

The crime of counterfeiting Package C diplomas and certificates of equivalency test results in the election for Keuchik Gampong Alue Ie Mirah East Aceh

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Abstract

Forgery of Package C diplomas and certificates of equivalency exam results is a serious crime that has a direct impact on the integrity of the village head election process in Gampong Alue Ie Mirah, East Aceh. This article explores the practice of forgery, focusing on the village head election in the area, where several candidates allegedly used forged diplomas and invalid certificates of equivalency exam results. This research was conducted through a qualitative approach with a case study method, involving document analysis, interviews with related parties, and direct observation in the field. The results of the study show that this forgery not only violates criminal law, but also damages public trust in the village head election process, which should be carried out honestly and fairly. In addition, this article also discusses how law enforcement officers, both at the local and provincial levels, respond to and handle these forgery cases. The findings show that despite law enforcement efforts, challenges remain in terms of effective prevention and prosecution. The conclusion of this article emphasizes the importance of strengthening supervision and law enforcement to prevent similar cases from recurring in the future, as well as efforts to increase legal awareness among the public.

Keywords: Diploma Forgery, Certificate of Equivalency Exam, Keuchik Election.

INTRODUCTION

A diploma is a certificate of completion of study which is a letter stating that a person has completed and successfully studied a level of knowledge or lesson issued by an authorized official. If a person does not graduate from a certain level of education, it means that the person is not entitled to receive a diploma. with a diploma can prove a person's level of education so that it is often used as a basis for measuring a person's ability to do a job.

In this modern era, more and more people want something with shortcuts and use all means without caring whether the actions they do are against the law or not. One of them is that not a few people want to get a diploma including the National Examination Result Certificate or commonly abbreviated as SKHUN with shortcuts through falsifying diplomas and SKHUN. Forgery of diplomas is a crime of forgery of documents. The more advanced technology and information in this modern era has made the crime of forgery of documents increasingly rampant with various modus operandi. Many irresponsible people take advantage of it to make money. Forgery of diplomas is a form of crime, this can be seen from the provisions in the Criminal Code (KUHP).¹

The provisions of Indonesian criminal law, there are several forms of forgery crimes, including forgery of money, forgery of brands and stamps, perjury and forgery of letters. In

¹Mutia Puspita Devi, Rofikah. "Criminal Law Analysis of Forgery of Diplomas and Certificates of National Examination Results in Indonesia (Study of Decision Number 373/Pid.B/2015/PN.MPw)". *Recidive Journal* Volume 4 No. 3 Sep.- Dec. 2015, page 236

its development, from the various types of forgery crimes, the crime of forgery of letters has experienced a very complex development, because if you look at the object that is forged, namely a letter, then of course it has a very broad meaning. A diploma is a part of a letter that can never be separated and is always related to the daily activities of society.

Various types of criminal acts of forgery of documents, one of which is the crime of forgery of diplomas. Diplomas can be included as part of the crime of forgery of documents, this is because the definition of a diploma according to Law No. 20 of 2003 Article 61 paragraph (2) concerning the National Education System is as one form of certificate, which is given to students as recognition of learning achievements and/or completion of a level of education after passing the exam held by an accredited educational unit. Therefore, it can be said that a diploma is a letter as proof of recognition and proof of an event to someone who has completed a level of education as regulated in the Criminal Code.²

Crimes related to forgery or referred to as forgery crimes are crimes that contain a system of untruth or falsehood towards something, which something appears from the outside as if it were true, when in fact it is contrary to the truth. The crime of forgery can also be classified as a crime of fraud if someone provides a description of a situation that seems genuine, and this makes other people deceived or believe that the situation described regarding the goods or letters is true or genuine. The fraud is intended to benefit oneself or others in an unlawful manner.³

The Second Book on Crimes in Chapter XII on Forgery of Letters, especially Article 263 of the Criminal Code and Article 264 of the Criminal Code. In addition to the provisions on the crime of forgery of letters in the Criminal Code, specifically for forgery of Diplomas, it is specifically regulated regarding the Crime of Forgery of Diplomas in Law Number 20 of 2003 concerning the National Education System. This Law regulates criminal liability for someone who provides a fake diploma and also users of fake diplomas. With the criminal sanctions in Law Number 20 of 2003 concerning the National Education System, it is hoped that it can minimize the occurrence of forgery of diplomas.

