

Criminal Act of Document Forgery Under Article 263 Paragraphs (1) and (2) of the Indonesian Penal Code

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Abstract : Document forgery is a criminal offense that frequently occurs in society, despite being clearly regulated under Article 263 Paragraphs (1) and (2) of the Indonesian Penal Code (KUHP). This community service activity, conducted in Bantarpanjang Village, Tigaraksa District, Tangerang Regency, aims to raise public legal awareness regarding document forgery crimes. Through legal education sessions, the community was informed about the elements of documented forgery offenses, various forms of forgery, and the associated legal consequences, including imprisonment of up to six years. The program also emphasizes the importance of verifying the authenticity of documents used in legal and social transactions. The results showed high enthusiasm and participation from the community, along with an increase in their understanding of the importance of valid legal

documents. Comprehensive evaluations were carried out to measure the effectiveness, sustainability, and impact of the program in enhancing community legal awareness.

Keywords : Document forgery, Article 263 of the Criminal Code, legal awareness, legal education, community service

Introduction

The Republic of Indonesia is a state based on law as stated in Article 1 Paragraph (3) of the 1945 Constitution, which states that "The State of Indonesia is a state based on law." In a state based on law, all forms of citizen actions must be subject to applicable law. One form of legal violation that frequently occurs and disturbs the public is the crime of document falsification. This crime not only harms the victim materially and immaterially, but also threatens the validity of the administrative system and public trust in the legality of documents.

Document forgery is expressly regulated in Article 263 Paragraph (1) and Paragraph (2) of the Criminal Code (KUHP). This article explains two main forms of forgery: first, the act of creating or falsifying a document ; second, the act of using a forged document as if it were genuine with the intention of creating rights, obligations, or losses. Despite the clear criminal threat, in reality, cases of document forgery still frequently occur in various regions, including in rural communities with minimal legal understanding.

Based on this phenomenon, this Community Service activity was carried out in Bantarpanjang Village, Tigaraksa District, Tangerang Regency, with the main objective of increasing public understanding and legal awareness of the dangers and legal consequences of document forgery. Through legal counseling, open discussions, and the provision of easily accessible legal information, it is hoped that the community will be more careful,

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and actively prevent and report acts of document forgery in their environment. This activity is part of the implementation of the Tri Dharma of Higher Education, specifically in order to carry out the strategic role of higher education in empowering and protecting the law of the community.

Literature review

Document forgery is a form of crime regulated in Chapter XII of the Criminal Code (KUHP) concerning the Crime of Forgery. Article 263 of the KUHP specifically regulates the crime of document forgery. According to Soesilo (1995), document forgery includes the act of creating a false document or falsifying a document that can give rise to rights, obligations, or serve as evidence with the intention of using it as if the document were genuine.

Chazawi (2001) explains that the essential elements in the crime of document forgery are intent and the potential for causing harm to another party. Document forgery can involve changing content, adding or replacing some information, or forging signatures and identities.

Meanwhile, Ilyas (2012) emphasized that this crime is classified as a formal offense, where the primary focus is on the act of creating or using a false document, not the resulting consequences. Therefore, criminal sanctions can be imposed even if no actual loss has occurred, simply by the presence of the potential for loss.

According to Rizal (2021), many cases of document forgery occur due to low public legal awareness and weak document verification systems at the grassroots level. Therefore, an educational approach is needed to prevent this crime, through systematic legal education.

Referring to these various opinions, it can be concluded that document forgery is a serious crime that disrupts legal order and social trust. Preventing this crime requires a comprehensive approach, both through law enforcement and public education.

Research methods

This research uses a **normative juridical approach**, namely a legal research method that focuses on the study of applicable positive legal norms, especially the provisions in the Criminal Code (KUHP) Article 263 Paragraph (1) and Paragraph (2). This approach aims to understand and analyze the concepts, elements, and application of criminal law related to the crime of document forgery.

