

**ANALYSIS OF CRIMINAL LIABILITY FOR THE CRIMINAL ACTS
OF USING FORGED LETTERS AND THE CRIMINAL ACTS OF
MONEY LAUNDERING
(Study of Judge's Decision Number 432/Pid.B/2021/PN. Jkt. Sel.)**

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ABSTRACT

A deed of sale and purchase of land is a legal document that evidences the transfer of ownership rights from the previous owner to the new owner, executed by a Land Deed Official (PPAT) or a notary. Such deeds are not immune from forgery, often committed for personal gain and to the detriment of others. In committing criminal offenses, perpetrators frequently act with the intention of obtaining financial benefit. These illicit gains may be subsequently disguised through acts of money laundering, as occurred in the case reviewed in Court Decision Number 432/Pid.B/2021/PN Jkt. Cell. This thesis addresses the legal regulation of the offense of document forgery, the legal regulation of money laundering offences, and the criminal liability of offenders who use forged deeds of sale and purchase of land and engage in money laundering. The method employed in this research is normative legal research, applying a qualitative approach, with data collected through a literature study. Based on the findings, the offense of document forgery and the use of forged documents is regulated under Articles 263 and 264 of the Indonesian Penal Code (Criminal Code, KUHP), while under Law No. 1 of 2023, these offenses are governed by Articles 391 and 392. The offense of money laundering is regulated under Article 3 of Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering, and under Law No. 1 of 2023, it is governed by Articles 607 and 608. In the application of criminal sanctions in Decision Number 432/Pid.B/2021/PN Jkt. Sel., the judge referred to Article 263 paragraph (2) concerning the use of forged documents in conjunction with Article 55 paragraph (1) point 1 of the Penal Code, as well as Article 3 of Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering in conjunction with Article 55 paragraph (1) point 1 of the Penal Code.

Keywords: Criminal Liability, Forged Documents, Land Sale and Purchase Deed, Money Laundering

INTRODUCTION

Indonesia is a country based on the rule of law, so anyone who commits a crime must be held accountable for their actions through legal procedures. Law enforcement means that a crime is an act prohibited by law and carries the threat of accountability in the form of sanctions. Law enforcement in Indonesia is closely related to the principle of legality, which refers to acts that are not punishable but are regulated by law. Acts that violate the rules and are regulated by law are punishable by law.¹

¹ Andi Hamzah, *Asas-asas Hukum Pidana*, (Jakarta: Rineka Cipta, 2021) p. 15.

These rules, established to maintain public order and security, are still frequently violated by certain individuals. Violations of these rules can be considered criminal offenses. Those who violate these rules will be subject to appropriate punishment. All regulations regarding violations, crimes, and so on are governed by Criminal Law and contained in a single code called the Criminal Code (KUHP).²

E. Utrecht argues that, "Punishment can be given to a person if two elements are met: There must be behavior that is against the law and a perpetrator who is responsible for the behavior that is against the law. Actions that are against the principles of law become violations of the law. Violations of the law in criminal law are referred to as unlawful acts. Some violations of the law include those that can be threatened with punishment or threatened with a special sanction. This kind of violation of the law is qualified as a criminal event or criminal act by the Criminal Code."³

Criminal acts have elements of guilt that must be fulfilled. The elements of guilt in criminal law have the following characteristics:

1. The manufacturer can be held responsible.
2. There is a psychological connection between the perpetrator and the act, namely intention or error in the narrow sense.
3. There is no basis for the elimination of criminal penalties that eliminates the ability to hold the perpetrator responsible for an act.⁴

There are many types of crimes that occur in society, one of which is forgery. Forgery crimes are still prevalent today and take various forms and developments, ranging from forged signatures to forged securities. Chazawi stated that forgery is a crime that contains a system of falsehood or falsification of an object that appears from the outside as if it were real, when in fact it is the opposite.⁵

Written or printed evidence and other means of exchange whose authenticity cannot be guaranteed will not allow for the development of connections in an orderly, advanced society. Forgery is a threat to the survival of society, and the crime of forgery itself is actually a violation of two basic norms, including the following:⁶

1. Truth or belief that can be classified as a crime of fraud.
2. Public order, violations are classified as crimes that endanger the state or public order.

Forgery refers to making a letter wholly or partly untrue or contrary to fact. Forgery can take the form of:

1. Writing a letter where some or all of the contents of the letter are inconsistent or contradictory to the facts is called *intellectual valschheid*.

² CS T Kansil, *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*, (Jakarta: Balai Pustaka 2022), p. 257

³E. Utrecht and Moh. Saleh Djindang, *Pengantar dalam Hukum Indonesia*, (Jakarta: PT Ichtiar Baru, in collaboration with Sinar Harapan, 1983) p. 390

⁴ Andi Hamzah, *Hukum Pidana Indonesia*, Cetakan Ke-1, (Jakarta: Sinar Grafika, 2017), p. 127

⁵ Adami Chazawi, *Tindak Pidana Pemalsuan*, (Jakarta: PT Raja Grafindo Persada, 2001), p. 3

⁶ H.A.K Moch Anwar, *Hukum Pidana Bagian Khusus (KUHP Buku II)*, (Bandung: Alumni, 1990), p. 55

2. Writing a letter as if it came from someone other than the person who wrote it. Creating a fake letter like this is called forgery or *materiele valscheid*. Any incorrect or inaccurate letter is the responsibility of the sender or writer.⁷

Indonesian laws and regulations stipulate regulations regarding document forgery, specifically those stipulated in the Criminal Code. However, despite these regulations, criminal acts of document forgery still occur, committed by individuals. The crime of forgery is regulated in Chapter XII, Book II of the Criminal Code, which stipulates that forgery only includes written material. This includes signature forgery, as regulated in Articles 263 through 276 of the Criminal Code.

