

Research Article

Reconstructing the Connectivity Court System in Indonesia: From Collaborative to Integrative Paradigm

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This study aims to analyze the reconstruction of the criminal justice system from an ad hoc and delegative model to a permanent and attributive model in the Indonesian criminal justice system. This study uses a descriptive-analytical normative juridical method with a legislative, historical, and conceptual approach. Secondary data, including primary, secondary, and tertiary legal materials, were collected through literature studies and analyzed qualitatively using deductive reasoning and various methods of legal interpretation. Departing from the theoretical framework of authority, the rule of law, and equality before the law, this study not only dissects legal dogma but also its implications for civil-military relations and judicial independence. The findings show that connectivity currently functions more as an incidental procedural mechanism that depends on executive discretion, so it is often ignored and opens up room for forum shopping and disparities in punishment between civilian and military perpetrators. On that basis, this study proposes a reconstruction of the connectivity court through the direct attribution of authority in the law to a permanent connectivity court, with a mixed composition of judges and the structuring of the role of the Deputy Attorney General for Military Crimes as *dominus litis*. This reconstruction is accompanied by recommendations for revisions to the Criminal Procedure Code and the Military Court Law in order to strengthen justice, legal certainty, and judicial independence.

Keywords: Connectivity Justice, Integrative System, Splitsing, Equality Before the Law, Supreme Court



INTRODUCTION

The connectivity court system emerged as a response to the need to adjudicate criminal offenses committed jointly by legal subjects who fall under two different judicial regimes, namely the general courts and the military courts (Lubis, 2020). Within the context of a state governed by the rule of law, the existence of a connectivity mechanism is intended to prevent impunity, avoid striking disparities in sentencing between civilian and military offenders, and ensure that all perpetrators involved in a single criminal incident are tried within an interconnected judicial framework. However, in practice, the regulation and implementation of the connectivity court system in Indonesia reveal a number of conceptual and structural problems that raise questions regarding its effectiveness in realizing substantive justice (Zulaeha, 2023).

Normatively, the regulation of connectivity cases has long been recognized in criminal procedural law and in sectoral regulations governing the jurisdiction of the general and military courts (Lubis, 2020). Nevertheless, the institutional design that has been developed tends to be incidental and case-specific. The determination of the adjudicating forum, the composition of the judicial panel, and the patterns of coordination among law enforcement authorities rely more heavily on mechanisms of administrative cooperation and the decisions of particular officials than on the design of a judicial institution that exists on a permanent basis (Maharani et al., 2025). This condition reflects the strong ad hoc character of the connectivity court system, which does not operate as an institution with a fixed structure and clearly defined authority, but rather as a special mode that is activated only when a particular case is deemed to meet the requirements of connectivity.

This condition is closely intertwined with the delegative nature of authority (Wahyunadi, 2016). The power to determine the connectivity forum, appoint the composition of the judicial panel, or direct cases to be tried before a particular court often derives from the delegation of authority by executive organs or administrative officials. From the perspective of the theory of authority, such a pattern places the connectivity court system in a vulnerable position, because the legitimacy of its authority does not rest fully on direct attribution by statute, but rather on a series of implementing decisions (Zamroni, 2024). As a result, the space for intervention and institutional bargaining among agencies becomes more open, and the guarantee of judicial independence is potentially compromised.

At the same time, developments in discourse and practice concerning ad hoc judges in various special courts demonstrate similar problems. Ad hoc judges are appointed to address the need for specific expertise or to manage particular case burdens; however, their temporary status, dependence on limited terms of office, and frequent subjection to appointment processes with strong political nuances raise questions about the extent to which they can enjoy guarantees of independence and security of tenure equivalent to those of career judges (Winarto, 2024). In the context of the connectivity court system, a similar logic emerges when the roles of law enforcement agencies and judicial bodies handling connectivity cases are established on a temporary basis through appointments, rather than as part of a permanent structure designed by statute. This pattern further underscores that an ad hoc and

delegative construction of connectivity leaves unresolved issues both in terms of the legitimacy of authority and the protection of the principle of an independent judiciary.

