviana, D., & Saroh, A. (2026). Reconstructing public administration through religious morality for ethical governance and public service quality. *Religion and Policy Journal*, 4(1), 70–79. <https://doi.org/10.15575/rpj.v4i1.3307>
- Foran, M. (2022). The cornerstone of our law: Equality, consistency and judicial review. *The Cambridge Law Journal*, 81(2), 249–272.
- Grabewarther, C., Huber, P. M., Knez, R., & Ziemele, I. (2021). The role of the constitutional courts in the European judicial network. *European Public Law*, 27(1).
- Greve, M. S. (2020). Why we need federal administrative courts. *George Mason Law Review*, 28, 765.
- Harefa, F., Aritonang, S., Supriyadi, A. A., & Harsono, C. F. (2025). An politicization of the Indonesian Armed Forces (TNI) regarding ABRI's dual function and civilian supremacy: Civilian supremacy. *Khazanah Sosial*, 7(1), 67–85.
- Harman, J., Edelman, E. S., Keane, J. M., Mahnken, T. G., Rudman, M., Sixkiller, M., Starzak, A. M., Zakheim, R., Grannis, D., & Cohen, R. S. (2024). *Commission on the national defense strategy*. Commission on the National Defense Strategy.
- Harsono, C. F., Sutanto, S., & Harefa, F. (2026). Model of state defense strengthening responding to the impact of eliminating the presidential threshold in order to realize inclusive democracy. *JHSS (Journal of Humanities and Social Studies)*, 9(2).
- Hasan, M., Faisal, F., Syahbandir, M., Gaussyah, M., & Fikarda, A. (2025). Legal-political analysis of the Indonesian National Army's assistance to the police. *Jurnal Ilmiah Peuradeun*, 13(3), 2311–2336. <https://doi.org/10.26811/peuradeun.v13i3.1442>
- Hasan, M. A., Alhadithi, O. F., & Abdulhafedh, A. H. (2024). Aligning legal principles: An empirical analysis of rule of law factors and constitutional public values in Iraqi constitutional law. *International Journal of Cyber Criminology*, 18(1), 224–243.
- Irvita, M., & Asriani, A. (2025). Transparency and accountability in the justice system: Building public trust and justice: The role of public trust in fair law enforcement. *Priviet Social Sciences Journal*, 5(4), 26–40.
- Isamail, H., Rahman, M. R. A., & Hassan, M. S. (2024). Closing the gap: The need for military prosecution appeal right to ensure exclusive accessibility to justice. *Akademika*, 94(2), 76–89.
- Ismail, F. (2023). Optimization of the total defense system in facing national securities challenges to defend state sovereignty. *European Journal of Humanities and Social Sciences*, 3(6), 49–54.

- Jovanovic, M., Milašinović, M., Gajic, A., & Cvetinović, M. (2026). The importance of achieving technological sovereignty as a key component of national security in the conditions for the creation of a multipolar world. In *Expanded BRICS nations: Peace, security, global economy and sustainable development* (pp. 141–159). Springer.
- Junaidi, M., & Susanto, Y. A. (2025). Reformulation of customary criminal law in the National Criminal Code based on the formation of legislation. *Jurnal Pembangunan Hukum Indonesia*, 7(1), 43–60.
- Kartiko, A., Runturambi, A. J. S., Hanita, M., Syauqillah, M., & Mulya, A. (2025). The crucial role of police intelligence in navigating identity politics during elections in Indonesia. *Jurnal Ilmiah Peuradeun*, 13(1), 155–176. <https://doi.org/10.26811/peuradeun.v13i1.1479>
- Kemenham RI. (2026). *UUD 1945*. Kemenham RI.
- Kemenhan RI. (2026). *Undang-Undang No. 31/1997 tentang Pengadilan Militer* (1st ed.). Kemenhan RI.
- Kirby, A., & Welsh, L. (2025). Socio-legal studies and criminal justice: Reflections on “participation.” *Journal of Law and Society*, 52, S121–S133.
- Lindasari, L. (2025). The principle of *lex specialis derogat legi generalis* in the crime of diploma forgery. *Ius Poenale*, 6(1), 1–10.
- Lubis, A. (2022). The strategy of defence diplomacy in achieving national interests and maintaining the sovereignty of the Republic of Indonesia. *Law and Humanities Quarterly Reviews*, 1(4).
- Lubis, M. T. S. (2025). The legitimacy of customary criminal law institutions in the imposition of just punishment toward the implementation of Law No. 1 of 2023 on the Indonesian Criminal Code. *BIS Humanities and Social Science*, 3, V325020–V325020.
- Malko, A. V., Afanasiev, S. F., & Terekhin, V. A. (2021). Judicial reform as a tool for increase efficiency of legal protection of individuals. *Law Enforcement Review*, 5(2), 16–32.
- Mančuc, E. (2023). Principles of law enforcement activity by public authorities. *Journal of Social Sciences*, 6(1), 136–145.
- Modise, J. M. (2024). The governance of law enforcement and police operations is strengthened by officers’ moral principles, corporate governance, policy strategy and ethics. *International Journal of Innovative Science and Research Technology*, 9(1), 2081–2107.
- Moonti, R. M., Akili, R. H., Kadir, Y., Bunga, M., & Halfaoui, A. (2025). Living constitution in Islamic constitutional law: A comparative study of Gorontalo customary constitutional law in majority and minority enclave contexts. *Jurnal Ilmiah Al-Syir’ah*, 23(2), 339–371. <https://doi.org/10.30984/jis.v23i2.3566>
- MPRI RI. (2026). *TAP MPR No. VII/2000*. MPRI RI.