The element of loss in the crime of forgery of documents is formulated as "can cause loss." The result of this act does not need to be a real loss, but the possibility of a loss is considered sufficient. A broader formulation that includes the potential loss for the realization of the crime of forgery as regulated in Article 263 paragraph (2) of the Criminal Code is an effort by the legislator to realize responsive law. The crime of forgery does not only include violations of legal norms, but also conflicts with morality.⁴

Misuse of diplomas in community life is a violation of the values contained in the world of education. This is because, if you want to get a degree or position, you must go through a legal procedure or in accordance with government regulations, not by taking a quick way by falsifying a diploma to get a degree. Misuse of diplomas is not only done by

²Made Aprina Wulantika Dewi, Nyoman A. Martana. "Legal Review of the Criminal Act of Diploma Forgery". Kertha Wicara Journal. Vol. 05, No. 02, June 2015, page 2

³Zainal Abidin Farid, Criminal Law 1. Jakarta, Sinar Grafika, 2014. p.142

⁴Nunung Maisaroh. "Criminal Law Enforcement Against Perpetrators of Criminal Acts of Document Forgery to Employ Children." Poenale Journal Vol 5, No. 2. 2017, p. 4.

ordinary people, but among public officials it is a common act. One of the motives in buying an educational degree is to be respected or to get praise, because by having many degrees attached to his name, other people will consider him a person who has a high education and is intelligent.⁵

Forgery of diplomas is not only included in the type of crime or criminal act that can be subject to criminal penalties, but also constitutes a violation of academic ethics. Academic ethics should be applied specifically in various academic activities and in various elements of activities related to the world of education. Actions that violate academic ethics are wrong and actions that should not be done.

One of the cases of forgery of Package C diplomas and Certificates of Results of Equivalency Education Exams is case Number: 183/PID/2018/PT BNA carried out by Saifuddin Razali (40 years old) a resident of Sejahtera Hamlet, Alur Merah Village, Pante Beudari District, Aceh Regency Government, East Aceh in the election of Keuchik Gampong Alue Ie Mirah, Pante Bidari District, East Aceh Regency in 2018. The defendant was proven legally and convincingly guilty of committing a crime using a diploma that was proven to be fake as regulated in Article 69 paragraph (1) of Law Number 20 of 2003 concerning the National Education System and was sentenced to 4 (four) months in prison.

Based on the background above, the author chose the title of this research, namely "Criminal falsification of Package C diplomas and certificates of equivalency test results in the election for Keuchik Gampong Alue Ie Mirah, East Aceh."

The main problems in this research are:

1. How is the Criminal Act of Diploma Forgery Arranged in Positive Law in Indonesia??
2. How to Enforce Criminal Law on Forgery Package C Diploma and Certificate of Results of Equivalency Education Exam In the Election of Keuchik Gampong Alue Ie Mirah East Aceh?

The objectives of this research are:

1. To find out and study the legal provisions for criminal acts of diploma forgery in positive law in Indonesia.
2. To know and study the law enforcement of criminal acts of forgery Package C Diploma and Certificate of Results of the Equivalency Education Exam in the Election of the Keuchik of Alue Ie Mirah Village, East Aceh.

