

## **Legal Review of the Decision of the Natuna District Court Number: 17/Pid.B/2023/PN NTN in the Case of Criminal Acts of Document Forgery.**

**Ahmad Fidyani<sup>1\*</sup>,**

<sup>1</sup>*Law Study Program, Universitas Islam Riau, Indonesia*

*\*Corresponding Email: Ahmadfidyani@yahoo.com,*

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### **ABSTRACT**

*Criminal acts of document forgery have caused significant harm to society. The actions of law enforcement agencies, particularly the police, appear to be ineffective and incomplete in following up on criminal acts of forgery, especially document forgery. There are still many cases of forgery occurring in social life and within society. The losses are incalculable due to the prevalence of forgery. Court rulings do not deter perpetrators. Law enforcement agencies, together with relevant institutions, such as the police, should handle the issue of document forgery with criminal laboratory examinations that regulate the procedures and documents used as evidence and comparisons in order to obtain valid documents. This is the sole authority of the police based on Regulation of the Chief of the Indonesian National Police Number 10 of 2009 concerning Procedures and Requirements for Requesting Technical Criminal Examinations of Crime Scenes and Forensic Laboratory Examination of Evidence to the Forensic Laboratory of the Indonesian National Police. Judges in handing down verdicts should reflect the values of justice and prioritize legal certainty in the verdicts they deliver. Judges must explore the values within society when deciding cases. In addition, judges must also assess the evidence and facts of the trial accurately and wisely.*

*The main issue in this study is how the process of proving criminal document forgery is based on forensic examination and what are the legal considerations of the judge in handing down Decision Number 17/PID.B/2023/PN NTN in the case of criminal document forgery.*

*The research method used in this study is normative law research, which describes the Legal Review of Natuna District Court Decision Number 17/PID.B/2023/PN NTN in the Case of Criminal Forgery.*

*The results of this research and discussion found that the process of proving criminal acts of document forgery based on forensic examination by the Riau Regional Police Forensic Laboratory (Polda Riau) is not in accordance with Regulation of the Chief of the Indonesian National Police Number 10 of 2009 concerning Procedures and Requirements for Requesting Technical Criminalistics Examination of Crime Scenes and Criminalistics Laboratory Examination of Evidence to the Indonesian National Police Forensic Laboratory and the legal considerations of the Judge in issuing Decision Number 17/PID. B/2023/PN.NTN in the case of criminal forgery of documents are legal and non-legal considerations. Legal considerations include the Public Prosecutor's indictment, the Defendant's testimony, witness testimony, evidence, and the articles that have been fulfilled. Non-legal considerations consist of the defendant's background, the consequences of the defendant's actions, and the defendant's personal circumstances.*

*Keywords: Court Decisions, Criminal Acts, Document Forgery, Legal Review.*

## 1. Introduction

Crime is a phenomenon of human and social life, therefore it cannot be separated from the dimensions of space and time. Crime is essentially a human act that is a social reality, the causes of which are still poorly understood. This is because it can happen to anyone, anytime, and anywhere in social life. The rise and fall of crime depends on the life and circumstances of society in terms of political, social, economic, cultural, and other factors. Faced with a phenomenon that is so widespread and deep-rooted, which has taken root as a disease in society, it endangers life and causes harm.<sup>1</sup> According to Adami Chazawi, one of the many types of crimes that occur in society is forgery. Nowadays, there are many types of forgery crimes with various forms and developments, indicating the increasing sophistication of forgery crimes, which are becoming more complex. Counterfeiting is a crime that involves a system of falsehood or deception regarding an object that appears to be genuine from the outside, when in fact it is contrary to the truth.<sup>2</sup>

Crime as a social phenomenon can be analyzed or approached from various perspectives. Crime is a term used in the Criminal Code (KUHP), and criminal acts can be divided into crimes and offenses. Progress in modern society, with its diversity of interests, seems to facilitate the possibility of conflicts of interest and the temptation of a luxurious lifestyle on the one hand, and on the other hand, the lack of balance between income and expenditure, especially for living expenses within reasonable limits. This provides opportunities and triggers members of society who are not steadfast in their piety and faith to commit acts that violate legal and moral norms.