Amid these various weaknesses, there is an urgent need to reconstruct the connectivity court system so that it no longer depends on incidental mechanisms and delegated authority, but is instead positioned as a permanent and attributive institution or regulatory framework. Permanent in this sense means that the connectivity court system has a clear existence within the judicial structure, with an organizational arrangement and judicial panels that are predictable, rather than being formed only when a particular case arises. Attributive means that its authority to adjudicate connectivity cases is established directly by statute, rather than merely delegated through implementing regulations or executive decisions (Mahkamah Agung Republik Indonesia & Panglima TNI, n.d.). Reconstruction toward a permanent and attributive model is expected to strengthen legal certainty, ensure the principle of justice for both civilian and military offenders, and affirm the position of the connectivity court system as an integral part of a modern and democratic criminal justice system.

Based on the foregoing discussion, it is evident that the design of the connectivity court system, which has thus far been constructed in an incidental manner and relies on ad hoc mechanisms and delegated authority, leaves fundamental problems at both the conceptual and institutional levels. This condition raises the question of whether the existing construction remains adequate to guarantee justice, legal certainty, and judicial independence in cases involving both civilian and military legal subjects. On the other hand, the idea of reorganizing the connectivity court system toward a permanent and attributive model requires clear formulation so that it does not remain merely at the level of normative discourse.

Departing from this background, this study is formulated around the following research questions: (1) How are connectivity cases regulated and practiced within the current Indonesian criminal justice system, particularly with regard to their ad hoc and delegative characteristics? (2) What are the juridical and institutional implications of an ad hoc and delegative connectivity court system for the principles of justice, legal certainty, and judicial independence? (3) How can a permanent and attributive reconstruction of the connectivity court system be formulated in order to better guarantee justice and legal certainty for both civilian and military parties?

METHODS

This study employs a normative juridical (doctrinal legal research) method, strengthened by limited empirical data support (Zhao, 2024). Normative legal research in this study conceptualizes law not merely as written texts, but as norms that operate and function within broader social, political, and national security contexts. Within this framework, regulations governing connectivity jurisdiction (peradilan koneksitas) are analyzed not only from a doctrinal legal perspective, but also in terms of their implications for civil–military relations, state stability, and the protection of human rights. The research adopts a descriptive–analytical orientation, aiming first to describe the prevailing regulatory framework and practices of connectivity

jurisdiction, then to examine their juridical and institutional implications, and ultimately to formulate a concept for reconstructing a permanent and attributive conexity judicial system.

The approaches applied in this research are pluralistic in nature, reflecting the complexity of the issues surrounding conexity. Peter Mahmud Marzuki identifies several methodological approaches in normative legal research, including the statutory approach, historical approach, and conceptual approach (Muhaimin, 2020). In this study, the statutory approach is employed to examine vertical and horizontal synchronization among the 1945 Constitution of the Republic of Indonesia, the Criminal Procedure Code (KUHAP), the Military Court Law, the Judicial Power Law, and various implementing regulations governing the mechanism of conexity. The historical approach is used to trace the background of the establishment of conexity jurisdiction, including the philosophical and political rationales underlying the tendency toward an ad hoc and delegative model. Meanwhile, the conceptual approach serves to construct a theoretical foundation concerning the attribution and delegation of authority, the rule of law principle, the principle of equality before the law, and judicial independence.

All data utilized in this research derive exclusively from secondary data, classified into three categories of legal materials (Hamzani et al., 2023). Primary legal materials consist of constitutional provisions contained in the 1945 Constitution, procedural criminal law as regulated in the Criminal Procedure Code (KUHAP), including Law No. 20 of 2025, the Military Court Law, and the Judicial Power Law. Secondary legal materials include legal literature, scholarly journals, prior research findings, and institutional reports that examine the handling of conexity cases in practice, including phenomena such as case splitting (splitsing) and sentencing disparities between civilian and military offenders. Tertiary legal materials comprise legal dictionaries and encyclopedias that assist in clarifying theoretical terms used in the analysis. All legal materials were collected through library research, document review, and the retrieval of judicial decisions from credible legal databases.