1. Research Approach

The normative juridical method was chosen because this research focuses its study on:

- Content analysis of criminal law articles,
- Literature study of legal documents, textbooks, law journals, and the opinions of criminal law experts,
- Juridical interpretation of the elements of the crime of document falsification in judicial practice.

2. Types and Sources of Data

The type of data used in this study is secondary data, which is obtained from:

- **Primary legal materials**, namely statutory regulations such as the Criminal Code, especially Article 263,
- **Secondary legal materials**, in the form of legal literature, textbooks, scientific journals, articles and relevant previous research results,
- **Tertiary legal materials**, such as legal dictionaries and legal encyclopedias to strengthen conceptual understanding.

3. Data Collection Techniques

Data collection is carried out through document studies (documentation), namely by:

- Reviewing regulatory documents,
- Reviewing the jurisprudence related to document forgery cases,
- Analyze legal literature relevant to the research object.

4. Data Analysis Techniques

The data obtained was analyzed using **qualitative analysis methods**, namely interpreting legal norms, examining criminal elements, and linking them to the practice of law

enforcement in society. This analysis was conducted systematically and logically, allowing for accurate legal conclusions regarding the crime of document falsification.

Research Results and Discussion

1. *Research Results*

Community Service Activities carried out by lecturers of the Faculty of Law, Dharma Indonesia University in Bantarpanjang Village, Tigaraksa District, Tangerang Regency, succeeded in revealing the low level of public understanding of the crime of document forgery as regulated in Article 263 of the Criminal Code. Most people do not yet know that actions such as forging a signature, changing the contents of a letter, or using a forged document are included in the category of criminal acts and can be subject to a maximum criminal sanction of six years in prison.

During the legal outreach activity, participants, including community leaders, village officials, community organizations, and the general public, demonstrated high enthusiasm. The discussion was lively, with many questions raised regarding the practice of document falsification that frequently occurs in the local community, such as the forgery of certificates, deeds of sale, and civil registration documents.

Furthermore, this activity successfully raised participants' legal awareness regarding the importance of document authenticity and the legal procedures to follow if they encounter a forgery case. Post-activity evaluations, conducted through interviews and questionnaires, showed that over 80% of participants understood that document forgery is a serious crime with legal and social implications.

2. Discussion

Article 263 of the Criminal Code contains provisions regarding two forms of document forgery: creating or falsifying a document (paragraph 1) and using the forged document as if it were genuine (paragraph 2). In practice, many people engage in this crime unknowingly due to a lack of legal education. Therefore, it is important to emphasize the elements of intent and potential harm when assessing an act as a criminal offense of document forgery.

Document forgery is a formal offense, meaning the mere act of creating or using a forged document is sufficient to warrant criminal prosecution, without requiring actual harm. This emphasizes the importance of prevention and public education, given the serious criminal penalties and widespread social impact.

These community service activities also strengthen the university's position as an agent of change in creating a legally aware society. Through a participatory and dialogical approach, the public becomes more open to understanding their legal rights and obligations, and they exercise greater caution in all administrative and legal processes.

Furthermore, discussions of field practices indicate that document forgery cases are not solely driven by economic motives or personal gain, but also by weak verification and oversight systems at the local level. Therefore, in addition to increasing legal awareness, synergy between village governments, law enforcement officials, and the community is also needed to prevent and address document forgery cases.

Conclusion and Suggestions

Conclusion

Document forgery is a criminal act that is strictly regulated in Article 263 Paragraphs (1) and (2) of the Criminal Code and can be subject to a maximum prison sentence of six years. Based on the results of Community Service activities carried out in Bantarpanjang Village, Tigaraksa District, it was found that many people still do not fully understand the forms of document forgery, the element of intent in the crime, and its legal consequences. The legal counseling carried out succeeded in increasing public awareness and legal knowledge regarding the importance of document authenticity in legal and social life. This activity also demonstrated the important role of legal education for the community in efforts to prevent the crime of document forgery.

Recommendations:

Sustainable and structured legal education is needed for the community, especially at the village level, through regular and collaborative legal outreach programs between universities, local governments, and law enforcement officials. Village governments are also expected to strengthen document administration and verification systems to prevent misuse and forgery. Furthermore, the community should be encouraged to more actively report any indications of document forgery in their communities to support fair and effective law enforcement.