The desire and urge to fulfill one's needs can lead a person to resort to instant gratification, one of which is committing a crime. The need to fulfill basic necessities is often used as an excuse by some to arbitrarily violate existing laws, even though Allah has endowed us with perfect intellect and physical abilities as human beings to think rationally and avoid wrongdoing, and to seek halal sustenance rather than resorting to actions prohibited by religion, let alone by the law.

Crimes involving forgery, or forgery crimes for short, are crimes that involve elements of untruthfulness or falseness regarding something (an object), when in fact the opposite is true. The act of forgery is a violation of two basic norms, namely:

- 1) Truth or belief whose truth can be classified as a criminal offense of fraud.
- 2) Public order violations that fall under the category of crimes against the state and general crimes.

Forgery can be classified primarily as fraud, so not all acts constitute forgery. An

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<sup>1</sup> Martiman Prodjohamidjojo, *Memahami Dasar-Dasar Pidana Indonesia* (Pradya Paramitha, 1997).

<sup>2</sup> Adami Chazawi, *Pelajaran Hukum Pidana* (Raja Grafindo Persada).

act of forgery is classified as fraud if a person presents something (e.g., a letter) as authentic or true, when in fact it is not. Indonesian law regulates forgery, with forgery of documents covered in Articles 263 to 276 of the Criminal Code. The most common criminal offenses are related to Article 263 of the Criminal Code (creating false documents or forging documents), Article 264 of the Criminal Code (forging authentic deeds), and Article 266 of the Criminal Code (instructing someone to include false information in an authentic deed).

Counterfeiting is the process of creating, adapting, imitating, or forging objects, statistics, or documents with the intent to deceive. Crimes similar to fraud are crimes that deceive others, including through the use of objects obtained through counterfeiting. Copying, duplicating, and producing are not considered counterfeiting, although they may later become counterfeiting if done knowingly and with the intention of not being published. In the case of counterfeiting money or currency, it is more commonly referred to as counterfeiting. Consumer goods are also considered counterfeit when they are not produced or manufactured by the manufacturer or producer indicated on the label or trademark marked with a symbol. When the object is a record or document, it is often referred to as a forged document.<sup>3</sup>

The crime of document forgery is very disturbing to the community, including land document forgery, which is very easy for certain individuals to commit, resulting in losses. Document forgery is now so common that it is difficult to distinguish between fake and genuine documents. And the perpetrators do not think that their actions cause suffering to the victims. The crime of document forgery is growing, with even village officials now found to be involved in document forgery. The increasing prevalence of forgery should prompt individuals to be more observant and thorough in this matter. However, the prevailing perception is that individuals are seemingly assisting the forgers or perpetrators to ensure that the punishment or sanctions for their actions are lenient, thereby having no effect on the perpetrators themselves.

An example of this is the first instance decision of the Natuna District Court Number: 17/PID.B/2023/PN NTN in the case of Criminal Forgery of Documents, where there were discrepancies with the facts and applicable laws and regulations, and which did not reflect the values or sense of justice for the defendant. Starting from the designation of the suspect by the police, the case was complicated, the examination of the ownership letter in the laboratory and the comparative documents or test data were not obtained legally or in accordance with technical instructions and standard operating procedures (SOP). If obtained illegally, the results will not be valid and cannot be used as evidence for the letter.

For one bundle of Certificates of Land Ownership History for the same land object, mediation should be conducted, or a new application cannot be issued. If it is to

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<sup>3</sup> Clieverd Jery Tanase, 'Pelaku Pemalsuan Keterangan Bebas Covid-19 Oleh Anak Buah Kapal KM Cantika 99', *TATOHI Jurnal Ilmu Hukum*, 1.5 (2021).

be issued, one must be fake and one must be genuine. If there is no comparison, both could be fake.