The collected data were subsequently analyzed using qualitative methods with deductive reasoning (Azungah, 2018). The analysis begins with general principles and theories concerning the rule of law and attributive authority, which are then applied to the specific regulatory framework and practical operation of conexity jurisdiction in Indonesia. In this process, various methods of legal interpretation are employed, including grammatical interpretation to examine the normative wording of statutory provisions, systematic interpretation to assess harmonization within the integrated one-roof judicial system, and teleological and futuristic interpretations to formulate directions for legal reform (*ius constituendum*) related to the design of a permanent conexity court (Bielska-Brodziak & Zeifert, 2018). Through this sequence of analysis, the study seeks to construct a coherent argument regarding the necessity of transforming conexity jurisdiction into an institution that is more robust, independent, and aligned with the principles of a democratic rule-of-law state.

RESULT AND DISSCUSSION

Regulation and Practice of the Connectivity Court System in the Indonesian Criminal Justice System: Its Ad Hoc and Delegative Characteristics

Within the framework of a state governed by the rule of law, every exercise of power—including judicial power—must be grounded in clear legal authority, be accountable, and align with the principle of equality before the law. Constitutionally, Indonesia affirms itself as a state based on law (*rechtstaat*), which implies that all actions of state authorities, including the determination of judicial forums and the composition of judicial panels, must not be based merely on temporary policy considerations or administrative compromises, but rather on explicit attribution of authority by statute (Pasal, 1 C.E.). In this context, the connectivity court system should function as an instrument to ensure that civilian and military offenders involved in a single criminal incident receive equal legal treatment before the law, without privileges or diminished protection of rights arising solely from differences in institutional status.

Normatively, the connectivity court system is regulated as a special mechanism for handling criminal offenses committed jointly by perpetrators subject to the jurisdiction of the general courts and the military courts (Sumaryanti, 1987). Law Number 20 of 2025 concerning the Criminal Procedure Code and Law Number 31 of 1997 concerning Military Courts recognize the existence of connectivity cases and provide procedures for determining which court has jurisdiction, based on joint examinations conducted by public prosecutors and military prosecutors (*oditur*) (Mulyadi, 2022; No, 48 C.E.). The assessment generally focuses on the extent to which the offense primarily harms public interests or military interests, and the outcome of this assessment becomes the basis for deciding whether the case is brought before the general court or the military court (Sujono, 2024). However, these regulations do not establish a permanent connectivity court endowed with authority directly attributed by statute; instead, they merely design a mechanism for forum determination between two existing judicial environments.

Viewed from the perspective of the theory of authority, this construction reveals the predominance of delegation over attribution. Attribution of authority refers to the conferral of original powers by the constitution or statute upon a particular state organ, whereas delegation involves the transfer of authority from one organ to another within defined limits (HR, 2018). In the connectivity court system, the authority to select the forum and, in practice, to form a connectivity judicial panel emerges as a result of delegated authority and the discretion of law enforcement officials, rather than as a consequence of direct attribution to a clearly defined connectivity court. This indicates that, philosophically, connectivity is positioned more as a policy space for law enforcement agencies than as a judicial institution possessing its own identity and normative legitimacy.

At the practical level, institutional studies and reports demonstrate a significant gap between the normative design of connectivity and its implementation. Several analyses explain that cases which materially meet the criteria for connectivity are more often processed separately, with civilian perpetrators tried before the general courts and military perpetrators before the military courts, sometimes even

under different charges and legal constructions. The splitting (splittings) of cases that should have been handled as a unified connectivity matter is regarded as a deviation from the imperative nature of connectivity procedural law, with the juridical consequence that the legality of the process and judgments may be contested (Mulyana et al., 2020). The fact that connectivity norms are rarely operationalized renders this mechanism akin to a “sleeping law,” while case handling practices revert to a dualistic judicial pattern that separates civilian and military offenders.

From the standpoint of the theory of the rule of law and the principle of equality before the law, such conditions generate serious philosophical problems. The principle of equality before the law requires that individuals involved in a single criminal event be processed through mechanisms that ensure unity of assessment, transparency, and comparable accountability, without privilege based on institutional background. When connectivity cases are split, the likelihood of sentencing disparities, differences in evidentiary standards, and the perception of preferential treatment for military offenders increases. Philosophically, this situation contradicts the idea of the rule of law, which places law as a restraint on power rather than the reverse, and it undermines public trust in the integrity of the criminal justice system.