Bibliography

- [1] A. Chazawi, *Kejahatan Mengenai Pemalsuan*, Jakarta: PT RajaGrafindo Persada, 2001.
- [2] A. Ilyas, *Asas-Asas Hukum Pidana (Memahami Tindak Pidana dan Pertanggungjawaban Pidana Sebagai Syarat Pemidanaan)*, Yogyakarta: Rangkang Education & PuKAP-Indonesia, 2012.
- [3] A. Ilyas, et al., *Asas-Asas Hukum Pidana II*, Yogyakarta: Rangkang Education & PuKAP-Indonesia, 2012.
- [4] A. Sofyan and N. Azisa, *Buku Ajar Hukum Pidana*, Makassar: Pustaka Pena Pers, 2016.
- [5] D. E. Purwoleksono, *Hukum Pidana*, Surabaya: Airlangga University Press, 2014.
- [6] D. E. Purwoleksono, *Hukum Acara Pidana*, Surabaya: Airlangga University Press, 2015.
- [7] F. Wahyuni, *Dasar-Dasar Hukum Pidana di Indonesia*, Tangerang Selatan: PT Nusantara Persada Utama, 2017.
- [8] I. K. Mertha, et al., *Buku Ajar Hukum Pidana*, Denpasar: Fakultas Hukum Universitas Udayana, 2016.
- [9] Irwansyah, *Penelitian Hukum: Pilihan Metode dan Praktik Penulisan Artikel*, Yogyakarta: Mirra Buana Media, 2020.
- [10] Ishaq, *Hukum Pidana*, Depok: PT RajaGrafindo Persada, 2019.
- [11] J. Sriwidodo, *Kajian Hukum Pidana Indonesia "Teori dan Praktek"*, Yogyakarta: Kepel Press, 2019.
- [12] L. Hakim, *Asas-Asas Hukum Pidana: Buku Ajar Bagi Mahasiswa*, Yogyakarta: Deepublish, 2019.
- [13] M. C. Rizal, *Buku Ajar Hukum Pidana*, Kediri: Lembaga Studi Hukum Pidana, 2021.
- [14] Muhaimin, *Metode Penelitian Hukum*, Mataram: Mataram University Press, 2020.
- [15] M. Iqbal, S. Ali Imron, *Hukum Pidana*, Banten: Unpam Press, 2019.
- [16] R. Soesilo, *Kitab Undang-Undang Hukum Pidana serta Komentar-Komentarnya Lengkap Pasal demi Pasal*, Bogor: Politeia, 1995.
- [17] Suyanto, *Hukum Acara Pidana*, Sidoarjo: Zifatama Jawara, 2018.
- [18] Suyanto, *Pengantar Hukum Pidana*, Yogyakarta: Deepublish, 2018.
- [19] T. Prasetyo, *Hukum Pidana*, Depok: PT RajaGrafindo Persada, 2019.
- [20] Z. A. Farid, *Hukum Pidana 1*, Jakarta: Sinar Grafika, 2018.
- [21] A. Rahim and M. I. F. Rahim, "Pemalsuan Surat dalam Arti Formil dan Materil Beserta Akibat Hukumnya," *Pleno Jure*, vol. 10, no. 2, pp. 100–110, Oct. 2021.
- [22] A. Rizkie, et al., "Tanggung Jawab Notaris atas Pemalsuan yang Dilakukan oleh Klien dalam Proses Pembuatan Akta," *Journal of Education and Social Sciences (JEHSS)*, vol. 2, no. 3, pp. 45–52, Apr. 2020.
- [23] G. V. Kaligis, et al., "Putusan Hakim Terhadap Tindak Pidana Pemalsuan Surat Menurut Pasal 263 KUHP," *Lex Privatum*, vol. 9, no. 4, pp. 77–86, Apr. 2021.
- [24] S. D. I. Syarifah, "Dasar Pertimbangan Hukum Hakim Menjatuhkan Putusan Lepas dari Segala Tuntutan Hukum Terdakwa dalam Perkara Penipuan," *Jurnal Verstek*, vol. 5, no. 2, pp. 133–140, 2015.
- [25] M. M. Saragi, "Bentuk-bentuk Surat Dakwaan," *HukumOnline.com*, 2012. [Online]. Available: <https://www.hukumonline.com/klinik/a/bentuk-bentuk-surat-dakwaan-lt4f4c5a4ea3527>
- [26] M. Riadi, "Pemalsuan Dokumen," *Kajianpustaka.com*, 2016. [Online]. Available: <https://kajianpustaka.com/pemalsuan-dokumen>
- [27] Sugali, "Pertimbangan yang Bersifat Non Yuridis," *Sugali & Rekan*, Mar. 14, 2022. [Online]. Available: <https://sugalilawyer.com/pertimbangan-yang-bersifat-non-yuridis>
- [28] Sugali, "Pertimbangan yang Bersifat Yuridis," *Sugali & Rekan*, Mar. 14, 2022. [Online]. Available: <https://sugalilawyer.com/pertimbangan-yang-bersifat-yuridis>
- [29] W. A. Wibawana, "Surat Dakwaan Adalah Apa? Fungsi, Syarat, Bentuk dan Contoh," *detikNews.com*, Oct. 17, 2022. [Online]. Available: <https://www.detik.com/edu/detikpedia/d-6360165/surat-dakwaan-adalah-apa-fungsi-syarat-bentuk-dan-contoh>

