LEGAL PROTECTION AGAINST FORGERY OF LAND OWNERSHIP HISTORY CERTIFICATES FROM A CRIMINOLOGICAL PERSPECTIVE

Doctoral Program, Riau Islamic University
email: miaputriyani_s3@student.uir.ac.id

Abstract

The Land Ownership History Certificate (SKRKT) is a fundamental document in Indonesia's land administration system, serving as preliminary proof of ownership prior to the issuance of a certificate. This study aims to analyze the legal protection against SKRKT forgery in Riau from a criminological perspective and the criminological factors that encourage SKRKT forgery based on the Pelalawan District Court Decision Number 285/Pid.B/2021/PN Plw. The researcher used a normative empirical legal research method with a descriptive qualitative approach, such as laws and regulations, court decisions, and legal literature related to the crime of forging land ownership history certificates. This approach was chosen to provide an overview of the legal protection against forgery of land ownership certificates from a criminological perspective. The results of the study show that existing legal protection is not yet fully effective, where law enforcement is still often hampered and it is difficult to prove the motive and land mafia, especially in cases of forgery in the Pelalawan District Court Decision Number 285/Pid.B/2021/PN Plw. The criminological factor driving this is the economic factor, supported by the weak land administration system at the village/sub-district level and the lack of social control over local authorities. The opportunity factor is dominant because SKRKT is a document that is easy to manipulate. Effective legal protection must be dualistic: (1) Repressive: Strengthening the enforcement of forgery offenses with an emphasis on eradicating organized crime (land mafia), and (2) Criminological Prevention: Total digitization and integration of SKRKT data into the BPN system to minimize opportunities for forgery, as well as increased supervision and integrity of officials authorized to issue initial land ownership documents

Keywords: *Legal Protection, Document Forgery, SKRKT, Criminological Perspective*

INTRODUCTION

The entire territory of Indonesia is the homeland of all Indonesian people. The state controls the land, water, airspace, and the resources contained therein. Land is part of the earth's surface, and the relationship between the Indonesian people and the earth (land) is eternal. This means that as long as humans exist and as long as the earth, water, and airspace are available, we will need and be connected to each other.

Awareness of the importance of land, both for individuals and for the state as the highest organization in society, prompted the founders of the nation to enshrine it in Article 33 paragraph (3) of the 1945 Constitution. This article stipulates that the earth, water, and natural resources contained therein are under the control of the state and must be utilized as much as possible for the welfare of the people. As an implementation of this provision, Law Number 5 of 1960 concerning Basic Agrarian Principles, better known as the UUPA, was enacted.[1]

Based on the state's right of control, there are various rights to the surface of the earth (land) that are granted to individuals to own either individually or jointly with others. It is during the process of acquiring these rights that many cases of falsification of Land Ownership History Certificates (SKRKT) occur.

The province of Riau is an area rich in natural resources such as oil, gas, and palm oil plantations. This natural wealth is also a source of land conflicts and crimes that cause the most damage. Forged SKRKT or land certificates are often used as a means of illegally seizing land. One of the areas in Riau Province where land certificate forgery syndicates operate is Siak Regency. The dismantling of this land certificate forgery syndicate took place on July 22, 2025, as reported by kompas.com. In addition, cases of SKRKT forgery have also occurred in Pelalawan.

The current increase in cases of document forgery makes it difficult to distinguish between genuine and forged documents. The crime of document forgery has had a significant negative impact on society, with many cases of forgery occurring in social life or in the community, causing immeasurable losses due to the widespread nature of forgery. Even court rulings have not had a sufficient deterrent effect on perpetrators of this crime.[2]

Prosecution of individuals involved in criminal acts of land title forgery is regulated in Articles 263 and 264 of the Criminal Code. These articles specifically regulate the prosecution process for individuals involved in land title forgery. As stated in Article 263 paragraph (1) of the Criminal Code, which states that “Any person who creates a false document or falsifies a document that can give rise to a

[1] Andika Saputra, ‘Pertanggungjawaban Pidana Terhadap Terdakwa Tindak Pidana Pemalsuan Surat Keterangan Kepemilikan Tanah Perspektif Hukum Positif’, 1 (2025), pp. 918–28.

