

Criminal Sanctions For Falsification Of Information And Letters Or Documents Of Citizenship Of The Republic Of Indonesia.

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Abstract. This writing aims to find out the forms of criminal acts related to citizenship in the Republic of Indonesia, as well as to find out the types of criminal acts related to citizenship in the Republic of Indonesia and criminal sanctions for falsifying citizenship information and documents. By using normative juridical research methods, it can be concluded that the types of criminal acts related to the citizenship of the Republic of Indonesia as regulated in Law Number 12 of the Republic of Indonesia of 2006 concerning Citizenship of the Republic of Indonesia are cases where a public official carries out his duties and obligations negligently or intentionally result in someone losing their rights. In addition, someone who intentionally gives false information (including under oath), makes a fake letter or document, or falsifies a letter or document with the intention of using or ordering someone else to use the letter or document.

Keywords: Criminal Witness, Forgery of Letters or Documents, Citizenship of the Republic of Indonesia

1 Introduction

All countries have populations. The population of a country usually differs from other countries in some characteristics. differences from other countries. These differences can be found, for example, in culture, political values or national character, etc. Similarities in history, development, language, culture, and ethnicity. Religious commonality is national integration and the formation of a strong national identity. Factors that drive towards national integration and the formation of a strong national identity.

The state is a factor towards man fulfilling his vital needs The state is a social institution created by man to meet the needs of his life. As a social institution, the state is not to meet the special needs of a certain group of people, the special needs of certain people, but to meet the needs of all citizens.

The state, after all, aims to meet the needs of all citizens. Article 28 (d) of the 1945 Constitution. (4): Everyone has the right to citizenship. Citizenship, Article 28D, paragraph 1. Everyone has

the right to recognition, assurance, protection, fair legal certainty and equal treatment before the law. Constitution of the Republic of Indonesia Year 1945, Article 28D paragraph 1. Decree of the People's Consultative Assembly of the Republic of Indonesia No. 17 of 1998 concerning Human Rights, Article. 10: Everyone has the right to citizenship. Citizenship.

The concept of citizenship is closely related to the concept of the modern state. There is a certain legal relationship between the state and its citizens. A citizen is a full member of the state concerned and has certain rights and obligations towards his country. On the contrary, the state is obliged to protect its citizens in whatever form and wherever they are.[1]

Furthermore, the notion of citizenship can be seen from two aspects, namely the formal aspect and the material aspect. The formal aspect looks at the position of citizenship in the theory of legal systems, while the material aspect looks at the legal consequences of the concept of citizenship.[1]

From a formal aspect, the position of citizenship in legal system theory is included in the study of public law. The issue of citizenship is related to one of the communities of the state, namely citizens. In other words, citizenship law is a branch of the study of public law. From a material point of view, the issue of citizenship is closely related to the issue of the interrelation of rights and obligations between the state and its citizens. In this nationality there is a legal difference between citizens and foreigners. Foreigners do not have the same legal ties to the state as citizens.[1]

All citizens have rights and obligations towards the state. Instead, the state has an obligation to protect its citizens. If an official loses or loses his right to obtain or regain Indonesian citizenship due to negligence or willful negligence in carrying out his duties or obligations, this may cause harm to the citizen. Similarly, the act of knowingly giving false statements, swearing under oath or making false letters or documents to obtain or regain Indonesian citizenship is punishable by criminal penalties as a criminal offense of citizenship.[2]

Sanctions: consequences of an action or the reaction of another person (human or social organization) to an action. Criminal: a punishment deliberately imposed on a person who commits an act that meets certain conditions. Straf: a sentence imposed on a person found guilty of an offense based on a court decision that has the force of law.[3] Based on this background, the author is interested in compiling a paper entitled "Criminal Sanctions for Falsification of Information and Letters and Documents Regarding Citizenship in the Republic of Indonesia".