Furthermore, when examined through the lens of the separation of powers and judicial independence, the connectivity design—which heavily depends on joint examinations, executive decisions, and administrative coordination—raises concerns regarding interference by other branches of power in judicial functions. The 1945 Constitution affirms that judicial power is independent and exercised to uphold law and justice (Amirudin et al., 2024), meaning that the judiciary should not be institutionally subordinate to the executive. However, when the connectivity forum can be activated or deactivated through policies and agreements among executive bodies and law enforcement agencies, in the absence of a permanent and clearly regulated connectivity court, the structural independence of judicial power becomes questionable. Thus, from theoretical, empirical, and philosophical perspectives, the current regulation and practice of the connectivity court system clearly exhibit strong ad hoc and delegative characteristics that are not fully aligned with the ideals of the rule of law, equality before the law, and judicial independence.

Juridical and Institutional Implications of an Ad Hoc and Delegative Connectivity Court System

In constitutional and administrative law theory, authority is classically categorized into attribution, delegation, and mandate (Kuingo et al., 2020). Attribution refers to the conferral of original authority by the constitution or statute upon a state organ; delegation involves the transfer of authority from one organ to another; and a mandate entails the assignment of authority for execution without transferring normative responsibility (Hadjon, 1997). From this perspective, the authority to adjudicate highly sensitive cases such as connectivity cases, which implicate civil–military relations, should ideally be established as attributive authority of a specific judicial institution, so that its legitimacy and boundaries are clearly defined. However, the regulation and practice of connectivity in Indonesia

demonstrate that such authority is realized more as a series of delegative and coordinative actions dependent on agreements and decisions by the Minister of Defense, the Commander of the Armed Forces, the Attorney General, and other officials, rather than on the design of a single connectivity court explicitly attributed by statute (Lumban Gaol et al., 2024).

Studies concerning the authority of the Deputy Attorney General for Military Crimes (Jaksa Agung Muda Pidana Militer) emphasize that the handling of connectivity cases currently stands at the intersection between the *dominus litis* role of the Public Prosecution Service and the position of the Military Prosecutor's Office (Oditurat Militer), governed through technical guidelines and inter-agency joint decisions. The authority to determine whether a case will be processed as a connectivity case and before which forum it will be examined, in practice, becomes the result of administrative negotiations among investigators and prosecutors. This illustrates that authority over connectivity is not an "original authority" of a permanent connectivity court, but rather the product of delegated powers and technical arrangements that are more pragmatic than conceptual. Philosophically, this situation indicates that the connectivity design prioritizes the practical rationality of law enforcement agencies over the certainty of judicial power structures that should be clearly regulated by statute.

The first implication of this ad hoc and delegative authority model appears in the realm of justice and legal certainty. Studies on the principle of justice within the jurisdiction of general and military courts confirm that unclear jurisdictional boundaries and the reliance on assessments of the "center of gravity" of harm open space for overlapping jurisdiction, forum shopping (Castelli et al., 2025; Mskhvildze, 2023), and public perceptions that military courts are more lenient and less transparent (Hoirunnisa & Sindu, 2025; Kontras, 2009). When civilian and military offenders are tried in different forums, the potential for sentencing disparities and divergent evidentiary standards is difficult to avoid, thereby undermining substantive justice for victims and society. Philosophically, this contradicts the principle of equality before the law, which requires that all persons—regardless of civilian or military status—be treated equally before the law and enjoy comparable access to independent and impartial justice.

Research on deviations from connectivity procedures further reinforces this picture. The splitting (splitsing) of cases that materially meet the criteria for connectivity, resulting in separate trials for civilian and military offenders, may be regarded as a violation of the limitative and imperative nature of connectivity procedural rules. Juridically, such deviations not only injure the principle of justice and the unity of the case, but also potentially render indictments or judgments procedurally defective (Hakim, 2025). An article titled *Issues and Prospects from within the Prosecutor's Office* adds that connectivity norms in practice tend to function as *lex imperfecta* (Saragih, 2024): when connectivity is not applied despite fulfillment of its requirements, there are no clear sanctions for law enforcement officials (Gokkel & van der Wal, 1977). This absence of consequences makes connectivity easy to ignore, causing norms intended to protect substantive justice to lose their effectiveness. Philosophically, this reflects a gap between "law in books" and

“law in action” and signals a weak systemic commitment to subjecting law enforcement discretion to the principles of the rule of law.