The crime of forgery of documents that often occurs is generally related to Article 263 and Article 264. The crime of forgery based on Article 264 can be in the form of land title deeds. Land deeds that serve as proof of ownership of land being bought and sold actually still cause many legal problems in society, because some people commit violations of the law against others by forging land deeds. Land sale and purchase transactions require a deed as proof of transfer from the parties conducting the land sale and purchase. A deed is a signed document, which contains events that form the basis of a right or obligation that was made from the beginning intentionally for proof.⁸

The criminal act of forgery of deeds that often occurs in land sale and purchase agreements lies in the deeds issued by the PPAT as the responsible official. The PPAT in carrying out his duties is obliged to carry out part of the land registration activities by making deeds as evidence of certain legal acts regarding Land Rights or Ownership Rights of Apartment Units, which will then be used as the basis for registering changes to land registration data resulting from the legal act. The element of error in the criminal act of making a false document or falsifying the document is intentional as an intention, or intentional in the narrow sense. The creator of a forged or falsified document's intent is indicated by its use for themselves or for someone else. However, the act of using the document doesn't need to have been realized. This is because intent exists only in the creator's mind or mental attitude, which must be established before the act is committed. This mental attitude must be proven, not its use.⁹

Criminal acts involving the use of forged documents to obtain land sale and purchase deeds are usually easily prevented and dealt with. Such acts can arouse suspicion and are difficult to conceal, and assets obtained from the sale or mortgage of such documents can be easily traced and confiscated by the national police. Therefore, it is not uncommon for perpetrators of forgery or the use of forged documents who have illegally acquired land to seek ways to disguise the proceeds of their crimes. The act of disguising or obscuring the origin of illegally obtained assets is considered a form of money laundering.

⁷ Adami Chazawi, *Op.cit.*, p. 100

⁸ Sudikno Mertokusumo, *Hukum Acara Perdata Indonesia*, (Yogyakarta: Cahaya Atma Pustaka, 2013), p.

⁹ Adami Chazawi, *Op.cit.*, p. 153

Criminal law provisions that are not regulated generally are regulated in special crimes outside the Criminal Code. Special crimes include money laundering, corruption, juvenile delinquency, and other crimes. Therefore, we can see that each special crime certainly has its own law because when the crime first occurred, there were no legal provisions in the Criminal Code that regulated it. One of the crimes included in special crimes is money laundering. The law that specifically regulates the crime of money laundering is Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering (TPPU).

Holding someone accountable under criminal law means imposing the objective punishment for a criminal act subjectively on the perpetrator. Criminal responsibility is determined based on the perpetrator's culpability, not simply on the fulfillment of all elements of the crime. Therefore, culpability is considered a determining factor in criminal responsibility and is not merely viewed as a mental element in a crime.¹⁰ Whether a person is found guilty is a matter of criminal responsibility.¹¹

In 2023, the House of Representatives (DPR) passed a draft of the new Criminal Code, which was then immediately enacted. This new law contained changes that were considered controversial by many legal experts and academics. The new Criminal Code, which will come into effect three years after its issuance, also amends the laws and articles related to the crimes of document forgery and money laundering. The changes to the articles governing document forgery are not significant; in fact, it can be said that the changes only affected the numbering of the articles. Unlike the articles on document forgery, the crime of money laundering has undergone significant changes. One very clear change is the regulation of this crime in the new Criminal Code, thus eliminating the crime of money laundering as a special law (*specialis*) and becoming a general crime (*generali*).

DISCUSSION

A. Legal Regulations On The Criminal Act Of Forgery Of Letter In The Indonesian Criminal Legal System

The crime of document forgery is a criminal act that contains elements of untruth or falsehood regarding something that appears from the outside as if it were true, but is actually contrary to the truth.¹² The letter referred to here is a printed or written document that can be used as evidence. An act of forgery is punishable if it violates a guarantee or trust in the following cases:

1. The perpetrator has the intention or purpose to use an item that is not genuine by describing the condition of the item as if it were genuine, so that other people believe that other people's goods are being used.

¹⁰Chairul Huda, *Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawaban Pidana Tanpa Kesalahan*, (Jakarta: Kencana Prenada Media, 2006), p. 4

¹¹Admaja Priyatno, *Kebijakan Legislasi Tentang Sistem Pertanggungjawaban Pidana Korporasi di Indonesia*, (Bandung: CV. Utomo, 2004) p. 15

¹²Adami Chazawi, *Pelajaran Hukum Pidana I*, (Jakarta: PT. Raja Grafindo Persada, 2001) , p. 3

2. The element of intent or intention does not need to follow the element of benefiting oneself or others.
3. But the act must give rise to a general danger which is specific to the forgery of writings or letters and so on, formulated by requiring that "possible loss" be related to the nature of the writing or letter.¹³

The definition of a letter is not explicitly stated in the Criminal Code. A letter does not have to be written on paper, cloth, or stone, but must be clearly handwritten or printed. R. Soesilo provides examples of written materials that can be categorized as letters, including birth certificates, postal savings books, cash books, ship logs, transport bills, and bonds. In conclusion, in the Criminal Code, a letter refers to any writing on paper that has the purpose of influencing or revoking rights.¹⁴

The rules regarding falsification of letters are written in Articles 263 and 264 of the Criminal Code.

Article 263 of the Criminal Code states the following:

1. Whoever makes a false letter or falsifies a letter that can give rise to a right, obligation or debt relief, or which is intended as evidence of something with the intention of using or ordering another person to use the letter as if its contents were true and not falsified, is threatened if the use can cause a loss, due to the falsification of the letter, with a maximum prison sentence of 6 years.
2. Anyone who intentionally uses a fake or falsified letter as if it were genuine, if the use of the letter can cause loss, is threatened with the same penalty.

This crime is a crime in the form of using or utilizing a fake letter, the creation of which is punishable by the provisions of Article 263 paragraph (1) of the Criminal Code. R. Soesilo then stated that those punished according to this Article are not only those who "fake" a letter, but also those who "intentionally use" a fake letter (paragraph 2).¹⁵

Article 264 of the Criminal Code as a whole reads as follows:

- (1) Forgery of documents is punishable by a maximum prison sentence of eight years, if committed against:
 1. Authentic deeds;
 2. Debt securities or debt certificates from a country or part thereof or from a public institution;
 3. A letter of ownership or debt or certificate of ownership or debt from an association, foundation, company or airline;
 4. Talon, proof of dividends or interest from one of the letters described in numbers 2 and 3, or proof issued as a substitute for these letters;
 5. A letter of credit or trade letter provided for circulation.

