

### Original Research Article

## **Legal Analysis in The Settlement of SHM Forgery Crimes That Result in Losses to Other Parties is Associated with (Study of Decision Number 252/Pid. B/2015/ PN. PMS) in Indonesia**

### **ABSTRACT**

The purpose of the study is to know and analyze criminal law studies on forgery of letter evidence, analyze the judge's legal considerations in solving SHM forgery crimes associated with the study of Decision Number 252 / Pid.B / 2015 / PN. PMS and analyzing the legal consequences of the crime of forgery of SHM letters are associated with the study of Decision Number 252 / Pid.B / 2015 / PN. PMS This type of research is normative juridical. The nature of the research used is analytical descriptive research. This study used library data collection techniques (library Research). Data collection tools are carried out by document study. The data analysis used in this thesis research is qualitative data analysis. The act of falsification is a type of violation of truth and trustworthiness, with the aim of gaining advantage for oneself or others. That the form of the stamp or code stamp in front of the certificate cover, namely the Certificate of Property Rights Number 1525 Bantan Village in the name of YUNIARTI, SH has the code 02.02 is not true, which is true at the office of the National Land Agency of Pematangsiantar City with the code 02.03; Considering, that in accordance with the above considerations Yuniarti, SH as the wife of the defendant who has used a letter in the form of a certificate that has been forged as a credit guarantee to PT Perkreditan Diori. The legal consequences received as a result of forgery are Declaring Defendant RAMLAN legally and conclusively guilty of the crime of "Assisting in Forgery of Authentic Deeds"; Sentenced the Defendant to imprisonment for 5 (five) months; Stipulate that the period of detention that the defendant has served is deducted entirely from the sentence imposed; Order that the Defendant be detained; Charge the Defendant to pay the cost of the case in the amount of Rp 1,000.- (one thousand rupiah).

**Keywords : Crime, Forgery, Certificate of Property Rights, Land,**

### **INTRODUCTION**

Currently, there are many criminal acts of forgery of letters or documents with various forms and developments that point to the higher intellectual level of the increasingly complex crime of forgery. The crime of forgery is a crime in which there is a system of untruth or falsehood of an object in which something appears from the outside as if it is true, when in fact it is contrary to the truth. Individuals who participate or participate in forging letters or documents must be held criminally responsible in accordance with their respective roles. Criminal liability is a form of determining whether a suspect or defendant is held accountable for a criminal act that has occurred. In other words, criminal liability is a form of determining whether a person is acquitted or convicted. The fulfillment of criminal acts, then criminal

**Comment [BW1]:** What do these letters stand for?

**Comment [BW2]:** ???

responsibility is also fulfilled, it's just that people who have committed criminal acts are not necessarily convicted (Rusianto, 2016).

As for the issue of criminal liability, it essentially discusses the issue of whether or not criminal offenders can be convicted. The principle is the principle of guilt **green** **zonder** **schuld** (no crime without guilt). Elements of criminal liability or a person can be held criminally liable if: If the crime committed is unlawful, Above a certain age and capable of responsibility, **Intentionally or omission**. There is no justification reason or no forgiving reason.

The four elements above must be met, meaning that if one of the above elements is not fulfilled even though the person commits a criminal act, it still cannot be held accountable or will not be criminalized. The definition of criminal acts does not include the definition of criminal liability. Criminal acts refer to the prohibition or threat of acts with a criminal threat. When it comes to criminal liability, it must inevitably be preceded by an explanation of the criminal act (Ali, 2022). Forgery is a form of crime regulated in Chapter XII Book II of the Criminal Code, where the book states that what includes forgery is only in the form of writings, including forgery of signatures regulated in articles 263 of the Criminal Code to Article 276 of the Criminal Code (Lamintang & Lamintang, 2009).

Land is a gift from God Almighty and as an important natural resource for mankind on earth. Man's relationship with the land is not just a place to live, it is also a resource for human survival. Land has a very important value for human life, so management is needed regarding the **utilization, use, processing of land**. The importance of the meaning of land for human life is because humans are completely inseparable from the land (Soimin, 1993). This criminal law already regulates what actions cannot be made, including the prohibition of forging signatures or letters. The act of making a fake letter is the act of making a letter that **did not exist before or did not exist**, some or all of whose contents were fake. While the act of forgery, is all forms of any action directed at an existing letter, by deleting, changing or replacing one of the contents of the letter so that it is different from the original letter. This letter is called a forged letter (Adami, 2002).

