

ABSTRAK

REORIENTASI PIDANA TAMBAHAN DIPECAT DARI DINAS MILITER BAGI PRAJURIT TNI YANG MELAKUKAN PERBUATAN LGBT

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Perbuatan LGBT menjadi perhatian yang serius terutama di lingkungan TNI dikarenakan perbuatannya dapat menciderai nilai-nilai sendi kehidupan Prajurit TNI yang berjiwa Sapta Marga, Sumpah Prajurit dan Delapan Wajib TNI. saat ini perbuatan LGBT dihadapkan pada kekosongan hukum, namun beberapa perkara mengenai LGBT di lingkungan TNI selain pidana pokok, diterapkan pidana tambahan berupa dipecat dari dinas militer yang mengakibatkan berhentinya pengabdian kepada negara.. Dalam penelitian ini menggunakan penelitian yuridis normatif melalui penelitian putusan pengadilan, kepustakaan sampai dengan pendalaman penelitian dengan wawancara stakeholder terkait. Hasil dari penelitian ini, diperlukan adanya ketentuan dan parameter layak dan tidak layaknya Prajurit TNI dipertahankan di lingkungan TNI yang jelas untuk mengakomodir pidana tambahan terhadap perbuatan LGBT dengan tetap memperhatikan kepentingan umum, kepentingan hukum, dan kepentingan militer sehingga penerapan pidana tambahan dipecat dari dinas militer berjalan efektif. Hal ini dilakukan untuk mewujudkan keadilan dalam perkara-perkara LGBT baik dalam perkara pada penelitian ini maupun perkara yang mungkin terjadi di masa yang akan datang.

Kata Kunci: LGBT, militer, prajurit, parameter, kepentingan militer.

ABSTRACT

ADDITIONAL CRIMINAL REORIENTATION DISMISSED FROM MILITARY SERVICE FOR TNI SOLDIERS WHO COMMIT LGBT ACTS

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LGBT acts are a serious concern, especially in the TNI environment because their actions can harm the values of the life of TNI soldiers who are upheld by the Sapta Marga, the Soldier's Oath and the Eight Obligations of the TNI. Currently, LGBT acts are faced with a legal vacuum, but several cases regarding LGBT in the TNI environment, in addition to the main criminal offense, are subject to additional criminal penalties in the form of being dismissed from military service which results in the termination of service to the country. This study uses normative legal research through research on court decisions, literature and in-depth research with interviews with related stakeholders. The results of this study, it is necessary to have provisions and parameters for whether or not TNI soldiers are worthy of being maintained in the TNI environment which are clear in order to accommodate additional criminal penalties for LGBT acts while still considering the public interest, legal interests, and military interests so that the application of additional criminal penalties for being dismissed from military service runs effectively. This is done to realize justice in LGBT cases both in cases in this study and cases that may occur in the future.

Keywords: *LGBT, military, soldiers, parameters, military interests.*