¹³ Topo Santoso and Eva Achjani Zulfa, , *Kriminologi*, (Jakarta: Rajawali Pers, 2001), p. 77

¹⁴Gatot Efrianto and Danu Rahmana, *Tindak Pidana Pemalsuan dalam Akta Otentik*, (Malang: PT. Litnus,2024), p. 42

¹⁵R. Soesilo, *Op.cit.*, p. 196

- (2) Anyone who intentionally uses the letter referred to in paragraph (1), the contents of which are not genuine or which are falsified as if they were true and not falsified, is threatened with the same penalty if the falsification of the letter can cause loss.

Lamintang and Samosir provide a translation of Article 264 which reads as follows:

- (1) A person who is guilty of falsifying documents is punished with a maximum prison sentence of eight years, if the act has been committed:
1. In authentic deeds;
 2. In debt instruments or debt certificates of a country or part thereof or of a public institution;
 3. In shares, debt securities or certificates regarding shares or debts of an association, foundation, corporation or airline;
 4. In the talons, evidence of profits or interest included in one of the letters as referred to in the two previous numbers or in the evidence issued as a substitute for the letters;
 5. In letters of credit or trade letters intended for circulation.
- (2) Anyone who intentionally uses one of the fake or falsified letters referred to in paragraph (1) as if the letter were genuine and not falsified, and if its use could cause a loss, shall be punished with the same penalty.¹⁶

Forgery of letters referred to as simple forgery of letters is included in Article 263 of the Criminal Code. The forms of forgery of letters mentioned in numbers 2 to 8 can logically also be included in Article 263 of the Criminal Code, but other criminal acts of forgery of letters are mentioned because the makers of the Criminal Code want to clarify the existence of aggravation and mitigation of criminal penalties for the crime of simple forgery. The elements of forgery of authentic deeds are regulated in Article 264 paragraph (2) of Law Number 1 of 1946 concerning Criminal Law Regulations, namely, whoever intentionally uses the letter in the first paragraph, the contents of which are not true or which are forged as if they were true and not forged, if the use can cause harm.¹⁷

Law Number 1 of 2023, commonly referred to as the New Criminal Code, amends several articles that have long been in effect in Indonesia, including those governing the crime of document forgery. These amendments are outlined in Articles 391 and 392 of Law No. 1 of 2023, which read:

Article 391 of Law/1/2023/KUHP states that:

- (1) Any person who makes or forges a document that can give rise to a right, obligation or debt relief, or which is intended as evidence of something, with the intention of using or asking another person to use it as if the contents were true and not fake, if the use of the document can cause loss, shall be punished for forging a document, with a maximum prison sentence of 6 (six) years or a maximum fine of category VI.

¹⁶P.P.A.F Lamintang and CD Samosir, *Hukum Pidana Indonesia*, (Bandung: Sinar Baru, 1985), p. 116

¹⁷Moeljatno, *KUHP*, (Jakarta: Bumi Aksara, 2016), p. 97

- (2) Any person who uses a letter whose contents are incorrect or falsified, as if it were true or not falsified, if the use of the letter can cause loss, shall be punished with the same penalty as in paragraph (1).

Regarding other explanations regarding forgery of letters, Article 392 of Law/1/2023/KUHP states that:

- (1) Anyone who falsifies a document against:
 - a. authentic deed;
 - b. A debt letter or debt certificate from a State or part thereof or from a public institution;
 - c. shares, debt securities, share certificates, debt certificates from an association, foundation, corporation or partnership;
 - d. talon, proof of dividend or proof of interest on one of the Letters as referred to in letter b and letter c or proof issued as a replacement for the Letter;
 - e. Letter of credit or trade letter intended for circulation;
 - f. Certificate regarding land rights; or
 - g. Other securities as specified in laws and regulations.
- (2) Any person who uses a letter as referred to in paragraph (1) whose contents are incorrect or falsified, as if it were true or not falsified, the use of the letter can cause losses, shall be punished with the same penalty as referred to in paragraph (1).¹⁸

In this new Criminal Code, legal provisions regarding falsification of certificates of land rights or land sale and purchase deeds are included in Article 392 paragraph (1) 6. Furthermore, this Law also includes new Articles regarding the forms of falsification regulated in Articles 393 to 400 of Law Number 1 of 2023. With the changes in the Articles on the crime of falsifying documents, it is hoped that these changes can cover the crime of falsification more broadly and clarify the crimes that can be categorized as falsification of documents or letters and their penalties.

The legal definition of land according to the provisions of Article 1 paragraph (4) of Law Number 5 of 1960 concerning the Basic Agrarian Law in conjunction with Article 4 paragraph (1) of Law Number 5 of 1960 concerning the Basic Agrarian Law is the surface of the earth on land and the surface of the earth under water including sea water.¹⁹ The definition of land based on Article 1 paragraph (1) of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration is the surface of the earth, whether in the form of land or covered by water, including space above and within the body of the earth, within certain limits whose use and utilization are directly or indirectly related to the use and utilization of the earth's surface.

Article 1 paragraph (4) of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration states that Land

¹⁸ *Tofik Yanuar and Hajairin*, Menakar Daluwarsa: Kajian Perbandingan Daluwarsa Pemalsuan Surat Dalam Pembaharuan Hukum Pidana, *IBLAM Law Review Vol. 4 No. 1, Jakarta, 2024, p. 474*

¹⁹ *Arba, Hukum Agraria Indonesia*, (Jakarta: Sinar Grafika 2018), p. 2

Rights are rights obtained from a legal relationship between the rights holder and the Land, including space above the Land, and/or space below the Land to control, own, use, and utilize, as well as maintain the Land, space above the Land, and/or space below the Land. Meanwhile, Maria R. Ruwiasuti defines land as an area with economic potential that is able to support groups of people (whether forests, rivers, mountains, mineral sources or agricultural land) as the cultural basis of the community concerned.²⁰

A land sale and purchase deed is categorized as an authentic deed used to indicate that land ownership has been transferred from the seller to the buyer in accordance with the agreement and terms stated in the deed. In any country, a document indicating land ownership rights is a valuable document. Therefore, from year to year, cases of forged sale and purchase deeds involving unscrupulous notaries are increasing. It is also not uncommon for individuals who are not Land Deed Officials (PPAT) to commit the crime of document forgery.