Letters are interpreted both handwritten and printed writing, including using a writing machine. It doesn't matter what letters, numbers are used by hand, with prints or other tools including telegrams. Hamzah says Forgery of letters must turn out:

- 1) Intended for proof of a fact whether according to a law or a letter from an administrative authority issued based on his authority or also with that letter a right, an agreement or debt relief can arise;
- 2) Made fake;
- 3) Manufacture has the intention to use it as genuine and not to fake it or to instruct other people to use it;
- 4) With that in mind it may incur a loss. (Hamzah, 2009)

(Adrian Sutedi, 2023) Explain that land rights certificates have a function, namely as a strong proof tool. The title certificate over the land gives confidence for the bank/creditor to lend money to the owner, for the government the land title certificate proves that the land concerned has been registered with the land office.

Thus, the title certificate to the land is proof that the land has been registered will **have more to do with the essence of its interests and benefits that can be rented, traded,**

**Comment [BW3]:** Green?

**Comment [BW4]:** Are you sure this is the right word?

**Comment [BW5]:** ???

**Comment [BW6]:** I suggest deleting this sentence as it is not relevant.

**Comment [BW7]:** What is the difference between utilization and use?

**Comment [BW8]:** There is no logical connection between these sentences so a new paragraph should be used.

**Comment [BW9]:** What is the difference between the two?

**Comment [BW10]:** Why is it market with yellow? And why "will"?

cooperated, made dependent. Such interests must be able to be given legal protection against cases that arise in land interests, these interests cause may legal problems, such as forging other people's certificates for certain purposes, which ultimately harms others. The act of forging (vervalschen, vervalen) a letter is the act of altering in any way by a person who is not entitled to a letter that causes part or all of the contents of the letter to be different from the original letter or the original letter (Chazawi & Ardi Ferdian, 2014).

**Comment [BW11]:** Please, rewrite as it is not clear now what is meant.

Regarding the issue of certificate forgery, in this proposal a decision was discussed as the basis for the study, namely decision Number 252 / Pid.B / 2015 / PN. PMS where in the sitting of the case it is explained that the defendant RAMLAN, together with YUNIARTI, SH (separate file) on Wednesday February 26, 2014 or at least at another time in the year two thousand fourteen (2014) located at the Office of PT. Bank Perkreditan Rakyat Diori Ganda Sinaksak Branch on Jalan Medan-Pematangsiantar Km. 10,5 No. 24 Simalungun Regency or at least in a place that is still included in the jurisdiction of the Simalungun District Court. However, because the residence of most of those summoned is closer to the Pematangsiantar District Court, based on the provisions of Article 84 Paragraph (2) of the Criminal Procedure Code, the Pematangsiantar District Court has the authority to try him, who commits, who orders to do, and who participates in doing deeds using authentic deeds whose contents are not true or that are forged as if true and not falsified.

In this regard, the author is interested in conducting research in order to compile a thesis writing on the normative analysis of the criminal act of issuing fake Property Rights certificates (SHM) that result in losses to other parties (study of Decision Number 252 / Pid.B / 2015 / PN. PMS).

## RESEARCH METHODS

This type of research is normative juridical, namely by examining laws and regulations, legal theories and jurisprudence related to the problems discussed (Soemitro, 1990). The approach method in this study was used to analyze the criminal act of forging Property Rights certificates. Based on the formulation of the problem and research objectives, the nature of the research used is analytical descriptive research. This research conducts analysis only to the level of description, which is analyzing and presenting facts systematically so that it can be easier to understand and conclude (Soehartono, 1999). Descriptive in the sense that in this study the author intends to describe and report in detail, systematically and thoroughly regarding everything related to the criminal act of forgery of property rights certificates.

To obtain data or information that supports the research objectives, the author uses primary data collection methods obtained directly from the field by conducting questions and answers to informants. The informants used are Prosecutors and Judges, the selection of Prosecutors, Judges and Notaries. Researchers also use secondary data, obtained from official documents, books related to the object of research in the form of reports, theses, dissertations, and laws and regulations.

This research uses library research techniques, namely by collecting secondary data which includes primary legal material, secondary legal material and tertiary legal material. The legal materials used in this research were obtained from searches through literature study activities, namely collecting various legal materials, both in the form of laws and regulations,

professional codes of ethics, literature, scientific papers, previous research results, documents, opinions of legal practitioners, magazines, and various relevant books related to criminal forgery legal issues involving Notaries / PPAT and Land Agencies.