2 Method

Normative legal research methods will be used in the preparation of this paper. Legal materials will be collected through literature study. Legal sources used include: laws and regulations, books, law books, and legal dictionaries. These legal materials are analyzed normatively to conclude the results of the study.

3 Results and Discussion

3.1 Types of violations related to the Citizenship of the Republic of Indonesia.

The types of violations related to the citizenship of the Republic of Indonesia can be committed by officials, natural persons or legal entities as follows:

- a. Negligence and willfulness in carrying out the duties and obligations of officials Law No. 12 of 2006 concerning Citizenship of the Republic of Indonesia regulates criminal provisions and Article 36 states that:
 - 1) Any official who does not carry out the duties and obligations as referred to in this Law and obtains, regains, and/or loses citizenship of the Republic of Indonesia shall be threatened with imprisonment for a maximum of 1 (one) year.
 - 2) If the crime referred to in sub-article (1) is committed intentionally, it shall be punished with imprisonment for not more than three years. Authorized officials are civil servants who are authorized because of their position and duties.[3]
- b. making false statements, including statements on oath, making false letters or documents, falsifying letters or documents.

Law of the Republic of Indonesia Number 12 of 2006 concerning Citizenship of the Republic of Indonesia,

Article 37 paragraph:

- (1) Any person who, in order to obtain citizenship of the Republic of Indonesia or to regain citizenship of the Republic of Indonesia, knowingly gives false information, including giving information under oath, or makes false letters or documents, or forges letters or documents with the intention to use or order to use such letters or documents, shall be punished with imprisonment for not more than 1 (one) year imprisonment for not more than 4 (four) years and a fine at least IDR 250,000,000.00 (two hundred and fifty million rupiah) and at most IDR 1,000,000,000.00 (one billion rupiah).
- (2) Any person who intentionally uses false information (including information under oath), makes false letters or documents, or forges letters or documents as referred to in paragraph (1) shall be punished with imprisonment of not less than 1 (one) year and a maximum of 4 (four) years and a fine of at least IDR 250,000,000.00 (two hundred fifty million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah) and a fine of at least IDR 1,000,000,000.00 (one billion rupiah). (one billion rupiah) and a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).

Article 38 paragraph:

- (1) If a criminal act as referred to in Article 37 is committed by a legal entity, the crime shall be imposed on the legal entity and/or administrators acting on behalf of the legal entity.
- (2) Legal entities as referred to in paragraph (1) shall be threatened with a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 5,000,000,000.00 (five billion rupiah) and have their business licenses revoked.
- (3) The owner as referred to in paragraph (1) shall be punished with a maximum imprisonment of 1 (one) year and a maximum of 5 (five) years and a fine of at least IDR 1,000,000,000.00

(one billion rupiah) and a maximum of IDR 5,000,000,000.00 (five billion rupiah).

Law No. 12 of 2006 concerning Citizenship of the Republic of Indonesia, Article 1 paragraph 6: Everyone is a natural person, including legal entities. A legal entity is an organized collection of persons and/or wealth, whether it is a legal entity or a non-legal entity.

The definition of a legal entity in laws and regulations other than the Criminal Code, as referred to in Law No. 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, confirms that a legal entity is an organized collection of people and/or wealth, whether it is a legal entity or a non-legal entity. The same wording can be found in Article 182 of the Criminal Code Bill and in non-criminal legislation such as the Psychotropic, Narcotics and Money Laundering Act.[4]

3.2 Criminal sanctions for falsification of citizenship information and documents Law No. 12 of 2006 concerning Citizenship of the Republic of Indonesia.