However, based on Regulation of the Chief of the Indonesian National Police Number 10 of 2009 concerning Procedures and Requirements for Requesting Criminalistic Technical Examination of Crime Scenes and Criminalistic Laboratory Examination of Evidence to the Indonesian National Police Forensic Laboratory, specifically Article 80 Paragraph (2) letter a. The evidence documents submitted must be originals, not carbon copies, faxes, or photocopies, and letter c. Evidence documents in the form of photocopies can only be examined if the purpose of the examination is to determine whether the evidence documents are photocopies of the reference documents.

This means that the comparative document must be clear, not a photocopy, but must be original, and in the Natuna District Court Decision Number: 17/PID.B/2023/PN NTN in the Criminal Case of Document Forgery, only photocopies were included in the comparative document in the forensic examination conducted by the police. Furthermore, valid comparison documents should be compared before/after 5 years of the creation of the evidence document. This is in line with the provisions of Article 81 Paragraph (1) letter b. The year of creation should be within 5 (five) years before/after the year of creation of the evidence document, preferably close to or the same as the year of the evidence document, and letter d. At least 3 (three) comparative documents with constant graphic elements. Specifically in Article 81 Paragraph (1) letter b, the year of manufacture document should be within 5 (five) years before/after or close to the evidence document. In fact, in the Criminal Laboratory Examination Report (BAP) Number: 2396/DTF/2022 dated January 10, 2023, type Dokupal from the Riau Regional Police (Polda Riau) Forensic Laboratory Division by Examiner Erik Rezakola, S.T., M.T., M.Eng., and Edwin Setiawan, S.Ds, no comparison was conducted in accordance with the provisions of the Indonesian National Police Regulation Number 10 of 2009 concerning Procedures and Requirements for Requesting Technical Criminalistic Examination of Crime Scenes and Criminalistic Laboratory Evidence from the Indonesian National Police Forensic Laboratory.

This is the basis for this study, which the author raises and examines as the first problem formulation because there are things that do not reflect the values of justice for the Defendant due to facts that were ignored in the process of deciding Decision Number: 17/PID.B/2023/PN.NTN.

## 2. Research Method

Based on the title and discussion researched and the objectives to be achieved, this study will use normative law research. The main focus of this thesis is law, which is conceptualized as norms or rules that apply in society and serve as a reference for everyone's behavior. The use of normative research methods in this thesis is based on

the suitability of legal theory and relevant legislation to the topic being written about. The object of this research is a Judicial Review of Natuna District Court Decision Number: 17/PID.B/2023/PN NTN in a Case of Criminal Forgery. In normative legal research, the data and data sources used are secondary data that can be grouped into primary legal materials in the form of legal regulations and court decisions. The secondary legal materials are previous studies and various literature related to this research.

### 3. Result and Discussion

#### 3.1. The Process of Proving Criminal Forgery Based on Forensic Examination Results

The examination process in court is a series of activities to uncover various facts related to an event that has already occurred. These facts are then arranged in such a way as to provide a picture of what actually happened, or at least to approximate the material truth. The aim is to assess, in a reasonable manner, whether the event did indeed contain elements of a criminal offense as charged by the public prosecutor.<sup>4</sup>

In criminal proceedings, there are three main elements involved, namely the panel of judges together with the substitute court clerk, the public prosecutor, and the defendant who may be accompanied by legal counsel. Each party will try their best to reveal the facts according to their roles and responsibilities. Therefore, the examination process in the trial will be directed through questions to witnesses and defendants, as well as through dialogue and differences of opinion between parties, in order to find legal facts that support the interests of each party according to their functions.

Evidence in criminal cases is not the same as evidence in civil cases. In criminal procedure law, the purpose of evidence is to find material truth, which is the actual truth about an event. Meanwhile, in civil procedure law, evidence only aims to find formal truth, meaning that judges cannot exceed the limits set by the parties in the case. Therefore, in civil cases, it is sufficient for the judge to be convinced of the truth based on the preponderance of evidence. In criminal cases, however, the judge is required to reach a conviction that the event actually occurred beyond a reasonable doubt.