Notaries, referred to as " *notary* " in English, notary or " *van notaris* " in Dutch, have an important role in the legal system, especially in the field of civil law. This is because a notary is a public office that has the authority to make real authentic deeds.²¹ Article 1 number 1 of Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notaries explains that "Public officials, such as notaries who carry out public services by providing legal services, require special protection to practice their chosen profession towards serving the community."²²

Article 37 Paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration states that the transfer of land rights through sale and purchase can only be registered if proven by a deed made by an authorized Land Deed Making Officer according to statutory provisions. The definition of a deed according to the KBBI is a written proof containing statements including information, acknowledgements, decisions, and so on, regarding legal events made according to applicable regulations, witnessed and authorized by an official official.

Each country applies different rules, this also applies to rules related to land sale and purchase laws. In Indonesia, the main legal basis governing land sale and purchase is the Civil Code, Law Number 5 of 1960 concerning Basic Agrarian Principles and Government Regulation Number 37 of 1998. Specifically, the rules regarding the use of forged letters are written in Article 263 paragraph (2) of the Criminal Code, while forgery of letters itself is regulated in Article 263 paragraph (1) of the Criminal Code. Law No. 1 of 2023 also differentiates between the Articles that regulate forgery of letters and the use of forged letters.

²⁰ Maria R. Ruwiasuti in Salim, *Teknik Pembuatan Akta Pejabat Pembuat Akta Tanah (PPAT)*, (Jakarta: Raja Grafindo Persada, 2016), p. 18

²¹ Salim, *Peraturan Jabatan Notaris*, (Jakarta: Sinar Grafika, 2019), p. 14

²² *Ibid*, p. 16

Article 391 paragraph (1) regulates forgery of letters while Article 391 paragraph (2) regulates the use of forged letters.

B. Legal Regulations Regarding The Criminal Act Of Money Laundering And Its Relationship With The Criminal Act Of Forgery Of Letters In The Criminal Legal System In Indonesia

Money *laundering* is a series of activities which is a process carried out by one person or group on illicit money, which is money originating from crime with the intention of disguising the origin of the money from the authorities who are authorized to take action against criminal acts by primarily inserting the money into the financial system so that the illicit money can then be removed from the financial system as legitimate money.²³

Money Laundering Crime As a Special Crime, regulated in Law Number 8 of 2010 concerning Money Laundering Crime (TPPU), the Law states that money laundering is any act that fulfills the elements of a crime in accordance with the provisions of the law. In this sense, the elements referred to are the perpetrator element, the unlawful act element, and the proceeds of the crime. The definition of money laundering crime can be seen in the provisions of Articles 3, 4, and 5 of the TPPU Law.

Articles 3, 4, and 5 of the TPPU Law state that the crime of money laundering is a form of crime committed by individuals and/or corporations by intentionally placing, transferring, diverting, spending, paying, granting, depositing, taking abroad, changing the form, exchanging with currency or securities or other actions regarding assets that are known or reasonably suspected to be the result of a crime with the aim of hiding or disguising the origin of the assets, including those who receive and control them.²⁴

Sanctions for criminal acts of money laundering are also regulated in Article 3, 4, 5 paragraph (1) of Law No. 8 of 2010 concerning the Prevention and Eradication of Criminal Acts of Money Laundering, which states:

Article 3:

Any person who places, transfers, diverts, spends, pays, grants, deposits, takes abroad, changes the form, exchanges for currency or securities or other actions regarding assets which he knows or reasonably suspects are the result of a criminal act as referred to in Article 2 paragraph (1) with the aim of hiding or disguising the origin of the assets shall be punished for the crime of Money Laundering with a maximum prison sentence of 20 (twenty) years and a maximum fine of IDR 10,000,000.00 (Ten billion rupiah).

Article 4:

²³ Ansori and Gatot Subroto, Peran PPAK dalam Mencegah dan Memberantas Tindak Pidana Pencucian Uang, *Unira Law Journal Vol. 1, No. 1, Pamekasan, 2022*, pp. 37-38

²⁴ Ansori and Gatot Subroto, *Op. cit.*, p. 38

Any person who hides or disguises the origin, source, location, designation, transfer of rights or actual ownership of assets which he knows or reasonably suspects are the result of a criminal act as referred to in Article 2 paragraph (1) shall be punished for the crime of Money Laundering with a maximum prison sentence of 20 (twenty) years and a maximum fine of IDR 5,000,000,000.00 (five billion rupiah).

Article 5 paragraph (1):

Any person who receives or controls the placement, transfer, payment, grant, donation, safekeeping, exchange or use of assets which he knows or reasonably suspects are the proceeds of a crime as referred to in Article 2 paragraph (1) shall be punished with imprisonment for a maximum of 5 (five) years and a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).²⁵

Similar to the Article governing forgery of sales deeds, the Special Law governing the Crime of Money Laundering was also amended with the issuance of Law Number 1 of 2023, commonly referred to as the New Criminal Code. This decision certainly changed the position of the special law on money laundering from *lex specialis* to *lex generalis* and has the potential to have a negative impact on law enforcement against money laundering. The provisions previously applicable in the Money Laundering Law, namely Articles 3, 4, and 5, have been revoked and declared no longer applicable in the Indonesian legal system. The provisions containing sanctions for perpetrators of money laundering were then replaced by Article 607 of the Criminal Code, which is divided into three categories, namely:

- a. A maximum prison sentence of 15 years and a maximum fine of category VII: "Any person who places, transfers, diverts, spends, pays, grants, deposits, takes abroad, changes the form, exchanges with currency or securities or other actions regarding assets that he knows or should suspect are the result of a crime with the aim of hiding or disguising the origin of the assets, shall be punished with a maximum prison sentence of 15 years and a maximum fine of category VII (Rp. 5 billion rupiah)."
- b. A maximum prison sentence of 15 years and a maximum fine of category VI: "Any person who hides or disguises the origin, source, location, designation, transfer of rights, or actual ownership of assets that he knows or reasonably suspects are the result of a crime, shall be punished with a maximum prison sentence of 15 years and a maximum fine of category VI (Rp. 2 billion)."
- c. A maximum prison sentence of 5 years and a maximum fine of category VI: Any person who receives or controls the placement, transfer, payment, grant, donation, safekeeping, exchange or uses Assets which he knows or should suspect are the proceeds of a crime, shall be punished with a maximum prison sentence of 5 (five) years and a maximum fine of category VI (Rp. 2 billion)."²⁶

²⁵Muhammad Yusuf, et al., *Ikhtisar Ketentuan Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang*, (Jakarta: Gramedia, 2011), p. 97

²⁶MA Yanuar, *Rasionalistas dan Konsekuensi Pengaturan Tindak Pidana Pencucian Uang Ke Dalam Kitab Undang-Undang Hukum Pidana Baru*, (Jakarta: PPAK, 2023), p. 55

Article 607 paragraph (2) also mentions the types of criminal acts that can result in assets resulting from Money Laundering. The article does not specifically mention the specific crime of forgery. Article 607 paragraph (2) letter z states that money laundering can originate from criminal acts that are threatened with imprisonment for 4 years or more. Based on Article 391 paragraph (1) of Law Number 1 of 2023, the crime of forgery of documents will be subject to a maximum prison sentence of 6 years, so that the crime of forgery is included in the types of criminal acts that can result in assets resulting from money laundering as stated in Article 607 paragraph (2) of the new Criminal Code.