LITERATURE REVIEW

Criminal Act of Forgery of Documents

Counterfeiting comes from the word fake which means "not genuine, not valid, imitation, fake, while forgery is still from the same source which is interpreted as a process, method, act of forging". Fake indicates an item that is not original, while forgery is the

⁵Herliana. "Criminological Review of Crimes of Diploma Use Committed by Village Heads (Case Study in Bone Regency)." UIN Alauddin Makassar. 2018, page 43

process of making something that is fake. So that from the word forgery there is a perpetrator, there are goods that are forged and there is a purpose for forgery.⁶

The crime of forgery is a crime that contains a system of untruth or falsehood of something (object) that appears from the outside as if it were true, when in fact it is contrary to the truth. Forgery can also be interpreted as an intentional act copying someone else's work for a specific purpose without their permission illegal/violates someone else's copyright⁷

The crime of forgery in Article 263 of the Criminal Code is qualified as "forgery of letters", including letters that can be issued with rights or an obligation in debt relief, or letters intended to prove an event. Crimes related to forgery are crimes that contain elements of an untrue or false state of something, where something from the outside looks true, but the facts are contrary to the truth. Forgery can also be interpreted as an intentional act of imitating the work of others for a certain purpose without permission from the person concerned illegally.

Forgery can be classified as a crime of fraud, but not all crimes related to fraud are forgery. Forgery can be classified as a crime of fraud if someone provides a description of the condition of a letter as if it were genuine. The existence of this description makes other people deceived and believe that the condition is indeed genuine. The act of forgery of a letter is any act that is intended by deleting, changing or replacing the contents of the letter, so that there is a difference between the original letter and the fake letter. Forgery of a diploma is done by printing a diploma according to the design in the year the diploma was issued, then including the name of the school and the official who signed the diploma.⁸

The crime of forgery is a crime that contains a system of untruth or falsehood of something (object) that appears from the outside as if it were true, when in fact it is contrary to the truth. The act of forgery is a type of violation of two basic norms: a. Truth (trust) whose violation can be classified as a group of fraud crimes. b. Public order, whose violation is classified as a group of crimes against the state/public order.⁹

Forgery of letters as an act that has the purpose of imitating, creating an object that is no longer original or making an object lose its validity. Chazawi who stated that forgery of letters is a form of crime that contains elements of untruth or falsehood of something (object), which something appears from the outside as if it were true when in fact it is contrary to the truth.¹⁰

⁶Department of National Education, Big Indonesian Dictionary, Jakarta, Balai Pustaka PN, 2008., p. 817.

⁷Ismu Gunadi. Quick and Easy Understanding of Criminal Law, Jakarta, Prestasi Pustaka. Year 2011. p. 89.

⁸Heny Novyanti. "Criminal Acts of Diploma Forgery in the National Education System Involving Educational Units". Faculty of Social Sciences and Law, State University 2019, page 16

⁹Elisyah, Dani Sintara. "Legal Consequences of the Criminal Act of Forgery of Diplomas in Relation to the National Education System (Case Study of the Serdang Bedagai Police)". Wara Sains Journal of Law and Human Rights Vol. 2, No. 02, February 2023, p. 115

¹⁰Adami Chazawi, Crimes of Counterfeiting, Jakarta, Raja Grafindo Persada, 2011, p.3

The act of forgery includes the process of making, adapting, imitating or objects, goods, property or documents, with the intention of deceiving, which is an act that is prohibited and punishable by a legal regulation. A crime similar to fraud is the crime of deceiving others, including through the use of objects obtained through forgery. Forgery of letters can occur to part or all of the contents of the letter, also to the signature of the person who made the letter.

An act of forgery of documents can be punished if it is against a guarantee or trust in which case, as follows:¹¹

- a. 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 deceived.
- b. The element of intent or intention does not need to follow the element of benefiting oneself or others (in contrast to various types of fraudulent acts).
- c. However, 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.

Definition of fake diploma

A diploma is one form of certificate, other than a competency certificate, which is given to students as recognition of learning achievements and/or completion of a level of education organized by an accredited educational unit. 8 The definition of a fake diploma is a Graduation Certificate or Completion Certificate that is not original or a copy of the contents of which are not as they should be or are not correct, in such a way that it shows the origin of the graduation certificate which is not correct, or the process of issuing the certificate or diploma is not correct, or a certificate issued by an educational unit that is not accredited.¹²

Fake diploma (original but fake), namely a diploma obtained in an illegal manner or in a manner that does not meet the provisions in force at the time the diploma was issued. The form or model of the diploma is original, only the material or content can be categorized as fake. Whether a writing is fake or not, must be reviewed from the substance (essence) of the writing itself. The characteristics or contents of the diploma are valid or not. The criteria or measurements are:¹³

- a. The diploma form is fake
- b. The form is valid and issued by an authorized educational institution but signed by an unauthorized official.
- c. The form is valid and issued by a recognized educational institution and signed by an authorized official, but some or all of its contents are fake.