Article 37 paragraph:

- (1) Any person who knowingly gives false information (including information under oath), makes false letters or documents, or intends to use or order to use falsified information or letters or documents to obtain citizenship of the Republic of Indonesia or regain citizenship of the Republic of Indonesia, shall be punished with imprisonment of not less than 1 (one) year and not more than 4 (four) years and a fine of at least Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 5,000,000,000.00 (five billion rupiah). year and criminal fines of at least IDR 250 million and a maximum of IDR 1 billion.
- (2) Any person who intentionally uses false information (including information under oath), makes false letters or documents, or forges letters or documents as referred to in paragraph (1) shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 4 (four) years and a fine of at least Rp250,000,000.00 (two hundred fifty million rupiah) and a maximum of Rp1,000,000,000, 00 (one billion rupiah). (one billion rupiah) and a maximum fine of Rp1,000,000,000.00 (one billion rupiah).

Article 38 paragraph;

- (1) If a criminal act as referred to in Article 37 is committed by a legal entity, the crime shall be imposed on the legal entity and/or administrators acting on behalf of the legal entity.
- (2) Legal entities as referred to in paragraph (1) shall be threatened with a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 5,000,000,000.00 (five billion rupiah) and have their business licenses revoked.
- (3) The owner as referred to in paragraph (1) shall be punished with a maximum imprisonment of 1 (one) year and a maximum of 5 (five) years and a fine of at least Rp1,000,000,000.00 (one billion rupiah) and a maximum of Rp5,000,000,000.00 (five billion rupiah).

A vengunning permit is a decision that is an exception to a statutory prohibition. Permissions: permission statements (no restrictions, etc.). Subject to this description, if a legal entity or administrator of a legal entity knowingly provides or uses false information (including information under oath), makes false letters or documents, or falsifies, in order to obtain or regain citizenship of the Republic of Indonesia, such falsified information or forges letters or

documents with the intention to use or order to use such letters or documents, Then a fine is imposed on the legal entity and imprisonment is imposed on the management of the legal entity.

In accordance with the meaning given to the word fake by the framer of the Criminal Code, then only letters or documents can be used as objects of forgery or forgery.[5] In accordance with the understanding given by the framer of the Criminal Code against the word false, the subject of forgery offenses in Chapter XII Part II of the Criminal Code is also only in the form of letters. The crime of forging or altering a letter intended to release a right, obligation or debt or to prove something, is the first criminal act of forgery of a letter as referred to in Chapter XII of the Second Book of the Criminal Code.[5]

The Criminal Code regulates perjury and false information.

Article 242 paragraph:

- (1) Whoever knowingly gives false testimony on oath, either orally or in writing, either personally or by his specially appointed representative, in a case which by law is prescribed to give testimony on oath or which has legal consequences, shall be punished with imprisonment for not more than seven years.
- (2) In criminal cases, testimony on perjury against the accused or suspect shall be punished with imprisonment for not more than nine years.
- (3) In lieu of an oath, a promise or statement required by general provisions may be used or in lieu of an oath.
- (4) The penalty of deprivation may be imposed in accordance with Article 35 paragraph 1 to paragraph 4.

The Criminal Code regulates the forgery of letters.

Article 263 paragraph states:

- (1) Whoever makes a forged letter or alters a letter which gives rise to any right, engagement or discharge of debt or which is evidence of something, with intent to use or instruct another person to use the letter as if its contents were true and not forged, and if the use thereof is likely to cause harm (1) If the document is forged or altered with the intention of using or instructing others to use the document as if it were genuine and not Forged, the guilty can be punished with a maximum prison sentence of six years for falsification of documents.
- (2) Whoever knowingly uses a forged or altered letter as if it were genuine, shall be punished for the same offence if the use of the letter is likely to cause harm.
- (3) The criminal act of forgery of letters as referred to in the criminal provisions stipulated in Article 263 paragraph (1) is as follows. The crime of forgery of letters as referred to in Article 263 paragraph (1) of the Criminal Code consists of the following elements
 - a. Subjective elements:
Subjective element: the intention to use the letter as a genuine and unforgerd letter or to have others use the letter.
 - b. Objective elements.
 - 1) Whoever's goods;

- 2) Forgery or forgery; or
- 3) Documents that may give rise to a waiver of rights, obligations or responsibilities;
or
- 4) Documents intended to prove a fact;
- 5) whose use may cause harm;[5]

The question arises whether the offense referred to in the criminal provisions stipulated in Article 263 paragraph (1) of the Criminal Code must be carried out intentionally, because the framer of the law clearly does not require an element of intentionality or opzet.[5]

Article 264 paragraph of the Criminal Code.