When laundering money, criminals don't consider the potential profits or the costs involved, as their primary goal is to disguise or eliminate the origin of the money so they can safely enjoy the proceeds. While these three actions can occur separately, they are generally carried out simultaneously and overlap.²⁷

Money laundering has certain characteristics that distinguish it from most other crimes. The most common characteristic of money laundering (TPPU) is its nature as a subsequent crime, so to be considered money laundering, a predicate crime is required. There are several obstacles in applying criminal sanctions to perpetrators of money laundering, including the following:

- 1) Tracing the flow of funds is complicated, where *money laundering* is focused on tracing funds or financial transactions, so that the flow of funds becomes complicated because it can be mixed with halal funds.
- 2) Lack of understanding of the crime of money laundering, which includes a lack of skills, abilities and motivation of officers in handling the crime of money laundering.
- 3) Criminal acts can be committed across countries, where money laundering is a transnational crime that does not recognize national borders.
- 4) Proof is not easy, where investigators and public prosecutors must prove that the origin of the defendant's wealth is the result of a criminal act, with a heavy burden of proof.²⁸

The resolution of the crime of forgery, however, is not the same as the crime of money laundering. Law enforcement of the crime of money laundering, which is a subsequent crime, requires the existence of a predicate crime so that the crime can be categorized as money laundering. The crime of forging a land sale deed can relatively only be committed by a Land Deed Official who will then be subject to sanctions related to their position as a Land Deed Official. However, the use of fake documents or letters and subsequent crimes committed using these letters can be committed by anyone, including the Crime of Money Laundering.

²⁷ Johnny Ibrahim, Pengaturan Money Laundering di Indonesia Pada Masa Mendatang, *Majalah Ilmiah UPB Edisi 2/1/1999, Batam, 1999, pp. 289-290*

²⁸ Putri Rizki Ananda and Yuli Indarsih, Tindak Pidana Penggunaan Surat Palsu Dan Pencucian Uang Dalam Perkara Kepemilikan Hak Atas Tanah Berdasarkan Putusan Pengadilan Negeri Jakarta Barat Nomor 249 Pid.B/2022/PN Jkt. Brt, *Unsub Press, Subang Vol. 5 No. 1, 2024, p. 20*

C. Analysis Of Criminal Liability For Perpetrators Of The Criminal Acts Of Using Forged Land Sale And Purchase Deeds And Money Laundering In Judge's Decision Number 432/Pid.B/2021/Pn Jkt.Sel.

The case in question Number 432/ Pid.B /2021/ Pn Jkt.Sel, it can be seen that initially Arnold Yosep DJ Siahaya then introduced witness Mustopa to the Defendant Vanda Gusti Andayani and Ferryjanto Satrio Bin Edi Soekarno by telephone acting as if he were a buyer and then Arnold Yosep DJ Siahaya gave Witness Mustopa's cellphone number to Ferryjanto Satrio Bin Edi Soekarno and the Defendant Vanda Gusti Andayani. Then Tamam Hadi Prianto brought the Certificate of Ownership No. 2614 / Pondok Pinang an. Zurni Hasyim Djalal to the Notary Office of Heru Warsito, SH to be submitted to Noer Djaja Darmakusuma in order to check with the BPN and draft the Deed of Sale and Purchase of the Land Deed Making Officer (PPAT). Next, Noer Djaja Darmakusuma brought the Certificate of Ownership No. 2614 / Pondok Pinang an. Zurni Hasyim Djalal to the Notary Office of Erlina Dwi Kurniawati, SH (Fatmawati area, South Jakarta) for witnesses to hand over to Edy Kamdani (staff of Notary/PPAT Erlina Dwi Kurniawati, SH) in order to draft the Deed of Sale and Purchase. Edi Kamdani then drafted the Deed of Sale and Purchase for the Certificate of Ownership No. 2614 / Pondok Pinang an. Zurni Hasyim Djalal between Zurni Zurni Hasyim Djalal as the seller and Vanda Gusti Andayani as the buyer for Rp. 17,500,000,000,- (seventeen billion five hundred million rupiah) and after the draft of the Deed of Sale and Purchase was completed by Edi Kamdani, then the Certificate of Ownership No. 2614 / Pondok Pinang an. Zurni Hasyim Djalal along with the draft of the Deed of Sale and Purchase was returned by Edi Kamdani to Noer Djaja Darmakusuma and then handed back to Tamam Hadi Prianto and then handed over to Dedi Rusmanto. Ferryjanto Satrio Bin Edi Soekarno and the Defendant Vanda Gusti Andayani signed the draft of the Deed of Sale and Purchase as the buyer and then the draft of the Deed of Sale and Purchase was taken home by Dedi Rusmanto and Dedi Rusmanto filled in the seller's signature column in the name of Zurni Hasyim Djalal and Dr. Hasyim Djalal by forging the signatures of Zurni Hasyim Djalal and Dr. Hasyim Djalal as if the signatures were truly the signatures of Zurni Hasyim Djalal and her husband. After the Certificate of Ownership 2614 / Pondok Pinang which was originally in the name of Zurni Hasyim Djalal changed its name to Vanda Gusti Andayani, then Ferryjanto Satrio Bin Edi Soekarno and the Defendant Vanda Gusti Andayani used the Certificate of Ownership 2614 / Pondok Pinang in the name of Vanda Gusti Andayani as collateral for a loan to Hendry Oktavianus in the amount of Rp. 7,400,000,000,- (seven billion four hundred million rupiah) but between the Defendant Vanda Gusti Andayani and Ferryjanto Satrio Bin Edi Soekarno and Hendry Oktavianus instead of making a debt agreement but instead asked Notary Dr. H. Syafran, SH, M.Hum to make a Deed of Sale and Purchase Agreement Number: 01/2019, Deed of Power of Attorney to Sell Number: 02/2019, and Deed of Vacate Agreement Number: 03/2019, dated May 27, 2019. Vanda Gusti Andayani made a transaction from BCA Bank account Number 2370046363 in the name of Vanda Gusti Andayani for the money she received from Hendry Oktavianus with the following details:

- 1) On May 27, 2019, cash was withdrawn amounting to Rp. 900,000,000,
- 2) On May 27, 2019, a withdrawal of Rp. 500,000,000 was made.
- 3) On May 28, 2019, Defendant Vanda Gusti Andayani transferred money from BCA account number 2370046363 in the name of Vanda Gusti Andayani to Permata Bank account number 4102035009 in the name of VANDA GUSTI ANDAYANI in the amount of Rp.6,000,000,000 (six billion rupiah) which caused the money received by Defendant VANDA GUSTI ANDAYANI from Hendry Oktavianus which was the proceeds from the sale of land belonging to Zurni Hasyim Djalal to be mixed with money belonging to Defendant VANDA GUSTI ANDAYANI in the account.

Furthermore, the Defendant VANDA GUSTI ANDAYANI made various transactions from the Permata Bank account number 4102035009 in the name of VANDA GUSTI ANDAYANI. That the Defendant Vanda Gusti Andayani's actions in making various transfer transactions from the BCA account number 2370046363 in the name of Vanda Gusti Andayani, Permata Bank account number 4102035009 in the name of VANDA GUSTI ANDAYANI and UOB Bank account number 5433001975 in the name of Vanda Gusti Andayani are actions that disguise assets obtained from criminal acts so that it appears as if the assets he owns do not originate from criminal acts.

In this case, there were two charges used by the prosecutor against the defendant, including, *First Charge* (Cumulative and Alternative). The defendant Vanda Gusti Andayani was charged by the Public Prosecutor with a mixed charge (alternative and cumulative). The first alternative charge is that the defendant's actions are punishable by Article 263 paragraph (2) in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code. *Alternative Second Charge*, The defendant Vanda Gusti Andayani's actions were charged with the second alternative charge and are subject to criminal penalties under Article 378 in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code. Article 378 of the Criminal Code. The defendant Vanda Gusti Andayani is threatened with criminal charges with the second cumulative charge for her actions, namely Article 3 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes.

In his demands, the prosecutor made the following demands, The Public Prosecutor filed a lawsuit, which essentially demanded:

1. Declaring that the Defendant Vanda Gusti Andayani has been legally and convincingly proven guilty of jointly committing the Crime of Forgery of Documents and the Crime of Money Laundering.
2. Imposing a sentence on the Defendant, Defendant Vanda Gusti Andayani in the form of a prison sentence of 10 (ten) years minus the time the Defendant has been in detention with the order that the Defendant remain in detention.
3. Imposing a fine of Rp. 100,000,000 (one hundred million Rupiah) and if the Defendant's assets are sufficient to pay the fine, it will be replaced with imprisonment for 6 (six) months.

4. Stating the evidence in the form of:
 - 4.1. Original Certificate of Ownership Number: 2614/Pondok Pinang in the name of Thomas Irawan Tjahyono;
 - 4.2. Photocopy of land certificate of ownership number: 2614/ Pondok Pinang, legalized by the South Jakarta City Administration Land Office;
 - 4.3. Deed of Sale and Purchase No. 103/2019, dated April 22, 2019, made by PPAT Erlina Dwi Kumiawati, SH, which was legalized by the South Jakarta City Administration Land Office;
 - 4.4. Photocopy of Deed of Sale and Purchase Number: 02/2019, dated September 11, 2019 made by PPAT DR. H. Syafran,.SH., M.Hum, which was legalized by the Land Office of the South Jakarta City Administration;
 - 4.5. Photocopy of Deed of Sale and Purchase Number: 296/2019, dated 27 November 2019 made by PPAT Noor Kholis Adam, SH, MH, which was legalized by the South Jakarta City Administration Land Office;
 - 4.6. BCA account mutation, account number 2370046363 in the name of Vanda Gusti Andayani;
 - 4.7. Permata bank account mutation Account number 4102035009 in the name of Vanda Gusti Andayani; Used in other cases in the name of Ferryjanto Satrio bin Edi Soekarno.
5. Ordering the Defendant to pay court costs of Rp. 2,500 (two thousand five hundred rupiah).

In this case, the judge gave the following verdict to the defendant

- 1) Declaring that the Defendant Vanda Gusti Andayani has been legally and convincingly proven guilty of jointly committing the Crime of Using Forged Documents and the Crime of Money Laundering;
- 2) Sentencing the Defendant Vanda Gusti Andayani to 7 (seven) years imprisonment and a fine of Rp. 100,000,000.00 (one hundred million rupiah), with the provision that if the fine is not paid it will be replaced with 3 (three) months imprisonment;
- 3) Determine that the period of arrest and detention that the Defendant has served is reduced in full from the sentence imposed;
- 4) Ordering the Defendant to remain in custody;
- 5) Stating the evidence in the form of:
 - a. Original Certificate of Ownership Number: 2614/Pondok Pinang in the name of Thomas Irawan Tjahyono;
 - b. Photocopy of land certificate of ownership number: 2614/ Pondok Pinang, legalized by the South Jakarta City Administration Land Office;
 - c. Deed of Sale and Purchase No. 103/2019, dated April 22, 2019, made by PPAT Erlina Dwi Kumiawati, SH, which was legalized by the South Jakarta City Administration Land Office;

- d. Photocopy of Deed of Sale and Purchase Number: 02/2019, dated September 11, 2019 made by PPAT DR. H. Syafran, .SH., M.Hum, which was legalized by the Land Office of the South Jakarta City Administration;
 - e. Photocopy of Deed of Sale and Purchase Number: 296/2019, dated 27 November 2019 made by PPAT Noor Kholis Adam, SH, MH, which was legalized by the South Jakarta City Administration Land Office;
 - f. BCA account mutation, account number 2370046363 in the name of Vanda Gusti Andayani;
 - g. Permata bank account mutation Account number 4102035009 in the name of Vanda Gusti Andayani; Returned to the Public Prosecutor to be used in another case in the name of Ferryjanto Satrio bin Edi Soekarno.
- 6) Ordering the Defendant to pay court costs of Rp. 5,000.00 (five thousand rupiah).