Data collection tools are carried out by document study. This document study (documentary study) is intended to obtain data, in the form of primary legal material, secondary legal material, and tertiary legal material, by taking into account several characteristics, namely having relevance to the research to be carried out, the accuracy of the data and actuality. Interview guidelines are used in this thesis in obtaining factual and real information as a description of opinions that develop in the community by prioritizing informants in accordance with problem areas such as Notary / PPAT or PPAT and other institutions that are considered closely related to the problem discussed.

Data analysis used in this thesis research is qualitative data analysis, namely "data analysis that does not use numbers but is based on laws and regulations, respondents' views to be able to answer the problems of this study (Soekanto, 2007). All data obtained are then grouped into similar data for analytical purposes, and translated logically systematically for further conclusions using deductive methods. The conclusion is a specific answer to the problem studied, so it is expected to provide solutions to the problems in this research (Silalahi, 2010).

## **RESULTS AND DISCUSSION**

### **Proof of SHM Forgery (case study of Decision Number 252/Pid.B/2015/ PN. PMS**

For the sake of legal certainty, a rule or norm that is believed and enforced unofficially by a group of people has no enforceability because through norm formalism alone a rule has valid reach and enforceability (Fachmi, 2011). As a formal criminal law, the Criminal Procedure Code has determined how to maintain the material criminal law (KUHP) including the investigation mechanism. This means that the procedures for investigating criminal acts have no difference between one crime and another unless otherwise stipulated by law. However, slightly different from the crime of forgery of letters, including forgery of land title certificate deeds, the Criminal Procedure Code has regulated in such a way as is regulated in Chapter V Part Five (Examination of Letters) starting from Article 47 to Article 49, some of which are regulated in Chapter XIV Part Two (Investigation) consisting of Article 131 and Article 132.

Therefore, the way of decomposition carried out by the author focuses on the main matters related to the criminal act of forging property rights certificate deeds. The authority to conduct an examination of false letters or false writings is the investigating officer as stated in Article 132 paragraph (1) of the Code of Criminal Procedure as follows: "In the event that a complaint is received that a letter or writing is false or forged or suspected to be false by the investigator, then for the purposes of the investigation, the investigator may be asked for information about it from an expert".

The article specifies the right and authority of the investigator to examine false letters or writings, that is, when the investigator receives a complaint from someone about the existence of false or falsified letters or writings, the investigator's right to examine the complaint is issued.

The expert opinion requested by the investigator is set forth in "written form" stipulated in Article 133 of the Code of Criminal Procedure. How to ask an expert for information in "writing". In the request letter, the investigator stated clearly what the investigator wanted the investigator to the expert. Article 65 paragraph (2) of the Investigation Management Case. However, if the forged letter or false writing complained of is in the hands of another person, and for subsequent examination the investigator requires confiscation of the letter, for that he must take the usual procedure as stipulated in Article 129 of the Code of Criminal Procedure, after first obtaining a "letter of permission" from the local Chief Justice of the State.

Comment [BW12]: Why is it highlighted?

(Harahap, 2017) Explain in the event that there is a strong suspicion of the existence of a forged or forged letter, then in the framework of the investigation action:

- a. Investigators requested a "letter of permission" from the local Chief Justice of the District Court. Here enough permits, not special permits..
- b. With the power of the permission of the Chief Justice of the District Court, the investigator:
  - 1) Can go to the public depository official where the forged original letter is kept.
  - 2) In addition to being able to visit, the investigator may also "request" the public depository officer to send the "original letter" he keeps to the investigator.
  - 3) etc

Comment [BW13]: It is not a sentence. There is no verb.

Comment [BW14]: ???

After making an arrest, the investigator/assistant investigator must make a minutes of arrest at least containing: (Article 40 paragraph (1) of the Investigation Management Report).

For land title certificates forged by perpetrators of forgery crimes, investigators will confiscate them for investigation purposes. According to Article 1 number 16 of the Code of Criminal Procedure, confiscation is a series of actions of investigators to take over and or keep under their control movable or immovable objects, tangible or intangible for evidentiary purposes in investigation, prosecution and trial. In making a seizure, only the investigator can do it (Article 38 paragraph (1) of the Code of Criminal Procedure) or auxiliary investigators (Article 60 Perkap Management of Investigations) and on the orders of the investigator the investigator can also make seizures (Article 5 paragraph (1) point b number 1 of the Code of Criminal Procedure). The object of the seizure action carried out by the investigator is (Article 39 paragraphs (1) and (2) of the Code of Criminal Procedure).