¹¹Topo Santoso, Criminology, Jakarta, Raja Grafindo Persada, 2017, p. 77

¹²Elisyah, Dani Sintara, Op.Cit, p. 116

¹³Angel Michelle Karinda. "Legal Study on Diploma Forgery According to Article 263 and 264 of the Criminal Code". Lex Crimen Journal Vol. V/No. 6/Ags/2016, p.141

Diploma forgery is basically a type of crime that is classified as a forgery crime. A letter (geshrift) is a sheet of paper on which there is writing consisting of sentences and letters including numbers that contain or contain certain thoughts or meanings that can be written by hand, with a typewriter, printer, computer, with a printing machine and with any tool and method.

The factors that cause the misuse of diploma forgery in several cases that have occurred are:¹⁴

1) Social strata factors

Social strata encourages someone to commit the crime of falsifying a diploma. This aims to gain recognition from the community regarding the status and title they have.

2) To fulfill the economic needs of his position

The use of fake diplomas by people with middle to upper economic levels is used to improve their economy and improve their lives, because falsifying diplomas will more quickly influence their promotion, which in this case will also have a significant impact on their economy.

3) Lack of understanding of religion

Weak faith in a person can affect bad things that can damage morals in oneself. In addition, lack of self-awareness and lack of self-awareness to learn and achieve in an education that is desired according to one's own abilities.

4) Lack of supervision of educational administration

Weak educational administration makes it easier for some irresponsible individuals to falsify diplomas.

Overview of Gampong

In Article 1 of the Qanun of the Province of Nanggroe Aceh Darussalam Number 5 of 2003 concerning Village Government, it is explained that:

- a. Mukim or another name, is a legal community unit in the Province of Nanggroe Aceh Darussalam which consists of a combination of several Gampong which have certain territorial boundaries and their own assets, are positioned directly under the Sub-district, which is led by the Imeum Mukim;
- b. Gampong or other name, is a legal community unit which has the lowest government organization directly under Mukim or other name which occupies a certain area, which is led by Keuchik or other name and has the right to organize its own household affairs;
- c. Tuha Peuet Gampong or another name, is a Village Representative Body consisting of religious leaders, traditional figures, community leaders and intellectuals in the Village.
- d. Reusam Gampong or other names are the rules, instructions, customs that are determined by the Keuchik after receiving the approval of Tuha Peuet Gampong
- e. The Village Government consists of the Keuchik and Teungku Imeum Meunasah along with the Village Apparatus

¹⁴Mursal Aziz. "Academic Ethics in Islamic Education." Jurnal Tarbiyah Vol.25, No.1. 2018, page 11

f. Village Government is the administration of government carried out by the Village Government and the Village Tuha Peuet.

Gampong is the lowest government organization under Mukim in the organizational structure of the Nanggroe Aceh Darussalam Province government. Gampong has the task of organizing government, implementing development, fostering society and improving the implementation of Islamic law. Gampong has the following functions:

- a. The implementation of government, both based on the principles of decentralization, deconcentration and the provision of assistance tasks and all other government affairs that are within the scope of
- b. Implementation of development, both physical development and environmental preservation as well as mental and spiritual development in the village;
- c. Community development in the fields of education, customs, socio-culture, public order and security in the village;
- d. Increasing the implementation of Islamic sharia;
- e. Increasing the acceleration of services to the community;
- f. Settlement of legal disputes in the event of disputes or customary and traditional matters in the village.