Based on the Decision of the South Jakarta District Court Number 432/Pid.B/2021/PN Jkt. Sel, the Defendant Vanda Gusti Andayani has been proven to have committed a crime using a fake or falsified letter as if the letter was genuine and not falsified, the use of which caused losses and money laundering by placing, transferring, diverting, paying, entrusting, for Assets, which are known to be the result of criminal acts of fraud with the aim of hiding or disguising the origin of the Assets. The case in this decision uses the provisions of Article 263 paragraph (2) in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code and Article 3 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes.

Based on the results of the examination in the trial as described above, the Panel of Judges reached a conclusion and stated that the defendant had fulfilled the elements contained in the first alternative charge and the second cumulative charge, namely Article 263 paragraph (2) in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code concerning the Use of Fake Documents and Article 3 of Law No. 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering.

The elements referred to in the criminal act of using fake documents are as follows:

- 1) Whoever

What is meant by the element of Whomever is anyone who according to the law is a legal subject, whether an individual, legal entity or business entity who can be held legally responsible for all his actions. In this case, the Public Prosecutor has submitted Vanda Gusti Andayani as the Defendant, whose identity is the same as the Defendant's name in the indictment and the Suspect's Identity in the BAP, thus there is no *error in Persona* in the case of the Public Prosecutor submitting the Defendant to the trial.

- 2) Deliberately using a fake or forged letter as if the letter were genuine and not forged, if the use of the letter could cause harm

Based on the facts revealed in the trial, as mentioned above, it has been proven that the process of making the Deed of Sale and Purchase Number 103 / 2019 dated April 22,

2019 was not in accordance with the applicable procedures and provisions, where between the Defendant as the buyer and Zurni Hasym Djalal as the seller in the letter it was as if a transaction had actually occurred, in fact between the Defendant and Zurni Hasym Djalal never came to the notary PPAT Erlina Dwi Kurniawati, SH, thus the Deed of Sale and Purchase Number 103 / 2019 dated April 22, 2019 is a deed whose contents are not true or a fake letter.

- 3) Those who do it, order it to do it or participate in doing it.

The defendant Vanda Gusti Andayani and her husband Ferryjanto Satrio (defendant in another case) transferred the rights to the land to Hendri Oktavianus by signing the Sale and Purchase Agreement (PPJB) for Certificate of Ownership No. 2614 / Pondok Pinang, changing the name of the owner from Zurni Hasyim Djalal to Vanda Gusti Andayani at PPAT Syafran so that subsequently Certificate of Ownership No. 2614 / Pondok Pinang changed its name again from Vanda Gusti Andayani to Hendri Oktavianus.

The Panel of Judges then considered the 2nd Charge, namely Article 3 of Law Number 8 of 2010 concerning the Prevention and Eradication of the Crime of Money Laundering in conjunction with Article 55 paragraph (1) point 1 of the Criminal Code, the elements of which are as follows:

- 1) Each person

In this case, the public prosecutor has proposed Vanda Gusti Andayani as the defendant and the judge deemed the defendant capable of being responsible for her actions because she is considered physically and mentally healthy.

- 2) Placing, transferring, diverting, spending, paying, granting, depositing, taking abroad, changing the form, exchanging for currency or securities or other actions regarding assets, which he knows or should suspect are the result of criminal acts of fraud as referred to in Article 2 paragraph (1), with the aim of hiding or disguising the origin of the assets.

According to the provisions of Article 2 paragraph (1) letter z, it states that the proceeds of a crime are assets obtained from a crime that is punishable by imprisonment of 4 (four) years or more. Based on the legal facts mentioned above, the actions of the defendant together with her husband Ferryjanto Satrio (defendant in another case), by carrying out financial transactions as mentioned above, were aimed at obscuring or hiding the proceeds of wealth from the proceeds of their crime from the crime of Using or Using Fake Documents.

- 3) Those who do it, order it to do it or participate in doing it.

The defendant Vanda Gusti Andayani and her husband Ferryjanto Satrio (defendant in another case) transferred the rights to the land back to Hendri Oktavianus by signing the Sale and Purchase Agreement (PPJB) for Certificate of Ownership No. 2614 / Pondok

Pinang, changing the name of the owner from Zurni Hasyim Djalal to Vanda Gusti Andayani at PPAT Syafran so that subsequently Certificate of Ownership No. 2614 / Pondok Pinang changed its name again from Vanda Gusti Andayani to Hendri Oktavianus.

Certificate of Ownership Number 2614/Pondok Pinang which has been transferred to the new owner Hendri Oktavianus, then Hendri Oktavianus based on documentary evidence in the form of a BCA account transfer Number 2370046363 in the name of Vanda Gusti Andayani, on May 27, 2019 Hendri Oktavianus transferred money amounting to Rp.1,800,000,000 and Rp.7,749,000,000 to BCA account Number 2370046363 in the name of Vanda Gusti Andayani as payment for the House and Land located at Jl. Sekolah Duta II Block PD No. 12 Rt 003/ 014 Pondok Pinang Kebayoran Lama South Jakarta (Pondok Indah) according to Certificate of Ownership No. 2614/Pondok Pinang in the name of Vanda Gusti Andayani (defendant).

The defendant and her husband then carried out several transactions, namely:

1. May 27, 2019: made a cash withdrawal of IDR 900,000,000 (nine hundred million rupiah) which was then transferred directly to Bank Mandiri account number 1260002712379 in the name of Zurni Hasyim Djalal;
2. May 27, 2019: The defendant also made a cash withdrawal of IDR 500,000,000 and used it for the defendant's personal needs;
3. May 28, 2019: Defendant Vanda Gusti Andayani transferred money from BCA account number 2370046363 in the name of Vanda Gusti Andayani to Permata Bank account number 4102035009 in the name of Vanda Gusti Andayani in the amount of IDR 6,000,000,000 (six billion rupiah);
4. The defendant Vanda Gusti Andayani made various transactions from the Permata Bank account number 4102035009 in the name of Vanda Gusti Andayani with details as stated in the evidence letter Printout of the Defendant's Account;

Based on the above considerations, it has been proven that the defendant, together with her husband, Ferryjanto, committed the crime of money laundering. Therefore, this element has been fulfilled in the defendant's actions. The defendant was then found jointly guilty of the crimes of using forged documents and money laundering.