Procedure Law, Sidoarjo: Zifatama Jawara, 2018.

[18] Suyanto, *Introduction to Criminal Law*, Yogyakarta: Deepublish, 2018.

[19] T. Prasetyo, *Criminal Law*, Depok: PT RajaGrafindo Persada, 2019.

[20] ZA Farid, *Criminal Law 1*, Jakarta: Sinar Grafika, 2018.

[21] A. Rahim and MIF Rahim, "Forgery of Letters in Formal and Material Sense and its Legal Consequences," *Pleno Jure*, vol. 10, no. 2, pp. 100–110, Oct. 2021.

[22] A. Rizkie, et al., "Notary's Responsibility for Forgery Committed by Clients in the Deed Making Process," *Journal of Education and Social Sciences (JEHSS)*, vol. 2, no. 3, pp. 45–52, Apr. 2020.

[23] GV Kaligis, et al., "Judge's Decision on the Crime of Forgery of Documents According to Article 263 of the Criminal Code," *Lex Privatum*, vol. 9, no. 4, pp. 77–86, Apr. 2021.

[24] SDI Syarifah, "Legal Basis for Judges in Handing Down a Decision to Acquit the Defendant of All Legal Charges in a Fraud Case," *Verstek Journal*, vol. 5, no. 2, pp. 133–140, 2015.

[25] MM Saragi, "Forms of Indictments," *HukumOnline.com*, 2012. [Online]. Available: <https://www.hukumonline.com/klinik/a/bentuk-bentuk-surat-dakwaan-lt4f4c5a4ea3527>

[26] M. Riadi, "Document Forgery," *Kajianpustaka.com*, 2016. [Online]. Available: <https://kajianpustaka.com/pemalsuan-dokumen>

[27] Sugali, "Non-Juridical Considerations," *Sugali & Rekan*, Mar. 14, 2022. [Online]. Available: <https://sugalilawyer.com/pertimbangan-yang-bersifat-non-yuridis>

[28] Sugali, "Juridical Considerations," *Sugali & Rekan*, Mar. 14, 2022. [Online]. Available: <https://sugalilawyer.com/pertimbangan-yang-bersifat-yuridis>

What is an Indictment ? Function, Requirements, Form and Example," *detikNews.com*, Oct. 17, 2022. [Online]. Available: <https://www.detik.com/edu/detikpedia/d-6360165/surat-dakwaan-adalah-apa-fungsi-syarat-bentuk-dan-contoh>