In Article 5 of the Qanun of the Province of Nanggroe Aceh Darussalam Number 5 of 2003 concerning Village Government, it is explained that Village Authority includes:

1. Existing Authority Based on Village Origin Rights and Customary and Traditional Provisions;
2. Authority Granted Based on Statutory Regulations;
3. Authority Based on Statutory Regulations Has Not Been/Not Yet Been Implemented by the Government, Provincial Government, Regency Government and City Government, Sub-district Government and Mukim Government;
4. Authority to Implement Assistance Tasks from the Government, Provincial Government, Regency Government and City Government, Sub-district Government and Mukim Government.

METHOD

Types of research

This research is compiled using a type of normative juridical research, namely research that focuses on studying the application of rules or norms that exist in positive law. Normative juridical is a type of research that uses the concept of positivist legis. This concept views law with written norms that are made and enacted by authorized institutions. This concept views law as a normative system with an independent, closed nature and is separate from real community life. (Ibrahim 2006). The main subject of study in normative legal research is the law that

conceptualized as norms or rules that apply and are based on the behavior of each person.

Problem Approach

The problem approach used in this study is the statutory regulatory approach. The statutory regulatory approach is used because what will be studied is the legal regulations related to this study. This approach is carried out by examining all laws and regulations related to police discretion through penal mediation. This approach requires understanding the hierarchy and principles of laws and regulations.

Source of Legal Material

Primary legal materials consist of laws and government regulations, court decisions that have permanent legal force, other related regulations such as the Criminal Code, Law Number 2 of 2002 concerning the Indonesian National Police. Secondary legal materials are materials that provide explanations regarding primary legal materials such as research, proceedings related to research. Tertiary legal materials are materials that provide instructions or explanations for primary legal materials and secondary materials such as dictionaries, encyclopedias (wikipedia) and tables related to the object of research.

RESULTS AND DISCUSSION

A diploma is the result of a person's process stating that the person concerned has been declared to have graduated and completed all administrative and academic requirements of an educational unit. A diploma is given to students as recognition of learning achievements and/or completion of a level of education after passing an exam held by an accredited educational unit.¹⁵

The crime of forgery of diplomas is basically included in the group of Forgery of Letters in general, the main form of forgery of letters. According to R. Soesilo as quoted by Kusumaningrum, forged letters can include:¹⁶,

1. Letter issuing rights

A diploma is a document that can give rise to rights for a person because a diploma is a sign that the education process has been completed as well as a form of appreciation for the student's achievements in the learning process, thus a person whose name is listed on the diploma has the right to continue the learning process or use the diploma to get a job.

2. A letter that can give rise to an agreement

A diploma is included as a document that can give rise to an agreement or obligation, because a person can be tricked into making an agreement (for example: work agreement, service/professional agreement and others) because they believe in the qualifications of the diploma holder's knowledge.

¹⁵Nabilah Elfira Najamuddin. Legal Review of the Criminal Act of Using Fake Diplomas (Case Study of Decision Number: 47/Pid.B/2018/Pn.Mrs). Faculty of Law, Hasanuddin University, Makassar 2019, page 17

¹⁶Emy Widya Kusumaningrum, Eko Sopyono, and Budhi Wisaksono. Criminal Law Policy in Efforts to Combat the Crime of Diploma Forgery. Diponegoro Law Journal Volume 5, Number 3, Year 2016, page 7

3. Letters that can be used as information in postal savings books, cash books, ship's diaries, transportation letters, bonds and so on.

By completing the higher education process, a person is declared to be able to hold a degree in accordance with the educational qualifications that he/she has taken, where if the diploma is not valid, then it is also not valid for a person to hold the degree as stated in the documents mentioned above.

Diploma forgery is a crime or violation that violates legal values, criminologically it is an act and behavior that is contrary to the Law and all legal rules. While the perpetrator of diploma forgery is an irresponsible person, who commits a violation in order to gain personal gain easily by taking action to try to forge documents such as fake diplomas.