Criminal forgery is a form of crime that involves falsifying an object that appears to be genuine, when in fact it contradicts the actual facts. In cases of document forgery, evidence must be gathered quickly and accurately. One method used is to utilize documentary evidence, which is then examined by a forensic expert. These experts play an important role in analyzing evidence to uncover the material truth in the investigation of such crimes. The purpose of this examination is to determine whether there was intent in the use of documents that did not correspond to the facts or had been forged, but were treated as if they were valid and authentic, especially if their use

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<sup>4</sup> Ongki Metuak, 'Kajian Hukum Terhadap Perbedaan Alat Bukti Dan Barang Bukti Dalam Hukum Acara Pidana.', *Lex Crimen*, 8.3 (2019).

had the potential to cause harm.

In general, document forgery can cause harm to a person or a particular party. This is why such acts are regulated by law and classified as criminal offenses. Forgery is a form of violation that contains elements of falsehood regarding an object, which from the outside appears to be valid or true, when in fact it contradicts the actual reality.

In connection with the criminal act of document forgery, forensic science is required in the process of proving the crime. Document forgery is a criminal act based on Article 263 of the Criminal Code, which can then accommodate the expectations of those seeking justice in the disclosure of criminal acts of document forgery that cause a person or certain parties to feel aggrieved by the forged document. The crime of document forgery in Case No. 17/PID. B/2023/PN.NTN., concerning the crime of document forgery, where a criminal act of forging a land ownership document in the name of Tamrin Bin Alm. Abdul Aziz occurred by creating a fake land ownership document which was then used by the Defendant as a basis to take control of the land at that location (now the Mampok Village Office located at Jl. Simpang Tiga Atap, Mampok Village, Jemaja District, Anambas Islands Regency and the Bukit Padi Village Office located at Jl. Sultan Syarif Kasim, East Jemaja District, Anambas Islands Regency or at least in another place that is still within the jurisdiction of the Ranai District Court.

In cases of land title forgery, there are prohibited acts that can be categorized as criminal acts against a document, namely the acts of forging a document (*valschelijkopmaaken*) and falsifying (*vervalsen*). Cases of document forgery require rapid evidence. One way is through evidence using documentary evidence and through examination by a forensic expert tasked with organizing and conducting the examination of evidence to obtain material truth.

Analysis of evidence is an important part of the criminal investigation process. The aim is to determine whether there was intent in the use of a letter whose contents did not correspond to reality or had been falsified, but was used as if it were genuine and valid. This is crucial, especially if the use of the letter has the potential to cause harm. One example can be seen in Case Decision Number: 17/PID.B/2023/PN.NTN).

That initially, witness Bobby Jayanto owned land in Mampok Village, Jemaja Subdistrict, Anambas Islands Regency in 1992, which he acquired from Enggho through a sale and purchase agreement dated March 26, 1992. Then, in 2016, witness Bobby Jayanto applied for a certificate of ownership in Bukit Padi Village to the Head of Bukit Padi Village, Mr. Zulfahmi, and Mr. Zulfahmi prepared and signed a Certificate of Land Ownership and Use Number: 013/SKRT/XII/2016 dated December 29, 2016, in Bukit Padi Village in the name of Bobby Jayanto. Then in 2017, witness Bobby Jayanto applied for a certificate of ownership for the land to the Head of Mampok Village, who was then the Defendant Tamrin Bin Alm. Abdul Aziz, who then prepared and signed a Certificate of Land Ownership, Control and Use Number: 07/SKRP3T/ 02/2017 dated February 3, 2017, in Mampok Village on behalf of Bobby Jayanto, where at that time the land was already located in Mampok Village and Bukit Padi Village due to the expansion of Mampok Village.