The next implication concerns judicial independence. The constitution and statutes governing judicial power stipulate that courts must be free from interference by other branches of power, whether executive or legislative, and subject only to law and judicial conscience (Pemerintah Pusat Indonesia, 2009). In the context of connectivity, however, the determination of forums and panel composition—highly dependent on Joint Decisions, the *dominus litis* role of the Prosecution Service, permanent inter-agency teams, and internal executive policies—places courts in a position vulnerable to structural intervention. When the activation of a connectivity forum depends on institutional political considerations or corporate interests of agencies, without the existence of a clearly regulated permanent connectivity court, the boundary between executive and judicial domains becomes blurred.

Soleman B. Ponto, in posing the question “Peradilan Koneksitas: Kewenangan Siapa?” (Connectivity Courts: Whose Authority?), sharply illustrates the confusion regarding who actually controls connectivity (Ponto, 2024): the Supreme Court as the apex of judicial power, the Prosecution Service as *dominus litis*, or a combination of executive and military officials. This ambiguity is not merely technical, but a philosophical problem concerning the locus of judicial power in cases that simultaneously engage civilian and military interests. If the existence or absence of a connectivity forum is determined more by institutional interest configurations than by law, then the dignity and independence of the courts as the guardian of justice are placed at risk.

Analytically, it can therefore be concluded that an ad hoc and delegative connectivity court system has direct implications in three main areas. First, connectivity norms are difficult to enforce because they depend on the willingness and agreement of law enforcement officials, while effective sanctions are absent when the norms are ignored. Second, justice and legal certainty become fragile due to jurisdictional ambiguity, forum shopping, sentencing disparities, and splinting practices that deviate from connectivity procedures. Third, judicial independence is placed in a gray zone because the determination of forums and panel composition is heavily influenced by executive policies and the interests of other law enforcement agencies. Philosophically, these conditions demonstrate that the current connectivity design is not yet fully aligned with the ideal of a rule-of-law state that positions the judiciary as an independent power, guarantees equality before the law, and treats law as a limit on power rather than its instrument.

Reconstruction of a Permanent and Attributive Connectivity Court System within the Indonesian Criminal Justice System

Efforts to reconstruct the connectivity court system cannot be separated from the framework of authority theory and the concept of the rule of law, which places law as the primary source of legitimacy for power. Attribution theory emphasizes that the most robustly legitimate authority of state organs is authority granted directly by statute, not merely the result of delegation or mandate from other organs. From this perspective, the authority to adjudicate connectivity cases, which involve sensitive

civil–military relations, should not be regulated solely through joint decisions or inter-agency technical guidelines, but should be explicitly attributed by statute to a specific judicial institution. In this way, the connectivity forum would have a clear and stable foundation, independent of shifting executive policy configurations. Philosophically, this approach aligns with the principle of the rule of law (*rechtstaat*), which requires that the exercise and limitation of power—particularly judicial power—be grounded in democratically enacted general norms rather than administrative consensus among power holders.

This reconstruction of authority must also be linked to the principle of justice and equality before the law in cases involving the jurisdictions of general and military courts. Clearly attributed authority enables connectivity cases to be handled in a single, definite forum, ensuring that civilian and military offenders involved in the same criminal incident receive equal and transparent legal treatment. Studies on justice within the jurisdiction of general and military courts emphasize that unnecessary separation and forum selection overly dependent on official discretion increase the likelihood of sentencing disparities and violate the public sense of justice. Philosophically, a permanent and attributive connectivity model seeks to restore the judiciary as a moral space that guarantees equality before the law, rather than as a product of power bargaining between civilian and military institutions.

In this regard, one institutional model that may be proposed is the establishment of a permanent special connectivity court. This court would be designed as a special court whose authority is clearly attributed by statute. Every case meeting the definition of connectivity would be required to be examined by the connectivity court, rather than merely being allowed or permitted to be tried there. The judicial panel would consist of career judges from the general courts and career judges from the military courts, ensuring that military expertise and perspectives remain present, while their status would not be that of *ad hoc* judges but of permanent judges enjoying guarantees of independence and career security. From an institutional theory perspective, the integration of two types of career judges within a single permanent court reduces dependence on temporary appointment mechanisms and minimizes opportunities for external intervention in panel composition.