- (1) Forgery of letters shall be punishable by imprisonment for not more than eight years, if: 1. The letter is an authentic deed 2. bonds or debentures of the State or any part thereof or general body; or 3. bonds or bonds of associations, foundations, companies or companies; 4. Money orders, dividend receipts, interest receipts or other receipts issued in lieu of the financial instruments mentioned in numbers 2 and 3 5. Letters of credit or trade papers for distribution purposes.
- (2) Whoever knowingly uses the letter under paragraph 1 that is not genuine or which is forged as if it were genuine, and because the forgery is likely to cause harm, shall be punished with imprisonment for not more than five years.

Article 266 paragraph;

- (1) Whoever inserts false information into an authentic letter concerning a matter which must be stated therein, with intent to use or instruct another person to use the letter as if the statement were true, shall be punished with imprisonment for not more than seven years, if it is likely to cause harm to another person by the use of the letter;
- (2) Whoever knowingly uses the letter under subsection 1, whose contents are untrue or which is forged as if true and unforged, shall be punished with imprisonment for not more than seven years, if such use is likely to cause harm.

Article 267(1)

- (1) A doctor who knowingly gives a false certificate of illness, weakness or disability shall be punished with imprisonment for not more than four years.
- (2) If the certificate is made with the intention of admitting a person to a mental hospital or placing a person in a mental hospital, it shall be punished with imprisonment for not more than eight years and six months.
- (3) Whoever knowingly uses a false certificate as if its contents were true, shall be punished for the same offence.

Article 268 paragraph;

- (1) Whoever falsifies or alters a doctor's certificate of illness, infirmity or defect, with intent to deceive the general authority or the insurer, shall be punished with imprisonment for not more than four years.
- (2) Whoever with the same intention uses a false or forged certificate as if it were genuine and

unforged, shall be punished with the same offence.

Article 269 paragraph;

- (1) Whoever falsifies or alters a certificate describing his conduct, skills, poverty, infirmity or other circumstances, in order to be admitted to work or in order to obtain assistance or assistance, shall be punished with imprisonment for not more than one year and four months.
- (2) Whoever knowingly uses the false or falsified certificate under subsection 1, even though it is genuine and unforged, shall be punished with imprisonment for not more than two years and six months.

Article 270 paragraph;

- (1) Whoever forges or alters a road certificate or its replacement, identification card, road permit or letter issued pursuant to the provisions of the Law on Entry and Retention Permits in Indonesia, or uses a false name or false last name or false condition so as to give rise to the foregoing, shall be punished with imprisonment for not more than two years or a fine of not more than two hundred rupiah.
- (2) Whoever knowingly uses an incorrect or forged letter referred to in sub-article (1) as if it were genuine and unforged, or as if its contents were in accordance with the truth, shall be punished with imprisonment for not more than two years and six months.

Article 271. verse;

- (1) Whoever knowingly forges or alters a buffalo or cow letter of introduction, or orders to produce the letter under a false name or false condition, or uses or instructs any other person to use the letter as if its contents were true, shall be punished with imprisonment for not more than two years and eight months.
- (2) Whoever knowingly uses an untrue or forged letter in subsection 1, as if it were genuine and unforged, or as if its contents were in accordance with the truth, shall be punished with imprisonment for not more than two years and six months.