### Legal Considerations of Judges in Giving Verdicts Against Perpetrators of Vote Forgery That Result in Losses (Case Study Decision Number 252/Pid.B/2015/ PN. PMS)

Comment [BW15]: Why is it highlighted?

Criminal law policy cannot be separated from the criminal law system. Every organized society has a legal system consisting of criminal law regulations and sanctions, a criminal law procedure and a criminal enforcement mechanism. Thus, criminal law policy is related to the (criminal) law enforcement process as a whole. Therefore, criminal law policy is directed at the concretization/operationalization/functionalization of material criminal law (substantial), formal criminal law (criminal procedure law) and criminal implementation law (Barda Nawawi Arief, 2018). From the legal facts that have been revealed at the trial, the panel of judges will then consider whether the defendant's actions meet the elements of the article as charged by the public prosecutor to the defendant.

That in this case the accused has been charged by the Public Prosecutor with an indictment in the form of Alternative Subsidiaritas, the First Primair Indictment violates Article 264 paragraph (2) of the Criminal Code jo Article 55 paragraph (1) 1st of the Criminal Code, Subsidiar violates Article 264 paragraph (2) of the Criminal Code jo Article 56 2nd of the Criminal Code or both Primair violate Article 263 paragraph (2) of the Criminal Code jo Article 55 paragraph (1) 1st of the Criminal Code, Subsidiar violated Article 263 paragraph (2) of the Criminal Code and Article 56 paragraph (2) of the Criminal Code, provided that the Tribunal can choose charges in accordance with the facts at trial.

Comment [BW16]: Is it correct?

Since one of the elements of the First Primair Alternative Charge of the Public Prosecutor is not proven, it acquits the accused from the First Primair Charge and further consideration will be considered the next charge, namely the Subsidiar First Alternative Charge, which violates Article 264 paragraph (2) of the Criminal Code jo Article 56 2nd of the Criminal Code whose elements are as follows:

Comment [BW17]: Style!

- 1) Whose goods;
- 2) Knowingly providing an opportunity, means or information to commit an act;
- 3) Use authentic deeds whose contents are not true or that are forged as if true and not forged, If the forgery of the letter may cause harm;

Ad.1. Whose goods;

There is an element whosoever has been considered in the First Primair Alternative indictment above, then mutatis mutandis this element has been proved and taken into consideration in the element of the First Subsidiar indictment;

Ad.2. Knowingly providing an opportunity, means or information to do the deed;

This element is alternative, which means that if one element has been fulfilled, then this whole element is considered to have been proven as well. in accordance with the testimony of witness Hendrik Lumban Tobing, witness Ginda Martua Siringo-ringo and witness Evalina Pangaribu stated that Yuniarti, SH is the wife of Defendant Ramlan applied for a loan of money to Bank Perkreditan Rakyat Diori Ganda Sinaksak Branch 2 (two) times, namely in 2012 with a loan of Rp. 10,000,000 (ten million rupiah) and the second time in 2014 amounting to Rp. 10,000,000,- (ten million rupiah) based on Credit Agreement No. 28 / SPK / BPR-DCG / SB / 2014 dated February 26, 2014 with a loan maturity until May 26, 2015.

At the trial, Defendant Ramlan denied it where the Defendant did not get an explanation from PT. Bank Perkreditan Rakyat Diori Ganda Sinaksak Branch which became collateral for the loan in the name of Yuniarti (wife of the Defendant). On the objection of the Defendant, the Tribunal considered as follows: that the act of the Defendant who has justified the signing of the contents of the agreement is a form of negligence, namely not being careful to do an act whereby to determine a person who is said to be "careful" can use the criteria or measures of mind and strength and knowledge of a person, and in this case Defendant Ramlan is an educated person in his work, a Civil Servant and educated a Bachelor of Law (SH), so that the defendant who is knowledgeable a Bachelor of Law and understands at least knows about the law, which the Defendant should before taking action to sign the contents of the agreement between PT Bank Perkreditan Diori and Defendant Ramlan's wife, Yuniarti, read and examine the ~~purpose and~~ purpose of the contents of the agreement so that the actions taken by the Defendant in signing the contents of the agreement without

Comment [BW18]: Why is it highlighted?

seeing and reading first can be categorized as a person who provides an opportunity or means or helps to commit acts that are contrary to the law and in a quo case the defendant has given Yuniarti (the defendant's wife) the opportunity to ~~lend~~~~borrow~~ money ~~from~~~~to~~ PT Bank Perkreditan Diori Sinaksak Branch using a forged certificate, thus this element has been proven and fulfilled.