Another possible model is the establishment of a connectivity chamber (*kamar koneksitas*) within the Supreme Court, supported by connectivity courts at the first-instance level. Under this model, at the cassation level, the Supreme Court would form a special chamber composed of justices from the criminal and military chambers, thereby ensuring consistency in interpretation and decisions concerning connectivity cases. At the first-instance level, connectivity courts would handle *judex facti* cases with mixed panels of civilian and military judges, as in the special court model. The connectivity chamber at the Supreme Court would function as *judex juris*, safeguarding uniformity in legal interpretation and evidentiary standards. Philosophically, this tiered structure reflects the idea of jurisdictional integration within a unified judicial system, where differences among judicial environments no longer justify fragmentation of justice but instead enrich perspectives within a single institutional framework.

This institutional reconstruction must be synchronized with the restructuring of prosecutorial authority, particularly the role of the Deputy Attorney General for Military Crimes (JAMPIDMIL). Studies on JAMPIDMIL indicate that this structure was established to realize a single prosecution system in cases involving both military and civilian actors, thereby integrating prosecutorial processes rather than fragmenting them between the Public Prosecution Service and the Military Prosecutor's Office. Within a permanent and attributive design, JAMPIDMIL would function as *dominus litis* coordinating prosecutions in the connectivity forum, while the connectivity court or chamber would serve as an independent judicial partner in examining and adjudicating cases. Philosophically, a clear separation between prosecutorial functions (executive function) and adjudicative functions (judicial function) is essential to uphold the doctrine of separation of powers and to ensure that integration at the prosecutorial level does not result in executive domination over the judiciary.

The normative consequence of this reconstruction is the need to amend foundational legal instruments. Provisions regulating connectivity crimes in Law Number 20 of 2025 concerning the Criminal Procedure Code and related provisions in Law Number 31 of 1997 concerning Military Courts must be revised, or a dedicated Law on Connectivity Courts must be enacted, to explicitly stipulate the existence of connectivity courts or chambers, including their structure, absolute competence, and procedural law. The optional nature of connectivity, which currently allows law enforcement officials to choose not to apply it even when requirements are met, must be transformed into a mandatory regime for clearly defined categories of cases. Furthermore, norms must be restructured to provide clear sanctions for officials who fail to apply connectivity despite fulfillment of its requirements, thereby overcoming the *lex imperfecta* character that has weakened the enforceability of connectivity norms. This step is not merely technical, but reflects a philosophical commitment that law must not remain declarative; it must possess corrective mechanisms against deviations by power holders.

Analytically, a permanent and attributive connectivity court system carries three significant implications. First, the space for case splitting (*splitsing*) and forum shopping is substantially narrowed, because cases meeting connectivity criteria must normatively be handled in a single connectivity forum, ensuring that civilian and military offenders are tried within a unified process applying uniform evidentiary and sentencing standards. Second, executive and prosecutorial dominance in forum determination is drastically reduced, as authority is bound by clear statutory attribution rather than administrative compromise among institutions. Third, judicial independence is strengthened because judges serve as career judges within permanent institutions—rather than *ad hoc* judges dependent on contractual appointments—thereby better safeguarding security of tenure and freedom from external pressure. Philosophically, this reconstruction positions the connectivity court system as an institution that genuinely embodies the ideals of the rule of law: legal certainty, institutional independence, and equal justice for all, both civilians and military personnel subject to military discipline.

To further clarify the foregoing discussion, the author has prepared a comparative table of connectivity court models illustrating the fundamental differences between the current model (Ad Hoc–Delegative) and the proposed model (Permanent–Attributive) within the connectivity judicial system. The comparison covers key aspects such as authority, institutional structure, panel composition, transparency, and judicial independence, demonstrating how a shift from a temporary model to a more structured and permanent one can strengthen legal certainty and substantive justice in the handling of connectivity cases, as presented in the following table.

