

Forgery Of Deed Documents Between Indonesian And Dutch Law

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Abstract

Mail forgery has a wide-ranging and serious impact, not only on the individual victims, but also on social stability, security, and trust in the legal system and government. Mail forgery can include various types of documents, ranging from personal documents such as identity cards and passports, to official documents such as certificates, deeds, and financial documents. This research is normative research that studies the purpose of law, values of justice, validity of legal rules, legal concepts, and legal norms. The source materials used in this research are primary legal materials, secondary legal materials and tertiary legal materials. Primary legal materials are the Indonesian Criminal Code and the Dutch Criminal Code. Furthermore, the data collected is analysed qualitatively. Indonesian law regulates related to the criminal offence of document forgery can be found in various laws. Among them are: Article 263 of the Criminal Code, Article 264 of the Criminal Code. In addition, Law Number 24 of 2013 concerning amendments to Law Number 23 of 2006 concerning population administration regulates the falsification of population documents such as KTP and birth certificates including deeds. As for the Dutch Legal Aspects, it specifically regulates Article 225 of the Dutch Criminal Code regarding forgery of all forms of documents that cause harm to others can be penalised and fined. The same as in Indonesia which regulates document forgery.

Keyword: Document Forgery, Indonesian Law and Dutch Law.

I. INTRODUCTION

In development, with the formation of a State, laws are needed for the security of its citizens. Laws organise a set of rules for all the people in each country. There are laws in written form such as: Criminal Code, there are also unwritten laws, namely: customary law or customary law which is a social custom that has long existed in society with the intention of regulating order. (R. Soeroso, 2019) There are many problems that occur, both problems that cause harm to an individual, group, community, company or state. One of the many problems that occur in society is the crime of forgery, which can cause harm to someone or several parties. This is what makes the crime of forgery regulated and included as a criminal offence.

The emergence of criminal acts of mail forgery is caused by limitations, coercion of the community so that they take actions that cause harm to others, one of the countermeasures must be efforts in law enforcement. The efforts of law enforcement officials in overcoming mail forgery are essentially efforts in law enforcement against several cases related to mail forgery that occur but are still not good enough. Many things seem ordinary in this discussion of letter forgery, but have a social impact. The social impact in this letter forgery is both positive and negative. The positive impact is the economic benefit obtained while the negative impact from the social aspect is the loss felt by the community.

The crime of forgery of documents is a form of crime that has existed since ancient times. This phenomenon is not limited to one country or one era, but is a universal problem that continues to evolve along with technological developments and changes in the social structure of society. Mail forgery has a wide and serious impact, not only on the individual victims, but also on social stability, security, and trust in the legal system and government. Mail forgery can cover various types of documents, ranging from personal documents such as identity cards and passports, to official documents such as certificates, deeds and financial documents. In the Indonesian context, the criminal

offence of mail forgery has become a serious concern for the government and law enforcement due to its detrimental impact on many parties. In recent years, cases of mail forgery in Indonesia have increased significantly, indicating the need for stricter measures in tackling this crime.

One of the most important documents in society is the Notary Deed. The word deed comes from the Latin 'acta' which means 'geschrift' or letter, while according to R. Subekti and Tjitrosudibio in the legal dictionary, that the word 'acta' is the plural form of the word 'actum' which comes from Latin and means actions. According to A. Pilto, deeds are signed letters, made to be used as evidence, and used by the person, for whose purposes the letter was made. Meanwhile, according to Sudikno Mertokusumo, a deed is a letter with a signature, which contains legal events, which are the basis of a right or obligation, which is made from the beginning intentionally for evidentiary purposes. (Daeng Naja, 2020)

In the context of the criminal offence of mail forgery, there are several aspects that become the main concern. First of all, the types of documents that are vulnerable to forgery become the main focus of prevention and law enforcement efforts. Documents such as identity cards, passports, land certificates, and other civil documents are the main targets of forgery offenders. The importance of understanding these types of documents as well as commonly used forgery techniques is key in preventing and early detection of criminal acts of mail forgery.

Similar to Indonesia, of course the Netherlands also regulates the forgery of documents related to the law, such as deeds and other documents, because basically many of our laws are still sourced from Dutch heritage.