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Ad. 3 Use authentic deeds whose contents are not true or that are forged as if true and not forged, If the forgery of the letter can cause harm.

Comment [BW19]: Is it a correct sentence?

Furthermore, Yuniarti, SH used a forged land certificate as if it were genuine and made collateral for a loan of money ~~from~~~~to~~ the People's Credit Bank Diori Ganda Sinaksak Branch twice, namely in 2012 and 2014 each amounting to Rp. 10,000,000.- (ten million rupiah) where the defendant co-signed the credit agreement so that the loan money could be disbursed;

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Certificate of Ownership Number 1525 in the name of Ramlan which has been forged Yuniarti, SH is an Authentic Deed made by the official authorized for it, namely the National Land Agency Pematang Sinatar and based on witness testimony Erwin Alexander Manurung, ST who is an expert from the Pematangsiantar National Land Agency stated that the certificate of Ownership Number 1525 in the name of Yuniarti, SH is not a certificate or letter issued by the Pematang Siantar national Land Agency based on:

1. Paper Form :

That the paper from Certificate of Property No. 1525 of Bantan Village on behalf of YUNIARTI, SH is not a product of the National Land Agency in this case the office of the National Land Agency of Pematangsiantar City.

2. Form Stamp or Code Stamp:

That the form of stamp or stamp code in front of the certificate cover, namely Certificate of Property Rights Number 1525 Bantan Village in the name of YUNIARTI, SH has the code 02.02 is incorrect, which is correct at the office of the National Land Agency Pematang Siantar City with the code 02.03.

3. From the Certificate of Property Rights Number 1525 of Bantan Village in the name of YUNIARTI, SH which is compared with the land book at the Office of the National Land Agency of Pematangsiantar City that the first owner is in the name of RAMLAN, and it turns out that the Certificate of Ownership Number 1525 of Bantan Village is in the name of YUNIARTI, SH and this is not true. In accordance with the above considerations Yuniarti, SH as the wife of the defendant who has used a letter in the form of a certificate that has been forged into a credit guarantee to PT Perkreditan Diori where to be able to provide a loan for the Defendant as Yuniarti's husband, SH also helps use the certificate by signing the contents of the credit agreement without seeing and paying attention to the object of the guarantee.

As a result of the actions of the Defendant who had helped Yuniarti's actions, SH as the defendant's wife used the Title Certificate that had been forged into a credit guarantee which is now known to belong to Abdi Manahara Damanik, SH, so that the Defendant's actions had harmed the victim witness Abdi Manahara Damanik. Thus this element has been proven and fulfilled that based on the description of the above considerations, the Panel of Judges has obtained a conviction of the guilt of the accused, and during the trial process of this case, the Panel of Judges did not obtain any matters or circumstances that can be used as

justification or excuse reasons for the defendant's actions that can exclude or abolish the conviction of the defendant.

Therefore, the accused must be found guilty and must also be sentenced to a criminal offense commensurate with his guilt based on the provisions contained in Article 264 paragraph (2) of the Criminal Code jo Article 56 2 of the Criminal Code in the First Alternative Indictment Subsidair which is classified as a criminal offense "assisting in the forgery of an Authentic Deed. Since the defendant was found guilty and sentenced, and the previous defendant did not file an application for exemption from payment of the costs of the case and there was no certificate stating the defendant's incompetence, the defendant must be burdened to pay the costs of the case.

During the judicial process, the defendant has been subjected to municipal detention, where the act of detention has been lawfully committed under the provisions of the law, the Tribunal is of the opinion that sufficient grounds to detain the defendant, it is necessary to order that the accused be held in the custody of the State Detention Center.