That the Defendant issued a Certificate of Land Ownership History Number: 297/SKR-P3T/ 12/2019 dated December 26, 2019 in Mampok Village in the name of Zaliah, whereas the Defendant had previously issued a title deed for the land in the name of witness Bobby Jayanto, but the Defendant still issued a title deed in the name of M. Yamin Bin Abdul Muis and witness Jalal had warned the Defendant not to issue a title deed on the land owned by witness Bobby Jayanto, and witness Jalal also told the Defendant to inform witness Bobby Jayanto if he intended to issue the title deed. However, the Defendant issued the letter, and M. Yamin Bin Abdul Muis processed the issuance of another title deed, namely: Certificate of Land Ownership History, Control, and Use No. 020/SKRT/XII/2019 dated December 27, 2019, in Bukit Padi Village in the name of Zaliah. As a result of the Defendant's actions, witness Bobby Jayanto suffered losses because his land was taken over by M. Yamin Bin Abdul Muis because the Defendant issued a title deed on the land of witness Bobby Jayanto in Mampok Village, so that witness Bobby Jayanto could not take control of his own land.

That the Defendant committed the act by using, taking advantage of, and exerting influence in his position as Head of Mampok Village based on the Decree of the Regent of the Anambas Islands Number: 539 of 2017 dated December 18, 2017, which essentially explains the decision to appoint TAMRIN as Head of Mampok Village, Jemaja District. The Defendant's actions are regulated and punishable under Article 263 Paragraph (1) of the Criminal Code in conjunction with Article 55 Paragraph (1) in conjunction with Article 52 of the Criminal Code. In the process of uncovering the crime of document forgery, the Riau Regional Police (Polda Riau) investigators, based on the Criminal Investigation Report (BAP) Number: 2396/DTF/2022 dated January 10, 2023, type Dokupal from the Riau Regional Police Forensic Laboratory (Polda Riau) by Examiners Erik Rezakola, S.T., M.T., M.Eng., and Edwin Setiawan, S.Ds., in collaboration with the Anambas Islands Police, conducted laboratory tests and based on the examination process by Forensic Experts using Laboratory Tests, found evidence of document forgery committed by Tamrin Bin Alm. Abdul Aziz. The judge, in his ruling, sentenced the defendant to 2 (two) years and 10 (ten) months in prison for being proven guilty of the criminal offense of using a forged document, as stipulated in Article 263 of the Criminal Code.

In the process of revealing document forgery in Decision No. 17/PID.B/2023/PN.NTN., Legal Counsel Dody Fernando, S.H., M.H., and Ahmad Fidyani, S.H., as well as Tamrin Bin Alm. Abdul Aziz as the victim and the person who felt aggrieved, filed an appeal and cassation at the District Court/High Court up to the Supreme Court to review the first-level decision No. 17/PID. B/2023/PN.NTN., on behalf of Tamrin Bin Alm. Abdul Aziz, which is considered false and was made by the Defendant.

That regarding the Defendant's Legal Counsel's Defense Memorandum questioning the validity of the comparative document in the Criminalistics Laboratory Investigation Report (BAP) Number: 2396/DTF/2022 dated January 10, 2023, type Dokupal from the Riau Regional Police Forensic Laboratory (Polda Riau) by Examiners Erik Rezakola, S.T., M.T., M.Eng., and Edwin Setiawan, S.Ds., is correct

based on Article 81 Paragraph (1) Valid comparison documents as referred to in Article 80 Paragraph (2) letter b are comparison documents collected from existing/previously created documents:

- a) The validity of the document is recognized by the creator of the document (if still alive).
- b) The year of manufacture should be within 5 (five) years before/after the year of manufacture of the supporting document, preferably close to or the same as the supporting document.
- c) The conditions under which it is made should be the same as those under which the supporting documents are made, for example: the writing instruments used, its position on the stamp, or not, and so on.
- d) At least 3 (three) comparators with constant graphic elements.