II. RESEARCH METHOD

This research is normative research that studies the purpose of law, the values of justice, the validity of legal rules, legal concepts, and legal norms. Normative legal research can also be said to be a process for finding legal rules, legal principles, and legal doctrines to answer the legal issues at hand. It can also be said that legal research is conducted to produce arguments, theories, or concepts as prescriptions or answers to the problems at hand. (Peter M. Marzuki, 2023)

The source materials used in this research are primary legal materials, secondary legal materials and tertiary legal materials. Primary legal materials are the Indonesian Criminal Code and the Dutch Criminal Code. Furthermore, the data collected is analysed qualitatively. (Peter M. Marzuki, 2023)

III. DISCUSSION

The crime of document forgery is a troubling offence that has a serious impact on society. The perpetrators of this criminal offence intentionally create, alter, or falsify documents with the intent to deceive or obtain unlawful gain. The main elements of this criminal offence include the act of forgery and the specific intent of the perpetrator. In the context of Indonesian law, regulations related to the criminal offence of document forgery can be found in various laws. Among them are: Article 263 of the Criminal Code, Article 264 of the Criminal Code. In addition, Law No. 24 of 2013 on the amendment of Law No. 23 of 2006 on population administration regulates the falsification of population documents such as ID cards and birth certificates. This regulation provides a legal basis for law enforcers to take action against perpetrators of criminal acts of document forgery.

Criminal penalties for perpetrators of document forgery offences vary depending on various factors, including the type of document forged and the amount of loss caused. In general, perpetrators of this criminal offence may be punished with imprisonment and/or fines in accordance with the provisions in the applicable law.

This criminal punishment aims to provide a deterrent effect for the perpetrators and prevent similar criminal offences from occurring in the future. The social and economic impacts of document forgery offences are significant. Document forgery not only harms the victim directly, but can also

disrupt the social and economic stability of a country. For example, falsification of population documents can lead to inaccurate population data, which can have an impact on development planning and unequal distribution of resources. Therefore, serious handling of the criminal offence of document forgery is very important for the security and welfare of society.

The object of a criminal offence is always closely related to a legal interest (rechtsebelang) to be protected by the establishment of the criminal offence concerned. In letter forgery, the object is a letter. With the establishment of Article 263 paragraph (1), a legal protection of legal interests has been established against public trust in the truth of the contents of letters. The content of a letter in written form can be about various things, such as information, news, certain conditions and so on. From the point of view of the object that is always related to a legal interest to be protected, criminal offences can be distinguished. Information or news, or the content of a writing as the object of a criminal offence can be written and oral or verbal. To protect the legal interests regarding public trust in the information or news conveyed or written, several criminal offences are formed, one of which is the criminal offence of mail forgery.

Article 225 of the Dutch Criminal Code, which was in force at the time, states as follows:

1. Any person who forges or falsifies a document which may give rise to rights or obligations or which may result in the discharge of a debt, or which is to be used as evidence of any matter, with intent to use or cause others to use it as if it were genuine and unfalsified, shall, if any damage may result from such use, be guilty of forgery and shall be liable to imprisonment not exceeding six years and a fine of the fifth category or to one of these penalties.
2. Any person who knowingly uses a forged or falsified document as if it were genuine and unfalsified, shall, if any damage can arise from such use, be liable to the same penalties.

As stated in Article 225 of the Dutch Criminal Code, it is also explained that acts of forgery of documents that harm people are subject to imprisonment and fines. The same as in Indonesia which regulates document forgery.

IV. CONCLUSION

Indonesian law regulates the criminal offence of document forgery in various laws. Among them are: Article 263 of the Criminal Code, Article 264 of the Criminal Code. In addition, Law Number 24 of 2013 concerning amendments to Law Number 23 of 2006 concerning population administration which regulates the falsification of population documents such as KTP and birth certificates including deeds. As for the Dutch Legal Aspects, it specifically regulates Article 225 of the Dutch Criminal Code regarding forgery of all forms of documents that cause harm to others can be penalised and fined. The same as in Indonesia which regulates the falsification of documents.

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