Forgery of diplomas cannot be separated from socio-cultural factors in society because there is a societal orientation that values or views a person more in terms of the title they hold than their work. According to Harlina, the factors that cause misuse of diplomas or forgery of diplomas are as follows:¹⁷

a. Social Strata Factors

With the existence of social strata in the perpetrator's environment, the crime of using fake diplomas will encourage someone to commit the act of falsifying the diploma. As well as the high prestige that exists in a person who sometimes will feel more respected, appreciated by the title he holds.

b. To Fulfill Economic And Position Needs

Most of those who use fake diplomas are people with middle to upper class economies, meaning that with this act of forgery, their economy will improve and their life will be more prosperous in the future, with the intention that if they forge their diplomas, it will influence their promotion more quickly and will influence their economy.

c. Lack of Understanding of Religion

faith in oneself or low morals that exist so that one can be influenced by bad things that can damage one's own morals and the lack of self-awareness to learn and achieve an achievement in education to achieve the desired results/degrees with one's own abilities

d. Development of Science and Technology

With the current development of science and technology, diplomas issued by certain educational institutions can be created or imitated easily, so that almost There is no difference between an original diploma and a forged diploma, unless certain tests are carried out to verify its validity.

e. The existence of opportunities or chances

A person who forges a diploma sees weaknesses in the legal regulations themselves as well as the indifference or lack of control from the community and law enforcement officers regarding these forgery cases, so that it is considered an opportunity or chance for parties who are only looking for profit by taking advantage of such conditions to meet the needs of other parties in terms of using diplomas.

f. Weak Educational Administration

¹⁷Herliana, Op.Cit, page 45

In an educational administration there is a complete system or record of data and information, but in the current educational administration it is not efficient in its process. Therefore, falsification of diplomas is very easy to do by people who need fake diplomas.

Legal Regulations on the Criminal Act of Forgery of Diplomas in Positive Law in Indonesia

The use of fake diplomas is regulated in several laws and regulations, including:

a. Criminal Code

The use of a fake diploma is a criminal act as regulated in the Criminal Code (hereinafter referred to as the Criminal Code, as stated in Article 264 paragraph (2) and Article 263 paragraph (2) with the provision that:

1. Article 263

verse (1)

Anyone who makes a false letter or falsifies a letter which can give rise to a right, obligation or release from debt, 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 said use can cause a loss, due to the falsification of the letter, with a maximum prison sentence of six years.

the elements are as follows

Objective Elements

a) The act is to make fake letters or falsify letters.

b) The object is a letter:

- 1) Which can give rise to a right
- 2) Which can give rise to a bond
- 3) Which gives rise to a debt relief
- 4) Which is intended as proof of a right

c) May result in losses from the use of the letter.

Subjective Elements

With the intention of using or instructing others to pretend that the contents are true or not fake.

verse (2)

Anyone who intentionally uses a fake or falsified letter as if it were genuine and not falsified, if using it can cause a loss, will also be punished.

In the article above there are crimes whose elements are formulated as follows:

Objective Elements

a) The act of using;

b) The objects are fake letters and falsified letters;

c) Use of the letter may cause losses;

Subjective Elements

Deliberately

2. Article 264 paragraph (2)

Intentionally using authentic deeds whose contents are not true or which are falsified as if they were true and not falsified, if the falsification of the document can cause loss
In the article above there are crimes whose elements are formulated as follows:

Objective Elements

- a) The act of using;
- b) The object is an authentic deed whose contents are not true or which has been falsified as if it were true and not falsified;
- c) Use of the letter may cause losses;

Subjective Elements Intentionally

- b. Law Number 20 of 2003 concerning the National Education System Law Number 20 of 2003 concerning the National Education System also regulates the use of fake diplomas and degrees as regulated in several articles, namely:

1. Article 68 paragraph (2) states:

Any person who uses a diploma, competency certificate, academic, professional and/or vocational degree obtained from an educational unit that does not meet the requirements shall be subject to a maximum prison sentence of five years and/or a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).