Table 1. Comparative Table of Connectivity Court Models

Aspect	Current Model (Ad Hoc–Delegative)	Proposed Model (Permanent–Attributive)
Basis of Authority	Delegation through Joint Decisions and implementing regulations	Direct attribution through statute
Institutional Nature	Incidental; case-by-case forum determination mechanism	Permanent; clearly structured connectivity court/chamber
Institutional Form	No special connectivity institution; forum determined through joint examination by prosecutors and military prosecutors	Special Connectivity Court (Option 1) or Connectivity Chamber in the Supreme Court + first-instance courts (Option 2)
Panel Composition	Appointed ad hoc; potential ad hoc judge status	Career judges from general courts + career military judges (permanent status)
Forum Determination	Optional; dependent on agreement between prosecutors and military prosecutors	Mandatory; connectivity cases must be examined in the connectivity forum
Executive Role	Dominant through decisions of the Minister of Defense, Attorney General, and Commander of the Armed Forces	Limited; confined to implementing statutory provisions (normative control)
Evidentiary Standards	Potentially different between general and military courts	Uniform within a single connectivity forum
Transparency & Accountability	Low; mechanisms often closed and dependent on administrative decisions	High; clear rules and normatively accountable decisions
Risk of Splitsing	High; case splitting easily occurs	Low; cases handled within a unified connectivity forum
Judicial Independence	Vulnerable; ad hoc judges dependent on appointment and contract renewal	Guaranteed; career judges enjoy security of tenure and clear career paths

Legal Certainty	Weak; connectivity norms function as <i>lex imperfecta</i> without clear sanctions	Strong; statutory attribution provides enforceability and sanctions
Alignment with the Rule of Law	Questionable; dependent on policy and inter-agency compromise	Affirmative; law serves as the primary source of legitimacy, not administrative decisions

Based on the table above, it can be concluded that the proposed model (Permanent-Attributive) is far more structured and grounded in clear statutory regulation, providing higher levels of legal certainty and substantive justice. Under this model, the connectivity court system would become more independent, transparent, and efficient, while minimizing the risk of injustice that frequently arises within the existing collaborative system.

CONCLUSION

First, the regulation and practice of the connectivity court system within the Indonesian criminal justice system demonstrate that connectivity currently functions more as an incidental procedural mechanism than as a structurally robust judicial institution. The determination of the adjudicating forum and the composition of judicial panels depends heavily on joint examinations and decisions by executive officials and law enforcement authorities, causing connectivity to operate as an ad hoc instrument activated on a case-by-case basis rather than as a permanent court endowed with authority explicitly attributed by statute. Consequently, many cases that materially satisfy the criteria for connectivity are instead processed separately before the general courts and the military courts, rendering connectivity norms closer to a “sleeping law” than to an effective framework for structuring the adjudication of civil-military cases.

Second, the ad hoc and delegative model of the connectivity court system generates serious juridical and institutional implications for the principles of justice, legal certainty, and judicial independence. The unclear boundaries between the jurisdictions of general and military courts, combined with forum selection that relies heavily on the discretion of law enforcement institutions, create opportunities for overlapping jurisdiction, forum shopping, and sentencing disparities between civilian and military offenders. The practice of splitting cases that should be processed as connectivity cases risks deviating from procedural rules that are limitative in nature, while the absence of sanctions when connectivity is disregarded reinforces the *lex imperfecta* character of existing norms. At the same time, the dominance of executive and prosecutorial decisions in determining forums and panel composition places the judiciary in a position vulnerable to intervention, situating judicial independence and the dignity of judicial power within a “gray zone” that is difficult to justify within the framework of a rule-of-law state and the principle of equality before the law.

Third, to address these problems, this study emphasizes the necessity of reconstructing the connectivity court system toward a permanent and attributive model. The authority to adjudicate connectivity cases should ideally be attributed directly by statute to a connectivity court or connectivity chamber, with the

stipulation that cases meeting the definition of connectivity must be examined in this forum. Institutionally, the connectivity court/chamber should be designed with mixed panels consisting of career judges from the general courts and career judges from the military courts, thereby ensuring that military expertise remains accommodated within a framework of permanent judicial status that guarantees independence. This arrangement must be aligned with the role of JAMPIDMIL as dominus litis in the prosecutorial sphere, while being accompanied by revisions to the Criminal Procedure Code and the Military Courts Law to eliminate the optional nature of connectivity and to introduce clear sanctions for disregard of this mechanism. Accordingly, the reconstruction of the connectivity court system from an ad hoc and delegative model into a permanent and attributive one is not merely a technical necessity, but a philosophical demand of the rule of law to ensure equality before the law, legal certainty, and judicial independence in cases that engage civil-military relations.

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