- Mubayyinah, F., Rohman, H., Sabilar Rosyad, A. M., Ismail, N., & Febriani, R. (2025). Legal pluralism, epistemic tensions, and the reformulation of adultery offenses in Indonesia’s new Penal Code. *Volkgeist: Jurnal Ilmu Hukum dan Konstitusi*, 8(2). <https://doi.org/10.24090/volkgeist.v8i2.14957>
- Mulcahy, L., & Cahill-O’Callaghan, R. (2021). Introduction: Socio-legal methodologies. *Journal of Law and Society*, 48(S1).
- Odusote, O. T. (2024). Embracing socio-legal methods: Lessons from an empirical study on investigating and prosecuting corruption cases in Nigeria. *Nigerian Law Journal*, 25, 1.
- Oktarina, S. (2024). The existence of the death penalty sanction for narcotics criminal acts following the enactment of Law Number 1 of 2023 on the Criminal Code. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 23(1), 1731–1749.
- Omara, A., & Rahman, F. (2024). Why constitutional courts back death penalty? Insights from Indonesia and South Korea. *Volkgeist: Jurnal Ilmu Hukum dan Konstitusi*, 7(2), 325–340. <https://doi.org/10.24090/volkgeist.v7i2.10773>
- Purwadi, W., Djafar, M. A. A., Densi, G. F., Tumiwa, A. Z., & Langkamane, A. S. Y. (2022). Application of the principle of equality before the law to law enforcement for the realization of justice in society. *Jurnal Legalitas*, 15(1), 59–75.

- Rahmatyar, A., & Sakti, L. (2025). Analysis of criminal law reform regarding the principle of material legality in Law Number 1 of 2023 concerning the National Criminal Code. *Lex Journal: Kajian Hukum dan Keadilan*, 9(4), 703–711.
- Riyadi, P. (2024). Restorative justice reconstruction with the Indonesian criminal system after Law No. 1 of 2023. *Protection: Journal of Land and Environmental Law*, 2(3), 86–105.
- Rozah, U., & Yulistira, A. (2025). Penal policy analysis of the formulation of customary law in the 2023 KUHP. *Indonesian Journal of Criminal Law Studies*, 10(1), 83–114.
- Saputri, F. A. (2024). Implications of the implementation of Law Number 1 of 2023 concerning the Criminal Code (New KUHP) on restorative justice practices in Indonesia. *Jurispro Law Review*, 1(2).
- Sarjito, A. (2025). Evaluating Indonesia's national defense policy in shaping an effective area denial strategy. *Journal of Political Issues*, 6(2), 124–134.
- Septiningsih, I. (2024). Perluasan makna asas *lex specialis derogate lex generalis*. *Complex: Jurnal Multidisiplin Ilmu Nasional*, 1(1), 19–23.
- Setiawan, A. I. (2026). Transforming religious education through inclusivity: How Indonesian pesantren cultivate moderate Islamic values and da'wah practices. *Nazhruna: Jurnal Pendidikan Islam*, 9(1), 72–92. <https://doi.org/10.31538/nzh.v9i1.406>
- Shina, H. D. (2024). Challenges and opportunities of reforming legislation of Indonesian military courts with an interpretive approach to Ibn Qayyim's thoughts on legal reform.
- Silalahi, W., & Siregar, E. F. N. (2024). Constitutional court in the perspective of a democracy state system in the digital era. In *Proceedings of the International Conference for Democracy and National Resilience (ICDNR 2023)* (Vol. 795, p. 91).
- Sulfinadia, H., Roszi, J. P., Puspita, M., Fadli, A., & Nadzri, A. bin A. (2026). Negotiating Islamic inheritance and customary law: Functional legal pluralism and matrilineal *Pusako Randah* in Minangkabau. *Journal of Islamic Law*, 7(1), 1–30. <https://doi.org/10.24260/jil.v7i1.3743>
- Sutiawati, S. (2023). Application of the principle of *lex specialis derogat legi generali* in cases of domestic violence with unofficial marriage status. *Al-Ishlah: Jurnal Ilmiah Hukum*, 26(2), 64–77.
- U.S. Department of Defense, & Esper, M. T. (2020). *Implementing the National Defense Strategy: A year of successes*. Department of Defense.
- Vester, W. (2025). Military court jurisdiction over civilians: Can the UCMJ be squared with the principle of equality before courts and tribunals? *Yale Journal of International Law*, 50, 139.
- William, L., Corby, S., & Pauksztat, B. (2025). Research methods: Our approach to socio-legal research. In *Claiming disability discrimination: Assessing barriers to justice* (pp. 57–73). Springer.
- Yanti, I., Yuliatin, Mahmudah, S., Mahluddin, & Larasati, Y. G. (2025). Negotiating Sharfah and customary law: Legal pluralism in familial relationships among the Suku Anak Dalam in Jambi. *Journal of Islamic Law*, 6(2), 177–205. <https://doi.org/10.24260/jil.v6i2.3311>
- Yulianti, E. (2025). Perlindungan hukum terhadap tindak pidana penelantaran anak ditinjau dari asas *lex specialis derogat legi generali*. *SERUMPUN: Journal of Education, Politic, and Social Humaniora*, 3(2), 94–105.