[2] Maria Indal Nyoman Sukandial Made Minggu Widyantara1, ‘Penerapan Hukum Terhadap Tindak Pidana Pemalsuan Sertifikat Hak Atas Tanah Di Labuan Bajo Kabupaten Manggarai Barat’, *Jurnal Analogi Hukum*, 6.2 (2024), pp. 223–28.

right, obligation or debt relief, or which is intended as evidence of something with the intention of using or instructing another person to use the document as if its contents were true and not falsified, shall be punished, if such use can cause loss, for document falsification, with a maximum imprisonment of six years."

From a criminological perspective, this crime is not only seen as a violation of the law, but every individual involved in the act of falsifying documents or letters can be held criminally liable. Criminal liability itself is a legal mechanism used to assess whether a person can be subject to criminal sanctions for their actions or whether they are found not guilty and acquitted of punishment.

To reduce land disputes, the government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), has taken the first step in its strategy to resolve land rights conflicts by registering land rights to achieve legal certainty, as mandated by Article 19 of the Basic Agrarian Law (UUPA), which is implemented based on Government Regulation (PP) No. 24 of 1997 and updated through PP No. 18 of 2021. In essence, land rights registration is a form of government service aimed at achieving legal certainty.[3]

In the context of legal protection, all efforts made consciously by every person or government or private institution aimed at securing, controlling, and fulfilling the welfare of life in accordance with existing human rights as stipulated in Law Number 39 of 1999 concerning Human Rights. As stated in the Pelalawan District Court Decision Number 285/Pid.B/2021/PN Plw, the defendants were legally and convincingly found guilty of committing a criminal offense as stated in the first alternative indictment of the public prosecutor, violating Article 263 paragraph (2) in conjunction with Article 55 paragraph (1) of the Criminal Code, and were sentenced to 3 years imprisonment.[4]

The high incidence of forgery of Land Ownership History Certificates has prompted the author to conduct research on these certificates, as in the Pelalawan District Court Decision Number 285/Pid.B/2021/PN Plw. Based on the above description, the author examines Legal Protection for Forgery of Land Ownership History Certificates from a Criminological Perspective.

PROBLEM IDENTIFICATION

Based on the above background and to avoid confusion, the author limits the formulation of the problem as follows: How is the legal protection of SKRKT forgery in Riau based on a criminological perspective and the criminological factors that encourage SKRKT forgery based on Pelalawan District Court Decision Number 285/Pid.B/2021/PN Plw?

[3] Yuda Variza, 'STRATEGI BADAN PERTANAHAN NASIONAL KOTA PEKANBARU DALAM MENCEGAH DAN MENYELESAIKAN KASUS PERTANAHAN DI KOTA PEKANBARU TAHUN 2021-2022', *JOM FISIP Vol. 12: Edisi I Januari – Juni 2025*, 12 (2022), pp. 1–13.

[4] Putusan PN Pelalawan Nomor 285/Pid.B/2021/PN Plw.

RESEARCH METHODS

This study requires concrete data and facts from the field so that its accuracy can be accounted for. Therefore, the researcher uses an empirical normative legal research method with a descriptive qualitative approach, such as legislation, court decisions, and legal literature related to the crime of falsifying land ownership history certificates. This approach was chosen to provide an overview of the legal protection of forged land ownership history certificates from a criminological perspective. .