Specifically in Article 81 Paragraph (1) letter b, the year of manufacture document should be within 5 (five) years before/after or close to the evidence document. In fact, in the Criminal Laboratory Examination Report (BAP) Number: 2396/DTF/2022 dated January 10, 2023, type Dokupal from the Riau Regional Police (Polda Riau) Forensic Laboratory Division by Examiner Erik Rezakola, S.T., M.T., M.Eng., and Edwin Setiawan, S.Ds, no comparison was made in accordance with the provisions of Law Number 10 of 2009 concerning Procedures and Requirements for Requesting Technical Criminal Investigation of Crime Scenes and Criminal Laboratory Evidence from the Indonesian National Police Forensic Laboratory. This is the basis for the author's research and analysis of the first problem formulation because there were facts that were overlooked in the decision-making process of Decision Number: 17/PID.B/2023/PN.NTN, which did not reflect the values of justice for the defendant.

Evidence is anything that is related to an act and can be used in the trial process to convince the judge of the truth of the criminal act allegedly committed by the defendant.<sup>5</sup> Evidence is the entire series of processes that use legally valid evidence, and is carried out through certain procedures to reveal legal facts in court. This process includes the evidence system adopted, the requirements and procedures for submitting evidence, and also includes the authority of the judge to accept, reject, or assess the strength of the evidence submitted. Evidence plays a crucial role in the examination process in court. It is through this process that the fate of the defendant is determined. If the evidence stipulated in the law is unable to prove the alleged wrongdoing, then the defendant must be acquitted of all charges. Conversely, if the Defendant's guilt can be proven legally based on the evidence as stipulated in Article 184 of the Criminal Procedure Code, then the Defendant must be found guilty.<sup>6</sup>

Proving whether or not the defendant committed the alleged act is at the heart of criminal proceedings. However, in addition to this, there is another aspect that is also

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<sup>5</sup> Alfitra, *Hukum Pembuktian Dalam Beracara Pidana, Perdata Dan Korupsi Di Indonesia*. (Raih Asa Sukses, 2011).

<sup>6</sup> Mohammad Taufik Makarao and Suharsil, *Hukum Acara Pidana Dalam Teori Dan Praktek* (Ghalia Indonesia, 2004).

very important in the law of evidence, namely the distribution of the burden of proof. An unbalanced distribution of the burden of proof can be detrimental to one of the parties, as it indirectly puts the party bearing the excessive burden at risk of losing the case. Unfair treatment in the distribution of the burden of proof is considered a violation of the law or legislation, and this can be grounds for the Supreme Court to overturn the decision of the judge or court concerned.<sup>7</sup>

The word “forensic” comes from the Greek word “forensic,” which means debate or argument. Forensic science itself is the application of various branches of science in the context of the legal system, particularly those related to criminal acts. In general, forensics includes scientific methods and principles based on the facts of an incident. This science aims to analyze and collect physical evidence found at the scene of the crime. The branches of forensic science are quite diverse, including Forensic Physics, Forensic Chemistry, Forensic Psychology, Forensic Medicine, Forensic Toxicology, Computer Forensics, Forensic Ballistics, and Forensic Metallurgy.

### **3.2. Legal Considerations of the Judge in Rendering the Decision in Case Number: 17/PID.B/2023/PN.NTN in the Case of Criminal Forgery of Documents**

The indictment is the main basis for the judge in examining a criminal case. The indictment is an official document containing a description of the criminal acts charged against the defendant. The indictment is drafted individually if the defendant is only suspected of committing one criminal act. In this case, the Public Prosecutor charged the Defendant with cumulative charges. Cumulative charges mean that the Defendant is charged with several criminal acts at once, and each charge must be proven separately. If any of the charges are not proven, this must be stated explicitly and the Defendant must be acquitted of those charges.