### **Application of Law to Perpetrators of Letter Forgery (Case Study of Decision Number 252/Pid.B/2015/ PN. PMS)**

To prove the indictment, the Public Prosecution has submitted evidence at the trial, namely witnesses who have given testimony under oath / promise in accordance with their religion, which is basically as follows :

**Witness 1. ABDI MANAHARA DAMANIK, SH,**

- That on Friday, November 28, 2014 at approximately 13.00 WIB at the Office of the National Land Agency of Pematangsiantar City, witnesses learned of forgery of letters in the form of Title Certificate Number 1525 Bantan Village on behalf of Yuniarti, SH on a plot of land and buildings located on Jalan Seram / Jalan Flores, Bantan Village, West Siantar District, Pematangsiantar City, is Yuniarti, SH as the Defendant's Wife..
- That the witness knows from the statement of PT. Bank Perkreditan Rakyat Diori Ganda Sinaksak Branch told the witness that the Certificate of Ownership Number 1525 of Bantan Village in the name of Yuniarti, SH on a plot of land and building located on Jalan Seram / Jalan Flores Bantan Village, West Siantar District, Pematangsiantar City had been used as collateral for a loan in the name of Yuniarti, SH.
- That witness Yuniarti, SH deliberately used the Certificate as collateral for the defendant's loan to PT. Bank Perkreditan Rakyat Diori Ganda Sinaksak Branch which is located at Jalan Medan-Pematangsiantar Km. 10.5, Tapian Dolok District, Simalungun Regency.
- That based on the statement of the National Land Agency of Pematang Siantar City to witnesses, as for the falsified part in the Certificate of Property Number 1525 in the name of Yuniarti, SH. BPN Pematangsiantar does not issue or issue a Certificate of Property Number 1525 in the name of Yuniarti, SH, but in the name of the witness, namely Abdi Manahara Damanik, SH;
- That the witness obtained the Certificate of Property Number 1525 based on the winner of Auction I (first) Execution of Dependent Rights organized by PT. Bank Mega Syariah Pematangsiantar Area with the intermediary of the State Wealth and Auction Service Office (KPKNL) Pematang Siantar Branch.

**Comment [BW20]:** Why is it highlighted?

**Comment [BW21]:** It has already been mentioned.

- That witness Yuniarti, SH used the Certificate as collateral for a loan of Rp. 10,000,000 (ten million rupiah) to PT. Bank Perkreditan Rakyat Diori Ganda Sinaksak Branch which is located at Jl. Medan-Pematangsiantar Km. 10,5 Tapian Dolok District, Simalungun Regency.

Witness 2. HENDRIK L. LUMBAN TOBING:

- That the witness works as a leader in the office of PT. Bank Perkreditan Rakyat Diori Ganda Sinaksak Branch which is located at Jalan Medan-Pematangsiantar Km. 10.5, Tapian Dolok District, Simalungun Regency.
- That Yuniarti, SH is listed as a debtor who has a loan ~~from~~ PT. Bank Perkreditan Rakyat Diori Ganda Sinaksak Branch with collateral in the form of 1 (one) Certificate of Ownership Number 1525 in the name of Yuniarti. SH
- That the Loan Application Letter dated February 25, 2014 signed on behalf of Yuniarti, SH to PT. Bank Perkreditan Rakyat Diori Ganda Sinaksak Branch that the number of loan applications submitted on behalf of Yuniarti., SH is Rp. 10.000.000,- (ten million rupiah).
- That defendant Ramlan participated in signing a Credit Agreement (SPK) between PT. People's Credit Bank Diori Ganda Sinaksak Branch with the defendant Yuniarti, SH at that time where Ramlan was the guarantor witness for the Debtor Credit on behalf of Yuniarti, SH and what was meant by the guarantor witness was the witness who was partly responsible for the smooth payment of installments until it was paid off.

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Witness 3. ROBIN SIAGIAN :