Article 274 paragraph;

- (1) Whoever falsifies or alters the certificate of a competent authority under law, with intent to facilitate the sale or encumbrance of property or other rights to any thing, or to deceive a judicial or police official about its origin, shall be punished with imprisonment for not more than two years.
- (2) Whoever with such intent uses the certificate as if it were genuine and unfalsified, shall be punished with imprisonment for not more than two years.

Article 275. Verse;

- (1) Whoever keeps material or goods which he knows is intended to commit any of the acts under article 264 paragraphs 2 to 5, shall be punished with imprisonment for not more than nine months or a fine of not more than R300.00.
- (2) Whoever keeps material or goods which he knows is used to commit any of the acts under article 264 paragraphs 2 to 5, shall be punished with imprisonment for not more than nine

- months or a fine of not more than R300.00.
(3) Such goods may be confiscated.

Article 276:

Penalties on the basis of any of the offences listed in Articles 263 to 268 may result in the deprivation of the rights listed in Article 35, paragraphs 1 to 4. Criminal acts refer only to active or passive acts, and whether the offender is reprehensible or guilty when committing a criminal act does not fall within the realm of criminal acts, but to criminal liability.[6] Evidence is: anything that can be used to prove something, according to the law. Evidence; A tool prescribed by formal law that can be used as evidence in judicial proceedings, meaning that anything outside of that provision cannot be used as valid evidence. Example: in the Criminal Code, this is formally regulated in article 184 of the Code of Criminal Procedure. Evidence (letter): anything that can be read and is intended to be used as evidence. Written evidence: written evidence made under oath of office or corroborated by oath. Written evidence: contains traces that can be read and contains certain ideas.

4 Conclusion

- i. The types of criminal acts related to the citizenship of the Republic of Indonesia, as stipulated in Law No. 12 of 2006 concerning Citizenship of the Republic of Indonesia, are as follows; officials who, due to negligence or willful negligence in carrying out their duties and obligations, have deprived them of the right to obtain or regain and/or lose their citizenship of the Republic of Indonesia, as stipulated in Law No. 12 of 2006 concerning Citizenship of the Republic of Indonesia, and Any person who intentionally gives false information (including information under oath), makes false letters or documents, or falsifying letters or documents with the intent to use or order to use the falsified information or letters or documents, to obtain or regain citizenship of the Republic of Indonesia, is a criminal offense related to civil rights in the Republic of Indonesia.
- ii. The criminal act of falsifying information and citizenship documents based on Law No. 12 of 2006 concerning Citizenship of the Republic of Indonesia. Citizenship of the Republic of Indonesia is punishable by imprisonment for a minimum of one year and a maximum of four years and a fine of at least IDR 250,000,000.00 (two hundred and fifty million rupiah) and a maximum of IDR 1,000,000,000.00 (one billion rupiah). A fine of at least IDR 250,000,000.00 (IDR 250,000,000.00) and a maximum of IDR 1,000,000,000.00 (IDR 1 billion). If the crime is committed by a legal entity, the crime is imposed on the legal entity and/or administrators acting on behalf of the legal entity. Legal entities are punished with a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 5,000,000,000.00 (five billion rupiah) and revocation of

business licenses. Company management is threatened with imprisonment for a minimum of one year and a maximum of five years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 5,000,000,000.00 (five billion rupiah).

- iii. Types of criminal acts related to citizenship in the Republic of Indonesia need to be prevented by the State through the role of the Government in providing adequate protection to citizens, because citizens are one of the important and fundamental elements in the State. Citizenship status creates a reciprocal relationship between citizens and their country. Every citizen has rights and obligations towards his country.
- iv. In accordance with Law No. 12 of 2006 concerning Citizenship of the Republic of Indonesia, criminal sanctions for falsification of citizenship information and documents need to be enforced. Citizenship of the Republic of Indonesia needs to be enforced by applying maximum prison sentences and maximum fines so that these crimes cause significant harm to citizens and cause a deterrent effect for perpetrators and other parties not to commit the same act.

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