Article 183 of the Criminal Procedure Code states that in imposing a sentence on the Defendant, his guilt must be proven by at least two pieces of evidence that are legally valid. From this evidence, the judge must also be convinced that the crime actually occurred and that the defendant was responsible for the act. Regarding valid evidence as referred to in Article 183 of the Criminal Procedure Code, it is formulated in Article 184 Paragraph (1) as follows:

Valid evidence includes:

- a. Witness Testimony
- b. Expert Testimony
- c. Letters
- d. Evidence
- e. Defendant's Testimony.

In Decision Number: 171/PID.B/2023/PN.NTN., the form of indictment used was an

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<sup>7</sup> Subekti, *Hukum Pembuktian* (PT. Pradnya Paramita, 2008).

alternative indictment, with the first indictment based on Article 263 Paragraph (1) of the Criminal Code and the second indictment based on Article 406 Paragraph (1) of the Criminal Code. In proving the charges, the prosecutor presented several witnesses, all of whom were considered by the judge. Considering that in order to prove the charges, the Public Prosecutor presented the following witnesses:

1. Witness Bobby Jayanto, S.IP., under oath, stated the following:
  - a. That it is true that the witness was questioned by the police investigator.
  - b. That the witness stated that the information provided during the questioning by the police investigator was true.
  - c. That the witness stated that he first learned of the alleged document forgery and land grabbing in Mampok Village and Bukit Padi Village, Jemaja Subdistrict, Anambas Islands Regency.
  - d. That the witness does not recognize Ms. Zaliah, Mr. M. Yamin Bin Alm. Abdul Muis, and the Defendant Bin Alm. Abdul Aziz.
  - e. For further details, please refer to Decision Number: 17/PID.B/2023/PN.NTN.
2. Witness Jalal, under oath, essentially stated the following:
  - a. That it is true that the witness was questioned by the police investigator.
  - b. That the witness stated that the information he provided during the questioning by the police investigator was true.
  - c. That the witness had informed the defendant Tamrin Bin Alm. Abdul Aziz that he was not allowed to issue title deeds for the same land or to two different people in one place, but the Defendant stated that he had informed Robin Liau alias Asiong, who is the nephew of the witness Bobby Jayanto, and the Defendant Tamrin Bin Alm. Abdul Aziz instructed Robin Liau alias Asiong to convey this to Bobby Jayanto.
  - d. For further details, see Decision Number: 17/PID.B/2023/PN.NTN.
3. There were 19 (nineteen) WITNESSES, as can be read in decision Number: 17/PID.B/2023/PN.NTN.

Then, in addition to witness testimony, the prosecutor also submitted evidence to prove the charges. The evidence submitted was as follows:

1. 1 (one) bundle of Land Ownership History Certificate Registration Number: 013/SKRT/XII/2016 dated December 29, 2016, Bukit Padi Village, with an area of 30,525 m<sup>2</sup>.
2. 1 (one) round Certificate of Land Ownership History Registration Number: 07/SKRP3T/02/2017 dated February 3, 2017 Mampok Village with an area of 42,436 m<sup>2</sup>.
3. As stated in Decision Number: 17/PID.B/2023/PN.NTN

Based on the evidence, the verdict handed down by the Panel of Judges is as follows:  
ADJUDICATE:

1. Declares that the Defendant Tamrin Bin Alm. Abdul Aziz, as mentioned above, has been proven legally and convincingly guilty of committing the crime of "Jointly -Creating a False Document that could give rise to a right with the intention of using the document as if its contents were true and not falsified and at the time of committing the criminal act used the power, opportunity or means given to him because of his position" as referred to in the first alternative indictment.
2. Sentencing the Defendant Tamrin Bin Alm. Abdul Aziz to 2 (two) years and 10 (ten) months imprisonment.
3. Determining that the period of arrest and detention already served by the Defendant shall be deducted in full from the sentence imposed.
4. Ordering the Defendant to remain in custody.
5. Establishing evidence in the form of (attached to the case file).
6. Next in Case Decision Number: 17/PID.B/2023/PN.NTN.78.