- That the witness works as a Collection **Supervisor** at PT. Bank Mega Syariah Area Pematang Siantar which is located at Jalan Sutomo No. 154/258 Pematang Siantar City.
- That the witness learned about the forgery of the letter on Wednesday, December 10, 2014 at approximately 13.00 WIB at the Office of PT. Bank Mega Syariah Pematang Siantar Area after the victim Abdi Manohara Damanik, SH came to see witnesses and informed about the forgery of the letter while the perpetrator who allegedly forged the letter was Yuniarti, SH.
- That the Certificate of Ownership Number 1525 of Bantan Village in the name of Abdi Manahara Damanik, SH on the object of a plot of land and building located on Jalan Seram / Jalan Flores II Bantan Village, West Siantar District, Pematangsiantar City was once collateral for a loan to PT. Bank Mega Syariah Area Pematang Siantar which is located at Jl. Sutomo No. 154/258 Pematang Siantar City.
- That previously the Certificate of Property Rights Number 1525 Ex. Bantan in the name of Abdi Manahara Damanik, SH as collateral to PT. Bank Mega Syariah Pematang Siantar Area was registered in Ramlan's name and then on April 13, 2012 by Ramlan sold it to ARSAD based on sale and purchase deed number 238/2013 dated April 13, 2012 made by Masta Damanik, SH as PPAT Pematang Siantar City official.
- That PT. Bank Mega Syariah Pematang Siantar Area conducted an Auction for the execution of collateral rights against collateral and the winner was the victim witness Abdi Manahara Damanik.

Comment [BW22]: I guess something is missing in this word.

Adjudicate :

- 1) Declaring Defendant RAMLAN not legally and conclusively guilty of committing a criminal offence pursuant to the First Primair Indictment;

- 2) Acquitting the Defendant of the First Primair Indictment;
- 3) Declaring Defendant RAMLAN legally and conclusively guilty of the crime of "Assisting in the Forgery of Authentic Deeds";
- 4) Sentence the Defendant to imprisonment for 5 (five) months;
- 5) Stipulate that the period of detention that the defendant has served is deducted entirely from the sentence imposed;
- 6) Order that the Defendant be detained;
- 7) Charge the Defendant to pay the cost of the case in the amount of Rp 1,000.- (one thousand rupiah).

### **Legal Effects of Falsification Study Decision Number 252/Pid.B/2015/ PN. PMS**

Based on the results of the decision determined by the judge in considering the following information: Considering, that the Certificate of Ownership Number 1525 in Ramlan's name which has been forged Yuniarti, SH is an Authentic Deed made by the official authorized for it, namely the National Land Agency Pematang Sinatar and based on the testimony of witness Erwin Alexander Manurung, ST who is an expert from the Pematangsiantar National Land Agency stated that the certificate of Ownership Number 1525 on behalf of Yuniarti, SH is not a certificate or letter issued by the Pematang Siantar national Land Agency based on :

1) **Paper Form:**

That the paper from the Certificate of Property No. 1525 of Bantan Village in the name of YUNIARTI, SH is not a product of the National Land Agency in this case the office of the National Land Agency of Pematangsiantar City

2) **Form of Stamp or Code Stamp:**

That the form of the stamp or code stamp in front of the certificate cover, namely the Certificate of Property Rights Number 1525 Bantan Village in the name of YUNIARTI, SH has the code 02.02 is not true, which is true at the office of the National Land Agency of Pematangsiantar City with the code 02.03;

3) **From the Certificate of Ownership Number 1525 of Bantan Village in the name of YUNIARTI, SH which is compared with the land book in the Office of the National Land Agency of Pematangsiantar City that the first owner is in the name of RAMLAN, and it turns out that the Certificate of Ownership Number 1525 of Bantan Village is in the name of YUNIARTI, SH and this is not true.**

In accordance with the above considerations Yuniarti, SH as the wife of the defendant who has used a letter in the form of a certificate that has been forged into a credit guarantee to PT Perkreditan Diori where to be able to grant the loan Defendant as Yuniarti's husband, SH also helped use the certificate by signing the contents of the credit agreement without seeing and paying attention to the object of the guarantee. As a result of the actions of the Defendant who had helped Yuniarti's actions, SH as the defendant's wife used the Title Certificate that had been forged into credit collateral which is now known to belong to Abdi Manahara Damanik, SH, so that the Defendant's actions had harmed the victim witness Abdi Manahara Damanik.

The panel of judges has obtained a conviction of the guilt of the defendant, and during the trial process of this case, the panel of judges has not found any things or circumstances

**Comment [BW23]:** It has already been mentioned.

that can be used as justification or excuse reasons for the defendant's actions that can exclude or eliminate the conviction of the defendant, therefore the defendant must be found guilty and must also be sentenced to criminal punishment commensurate with his guilt based on the provisions contained in Article 264 paragraph (2) of the Criminal Code jo Article 56 2nd of the Criminal Code in the First Alternative Indictment Subsidair which is classified as a crime of "assisting to commit forgery of an Authentic Deed".