The elements are as follows:

- a) Every person;
- b) Using diplomas, competency certificates, academic, professional and/or vocational degrees obtained from educational institutions that do not meet the requirements

2. Article 69 paragraph 1

Any person who uses a diploma, competency certificate, academic, professional and/or vocational degree that is proven to be fake shall be punished with imprisonment of up to five years and/or a maximum fine of IDR 500,000,000.00 (five hundred million rupiah).

The elements are as follows:

- a) Every person
- b) Using diplomas, competency certificates, academic, professional and/or vocational degrees that are proven to be fake.

- c. Law Number 12 of 2012 concerning Higher Education

1. Article 42 Paragraph (4)

Individuals, organizations or higher education providers who do not have the right to provide diplomas are prohibited from providing diplomas.

2. Article 93

Individuals, organizations, or higher education providers who violate Article 28 paragraph (6) or paragraph (7), Article 42 paragraph (4), Article 43 paragraph (3), Article 44 paragraph (4), Article 60 paragraph (2), and Article 90 paragraph (4) shall be punished with imprisonment for a maximum of 10 (ten) years and/or a maximum fine of IDR 1,000,000,000.00 (one billion rupiah).

Criminal Law Enforcement Criminal Act of forgery Package C Diploma and Certificate of Equivalency Test Results in the Election of the Keuchik of Gampong Alue Ie Mirah, Pante Bidari District, East Aceh Regency

The case involving the defendant Saifuddin Razali (40 years old), a resident of Sejahtera Hamlet, Alur Merah Village, Pante Beudari District, Aceh Regency Government, East Aceh, began during the election of the village head of Alur Merah Village, Pante Beudari District, Aceh Regency Government, East Aceh for the period 2016-2022, where in 2010 the defendant Saifuddin Razali came to Mr. Yassir as the head of the Al-Marifah Institute Study Group to obtain a package "B" certificate by submitting a photocopy of his ID card, Family Card, passport photo, and giving Rp. 2,500,000 (two million five hundred thousand rupiah), so that the package "B" certificate appeared and was obtained with the number: 0079738 in the name of Saifuddin Razali without attending school and exams.

Based on the collective list of UNPK scores for the period – I June (2010) from the Aceh Provincial Education Office, the owner of the "B" package certificate with the number: 0079738 used by the Defendant belongs to witness Rajudin. Meanwhile, witness Rajudin who took the Package B Education and exam by Mr. Yassir as the head of the Al-Marifah Institute Study Group was reported to have failed the exam. So that witness Rajudin's certificate was made a duplicate in the name of the defendant Saifuddin Razali.

The defendant Saifuddin Razali used the fake diploma (a duplicate of Mr. Rajudin's diploma) as a requirement to register as a participant in the election of the head of Alur Merah village, Pante Beudari District, Aceh Regency Government, East Aceh for the period 2016-2022 in January 2016 at the P2K2 Office witnessed by witnesses M. Husein (chairman of the committee) and Muhammad Nasir (deputy chairman of the committee). The defendant Saifuddin Razali successfully won the election of the head of Alur Merah village, Pante Beudari District, Aceh Regency Government, East Aceh for the period 2016-2022 and was inaugurated on April 20, 2016 based on the Decree of the Regent of Aceh, East Aceh with the number: 188.45/52/2016, dated April 4, 2016.

The public prosecutor charged the defendant with violating Article 69 paragraph (1) of Law Number 20 of 2003 concerning the National Education System, Subsidiary Article 69 paragraph (2) of Law Number 20 of 2003 concerning the National Education System and demanded that the defendant be sentenced to 8 (eight) months in prison, minus the period of detention he has already served.

In the Decision of the East Aceh District Court trial dated July 19, 2018 with Number: 5/Pid.B/2018/PN.Skl. The Panel of Judges sentenced the defendant to be proven legally and convincingly guilty of committing the crime of "using a diploma that was proven to be fake" as in the Primary Indictment and sentenced the Defendant to imprisonment for 4 (four) months.