In rendering a decision, judges consider two main aspects, namely legal and non-legal considerations:

1. Legal considerations are considerations based on facts revealed during the trial process and legal provisions explicitly stipulated in the law as matters that must be included in court decisions.  
Several matters included in legal considerations include:<sup>8</sup>
  - a. Indictment
  - b. Evidence
  - c. Prosecutor's demands
  - d. Defense
  - e. Elements of the article fulfilled
2. Non-Legal Considerations In imposing punishment on the Defendant, it is necessary to first consider the aggravating and mitigating circumstances. The aggravating circumstances are:
  - a. The Defendant's actions caused harm to others.
  - b. The Defendant's actions caused unrest in the community.
  - c. The Defendant is a village head.Mitigating circumstances are:
  - a. The defendant admits to the crime
  - b. The defendant has no prior convictions

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<sup>8</sup> Adami Chazawi, *Kejahatan Terhadap Tubuh Dan Nyawa* (PT Raja Grafindo Persada, 2007).

The verdict in this case is as follows:

In essence, the Panel of Judges handed down the following verdict:

ADJUDICATE:

1. Declares that the Defendant Tamrin Bin Alm. Abdul Aziz, as mentioned above, has been proven legally and convincingly guilty of committing the crime of "Jointly -Creating a False Document that could give rise to a right with the intention of using the document as if its contents were true and not falsified and at the time of committing the criminal act used the power, opportunity or means given to him because of his position" as referred to in the first alternative indictment.
2. Sentencing the Defendant Tamrin Bin Alm. Abdul Aziz to 2 (two) years and 10 (ten) months imprisonment.
3. Determining the period of arrest and detention that the Defendant has served shall be deducted in full from the sentence imposed.
4. Ordering the Defendant to remain in custody.
5. Establishing evidence in the form of (attached to the case file)
6. Next in Case Decision Number: 17/PID.B/2023/PN.NTN.78.

#### 4. Conclusion

The process of proving the criminal act of document forgery against the Natuna District Court Decision Number: 17/PID.B/2023/ PN NTN in the Criminal Case of Document Forgery is through a criminalistics laboratory examination that regulates the procedures and documents used as evidence and comparisons in order to obtain valid document results, and this is the sole authority of the Police based on Regulation of the Chief of the Indonesian National Police Number 10 of 2009 concerning Procedures and Requirements for Requesting Criminalistics Technical Examinations Crime Scene and Forensic Laboratory Examination of Evidence at the Forensic Laboratory of the Indonesian National Police.

The judge's considerations in sentencing the perpetrator of the crime of document forgery and use of forged documents in the Natuna District Court Decision Number: 17/PID.B/2023/PN NTN in the case of document forgery were based on legal and non-legal considerations. The legal considerations include the Public Prosecutor's indictment, the Defendant's testimony, witness testimony, evidence, and the articles that have been fulfilled. The non-legal considerations consist of the Defendant's background, the consequences of the Defendant's actions, and the Defendant's personal circumstances.

#### 5. References

Adami Chazawi, *Kejahatan Terhadap Tubuh Dan Nyawa* (PT Raja Grafindo Persada, 2007)

— — —, *Pelajaran Hukum Pidana* (Raja Grafindo Persada)

Alfitra, *Hukum Pembuktian Dalam Beracara Pidana, Perdata Dan Korupsi Di Indonesia.* (Raih Asa Sukses, 2011)

Makarao, Mohammad Taufik, and Suharsil, *Hukum Acara Pidana Dalam Teori Dan Praktek* (Ghalia Indonesia, 2004)

Ongki Metuak, 'Kajian Hukum Terhadap Perbedaan Alat Bukti Dan Barang Bukti Dalam Hukum Acara Pidana.', *Lex Crimen*, 8.3 (2019)

Prodjohamidjojo, Martiman, *Memahami Dasar-Dasar Pidana Indonesia* (Pradya Paramitha, 1997)

Subekti, *Hukum Pembuktian* (PT. Pradnya Paramita, 2008)

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