Since the defendant was found guilty and sentenced, during the judicial process, to have been placed under city detention, where the act of detention had been lawfully committed under the provisions of the law, the Tribunal was of the opinion that sufficient grounds to detain the defendant were necessary to order that the accused be held in the custody of the State Detention Center.

## CONCLUSION

Based on the results of the study, it is concluded that the act of counterfeiting is a type of violation of truth and trustworthiness, with the aim of obtaining benefits for oneself or others. An orderly association of life in an orderly developed society cannot take place without the assurance of the correctness of some evidence of letters and other documents. Yuniarti, SH as the wife of the defendant who had used a letter in the form of a certificate that had been forged into a credit guarantee to PT Perkreditan Diori where to be able to grant the loan The defendant as Yuniarti's husband, SH also helped use the certificate by signing the contents of the credit agreement without seeing and paying attention to the object of the guarantee. The legal consequences received from forgery are Declaring Defendant RAMLAN not legally and conclusively proven guilty of committing a criminal act in accordance with the First Primair Indictment, Acquitting the Defendant from the First Primair Indictment, Declaring the defendant RAMLAN legally and conclusively guilty of committing the crime of "Assisting in Committing Forgery of Authentic Deed". Sentence the Defendant to imprisonment for 5 (five) months, stipulate that the detention period that the defendant has served is deducted entirely from the sentence imposed, Order that the Defendant be detained, charge the Defendant to pay the cost of the case in the amount of Rp 1,000.- (one thousand rupiah).

**Comment [BW24]:** The use of capital letters is bizarre in this section.

**Comment [BW25]:** Is it correct?

## REFERENCES

- Adami, C. (2002). Crimes Concerning Counterfeiting. Jakarta: PT Raja Grafindo Persada Publisher.
- Adrian Sutedi, S. (2023). Land title certificate. Graphics Light.
- Ali, M. (2022). Fundamentals of criminal law. Graphics Light.
- Barda Nawawi Arief, S. H. (2018). Law enforcement issues and criminal law policies in crime prevention. Prenada Media.
- Chazawi, A., & Ardi Ferdian. (2014). Forgery Crimes: Crimes that Attack Legal Interests Against Public Trust Regarding the Truthfulness of the Contents of the Writing and the News Delivered. King of Grafindo Persada.
- Fachmi, K. H. M. P. B. (2011). For the sake of law in the Indonesian criminal justice system. Bogor: Ghalia Indonesia.
- Hamza, A. (2009). Certain Offenses in the Criminal Code. Jakarta, Sinar Graphics.
- Harahap, M. Y. (2017). Civil procedural law: regarding lawsuits, trials, confiscations,

evidence, and court decisions. Graphics Light.

Lamintang, P. A. F., & Lamintang, T. (2009). Special crime offenses jeopardize public trust in letters, means of payment, evidence, and justice. Graphics Light.

Rusanto, A. (2016). Crime & criminal responsibility: critical review through consistency between principles, theory, and its application. golden.

Silalahi, U. (2010). Social Research Methods. PT Refika Aditama.

Suhartono, I. (1999). Social Research Method A Research Technique in Other Social Welfare Fields. Rosdakarya youth.

Soekanto, S. (2007). Normative legal research: A brief overview.

Soemitro, R. H. (1990). Legal and Jurimetric Research Methodology. Indonesian Ghalia.

Soimin, S. (1993). Status of Land Rights and Procurement. Jakarta: Sinar Graphics.

The 1945 Constitution of the Republic of Indonesia Article 24

The Criminal Code (KUHP) article 263

Article 5 paragraph (1) letter b number 1 of the Criminal Procedure Code

Article 38 paragraph (1) of the Criminal Procedure Code

Article 39 paragraphs (1) and (2) of the Criminal Procedure Code

Article 133 paragraph (1) of the Criminal Procedure Code

Article 264 paragraph (2) of the Criminal Code in conjunction with Article 55 paragraph (1) of the 1st Criminal Code,

Article 264 paragraph (2) of the Criminal Code in conjunction with Article 56 of the 2nd Criminal Code

Article 263 paragraph (2) of the Criminal Code in conjunction with Article 55 paragraph (1) of the 1st Criminal Code,

Article 263 paragraph (2) of the Criminal Code in conjunction with Article 56 paragraph (2) of the Criminal Code,

Article 264 paragraph (2) of the Criminal Code in conjunction with Article 56 of the 2nd Criminal Code