Based on the Decision of the Panel of Judges of the East Aceh District Court dated July 19, 2018 with Number: 5/Pid.B/2018/PN.Skl. the defendant and the public prosecutor filed an appeal to the Banda Aceh High Court. The defendant's appeal deed was made on July 25, 2018 and the prosecutor's appeal deed was made on July 19, 2018 Number: 5/Pid.B/2018/PN.Skl. In the appeal memorandum the defendant stated that the Decision of

the East Aceh District Court dated July 19, 2018 Number: 5/Pid.B/2018/PN.Skl. clearly and obviously contradicts Article 183 of the Criminal Procedure Code, therefore the Panel of Judges of the Banda Aceh High Court requests the following decision:

1. Declare null and void or at least cancel the Decision of the East Aceh District Court Number: 5/Pid.B/2018/PN.Skl. dated July 19, 2018;
2. Acquit the Defendant/Appellant from all charges or at least release the Defendant from all legal demands;
3. Restore the good name of the Defendant/Appellant

Meanwhile, in the appeal memorandum, the prosecutor put forward the following reasons:

- a. That the Decision of the Panel of Judges at the East Aceh District Court does not reflect a sense of justice for the community and does not have a deterrent effect on perpetrators of criminal acts and/or other people or potential perpetrators of criminal acts.
- b. That the defendant's actions in using a fake diploma have caused the Alur Merah community to feel cheated by the Village Head they elected and are considered not to reflect an honest leader.
- c. That the defendant's actions have sacrificed witness Rajudin. Where witness Rajudin only found out in court that he passed the equivalency exam or package "B" in the Aceh Regency Government area, East Aceh with the exam participant number 06-05-04-034 with the participant name RAJUDIN, place and date of birth Panji, October 03, 1986. Which was previously declared to have failed the "B" package equivalency exam by Mr. YASSIR (DPO) as the head of the Al-Marifah Institute Study Group in 2010. Where the exam participant number above was used by the defendant in his diploma

In its considerations, the Panel of Judges of the High Court considered that there were no matters that could overturn the decision of the first instance Court, that the reasons in the Defendant's and Public Prosecutor's appeal memorandum only conveyed a repetition of what had been conveyed in the trial at the first instance Court, and there were no new matters that needed to be considered. All of this had been carefully considered by the Panel of Judges of the First Instance in its decision, that the defendant had been proven legally and convincingly guilty of committing the crime of "Using a diploma that was proven to be fake" as stated in the Primary indictment.

In its decision, the panel of judges stated the appeal request from the defendant and the Public Prosecutor and confirmed the decision of the East Aceh District Court dated July 19, 2018 Number 5/Pid.B/2018/PN Skl. which was requested for appeal and determined that the length of time the defendant was in detention was reduced in full from the sentence imposed.

Based on the decision of the Banda Aceh High Court, the Defendant filed an appeal to the Supreme Court on October 23, 2018, but in its decision the panel of judges rejected the defendant's appeal and the appeal from the public prosecutor. The Supreme Court judges were of the opinion that the Defendant's reasons for the appeal were not supported by evidence stating that the Defendant actually studied at the Al-Ma'rifah Institute Study Group.

CONCLUSION

Forgery of a diploma is a crime or criminal act that is classified as a crime of forgery of a document. A diploma is equated with a letter (*geschrift*) because a diploma creates recognition or rights to an academic degree, or is a recognition of a person's achievements listed on the diploma sheet. Regulations in order to overcome the crime of forgery of diplomas have been regulated in the Criminal Code, namely in Articles 263 to 276 of the Criminal Code, in addition to the Criminal Code, regulations on the crime of forgery of letters are also contained in Law Number 20 of 2003 concerning the National Education System. This law regulates in detail the various types of criminal acts in forgery of diplomas, in addition this law also provides additional penalties in the form of revocation of academic degrees.

The defendant's actions in case Number: 183/PID/2018/PT.BNA. carried out by Saifuddin Razali (40 years old) not only harmed the world of education but also harmed witness Rajudin who should have been entitled to receive the diploma but was declared to have failed the exam.

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