A person cannot be punished simply for being in the right place and place, as long as the person in question acted in good faith and was unaware of any malicious intent. According to Romli Atmasasmita, criminal responsibility is an act reprehensible to society for which the perpetrator must be held accountable.²⁹ Meanwhile, Roeslan Saleh explains that criminal

²⁹ Romli Atmasasmita, *Asas-Asas Perbandingan Hukum Pidana*, (Jakarta: Yayasan Lembaga Bantuan Hukum Indonesia, 1989), p. 10

responsibility is defined as the continuation of objective blame for a criminal act and subjectively fulfilling the requirements for criminal liability.³⁰

The reason for eliminating criminal responsibility so that a person is considered capable of carrying out criminal responsibility, there are several elements that must be fulfilled, namely as follows:

1) Have Responsible Ability

The Panel of Judges considered Vanda Gusti Andayani to be a physically and mentally healthy person and therefore was deemed to be a person capable of being responsible for all the actions she had committed.

2) Element of fault (intentional or negligent)

In this case, the defendant and several of his colleagues were proven to have deliberately committed their actions, because the defendant Vanda Gusti Andayani and his colleagues carried out a criminal act that had been planned in advance with each of the perpetrators having assigned tasks.

3) There is no excuse or justification

In the judge's decision Number 432/Pid.B/2021/PN Jkt. Sel, the panel of judges decided that the defendant Vanda Gusti Andayani was able to be held responsible for his criminal actions based on the reasons mentioned above, so that he was then legally and convincingly found guilty of the crime of Using Fake Documents and Money Laundering Crimes as regulated in Article 263 paragraph (2) in conjunction with Article 55 paragraph (1) ke-1 of the Criminal Code, Article 3 of Law Number 8 of 2010 concerning Money Laundering in conjunction with Article 55 paragraph (1) Ke-1 of the Criminal Code. Based on these Articles, the Defendant was sentenced to 7 (seven) years in prison and a fine of IDR 100,000,000.00 (one hundred million rupiah) with the provision that if the fine is not paid, it will be replaced with imprisonment for 3 (three) months.

CONCLUSION

The legal provisions for the crime of forgery of documents in the Indonesian criminal law system are regulated in Articles 263 to 276 of Law Number 1 of 1946 concerning Regulations on Criminal Law (KUHP). In these Articles, the legal provisions regarding the use of forged documents or using forged documents are specifically regulated in Article 263 paragraph (2) of the Criminal Code. Meanwhile, in Law Number 1 of 2023 concerning amendments to the Criminal Code, the crime of forgery of documents is regulated in Articles 391 to 400 and the use of forged documents is regulated in Article 391 paragraph (2).

³⁰ Roeslan Saleh, *op. cit.*, p. 5

The legal provisions for perpetrators of money laundering crimes in Indonesia are regulated in Article 3 of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering (TPPU). In connection with the implementation of Law Number 1 of 2023, commonly referred to as the new Criminal Code, the provisions governing money laundering are written into Articles 607 and 608 of the Law. The connection between the crime of money laundering and the crime of using forged documents is the use of forged documents to obtain wealth that is detrimental to others, then the assets are placed, transferred, diverted, spent, paid, donated, deposited, taken abroad, changed form, or exchanged for currency or securities, with the intent and purpose of concealing or disguising the origin of the assets. One example of a case that can be taken is the judge's decision Number 432/Pid.B/2021/PN Jkt. Cell, where the defendant used a forged land sale deed to illegally take over control of land that was not his right, which was then used to obtain an invalid land certificate. The letter was used as collateral for a pawn and then the proceeds of the pawn were used for personal gain and distributed and transferred to other individuals who collaborated with the defendant in committing the criminal acts of using forged documents and money laundering.

Based on the Decision of the South Jakarta District Court Number 432/Pid.B/2021/PN Jkt. Sel, the defendant Vanda Gusti Andayani was proven to have committed the crime of Using a Fake Land Sale and Purchase Deed and Money Laundering which was carried out together with her husband and several of her colleagues which caused losses to others. The Panel of Judges decided that the defendant fulfilled the elements that made him deemed capable of fulfilling criminal responsibility. The Panel of Judges sentenced the defendant to Article 263 paragraph (2) in conjunction with Article 55 paragraph (1) 1 of the Criminal Code, Article 3 of Law Number 8 of 2010 concerning Money Laundering in conjunction with Article 55 Paragraph (1) 1 of the Criminal Code. The defendant was sentenced to 7 (seven) years in prison and a fine of IDR 100,000,000.00 (one hundred million rupiah), with the provision that if the fine is not paid it will be replaced with imprisonment for 3 (three) months.

In terms of the defendant's sentencing and criminal liability, the panel of judges should have imposed a heavier sentence on the defendant. This increased sentence was because the losses caused by the defendant were not commensurate with the sentence imposed. Although the criminal sentences given to the other defendants were more or less the same so that responsibility was shared equally, the defendant played a significant role, along with her husband, in the criminal act of money laundering, which involved the proceeds of forgery or the use of false documents, and she used most of the money.

The agency authorized to issue new land certificates, in this case the Jakarta National Land Agency (BPN) should be more thorough in accepting requests for changes of ownership on land certificates and in validating these documents through a land sale deed. A failsafe or countermeasure is needed to prevent similar crimes from happening again. This could include

additional requirements for name changes, such as requiring a power of attorney from the landowner or heir.

The Land Deed Supervisory Board (PPAT) needs to have a system for periodically checking notaries' activities as land deed officials. In this regard, PPATs are required to submit periodic reports to the supervisory board regarding the land deeds they receive. These reports are then submitted to the National Land Agency (BPN) so that changes to land ownership rights can be easily detected. However, this oversight is considered insufficient to prevent criminal acts related to land deed preparation, requiring stricter oversight and the threat of sanctions against PPATs and notaries who abuse their authority.

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