RESEARCH RESULT AND DISCUSSION

1. Legal Protection for SKRKT Forgery in Riau Based on a Criminological Perspective

Satjipto Raharjo defines legal protection as providing protection to human rights that have been violated by others, and this protection is provided to the community so that they can enjoy all the rights granted by law. Legal protection is providing protection to human rights that have been violated by others, and this protection is provided to the community so that they can enjoy all the rights granted by law. In other words, legal protection is various legal measures that must be taken by law enforcement officials to provide a sense of security, both mentally and physically, from disturbances and various threats from any party.[5]

When it comes to land issues, Indonesia has a uniform national Land Registration Agency, namely the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency. This is a consequence of the enactment of Government Regulation No. 10 of 1961, which was later refined by Government Regulation No. 24 of 1997, L.N. 1997 Number 59 dated July 8, 1997, and only became active on October 8, 1997 (Article 66), which is a mandate of Article 9 of the UUPA, namely Law No. 5 of 1960, which reads, “To ensure legal certainty, the government shall conduct land registration throughout the territory of the Republic of Indonesia in accordance with the provisions stipulated by government regulations.” Article 19 of the UUPA stipulates that land registration shall be carried out by the government, in this case the National Land Agency.

The issuance of a certificate is a process that requires the participation of several

[5] Satjipto Raharjo, *Ilmu Hukum*, kelima (Citra Aditya Bakti, 2000).

other related agencies in issuing the necessary documents as legal basis, such as a letter of reference from the Village Head/Sub-District Head, inheritance certificate, sale and purchase seal, and so on. The need for land continues to increase over time, and the problem that arises between land and people is that the population is increasing but the availability of land is limited. This has led to conflicts of interest between individuals.

One phenomenon that occurs in land issues is that several cases involving land title certificates have revealed that there have been certificates issued by the Land Office/Municipality where the supporting documents used as the basis for issuing the certificates are incorrect or false. In other words, the certificates are authentic but fake, meaning that the certificates were formally issued by the local District/Municipal Land Office, but the documents proving ownership or other documents used as the basis for the creation and issuance of these certificates were fake.[6]

A Land Ownership History Certificate is a document used as proof of land ownership history, so forging it is a criminal offense because it has the potential to cause rights and losses.

The primary legal protection for victims of SKRKT forgery is based on the provisions regarding document forgery in the Criminal Code. SKRKT, although often in the form of a private letter or a letter of reference made by village/sub-district/district officials, is a type of document that can give rise to rights and losses, so that its forgery can be prosecuted.

In the case that occurred in the Pelalawan District Court Decision, one of the cases concerning SKRPT forgery, namely in Decision Number 285/Pid.B/2021/PN Plw, the defendants were legally and convincingly found guilty of committing the crime as stated in the first alternative indictment by the public prosecutor, violating Article 263 paragraph (2) in conjunction with Article 55 paragraph (1) of the Criminal Code, and were sentenced to 3 years in prison.

Victims who suffer losses due to SKRKT forgery can pursue two main legal avenues, namely criminal and civil. Criminal cases are related to proving the elements in Article 263 of the Criminal Code, while civil cases can seek the

[6] Mudakir Iskandar Syah, 'Sertifikat Tanah Ganda Akibat Lemahnya Data Base Pertanahan', *Jurnal Ilmiah Hukum Dirgantara*, 4.2 (2014), pp. 44–56, doi:10.35968/jh.v4i2.97.

cancellation of actions based on the forged SKRKT and compensation for losses.

Adami Chazawi said that one of the various types of crimes occurring in society is forgery. Nowadays, there are many cases of forgery in various forms and developments, indicating the increasing sophistication of forgery crimes, which are becoming more complex.[7]

The crime of forgery is a crime that involves a system of falsehood or deception regarding something (an object), which appears to be true from the outside, when in fact it is contrary to the truth. In relation to this crime of forgery, the crime of forging documents, especially land documents, which often occurs in society, is a crime committed by a person by creating a false land document or forging a land document so that it appears to be genuine and not forged. This is done with the intention of gaining personal profit.

The existence of a criminal act committed by a person by falsifying an authentic deed so that the authentic deed, which originally contained truthful information, becomes false after the falsification, the authentic document becomes false or its contents contain false information, and the act of a person/certain official entering false/incorrect information into an authentic document with the intention of gaining personal benefit.

Crimes against land that often occur in society consist of three groups, namely during pre-acquisition, seizing land rights, and acknowledging rights without authority. Crimes against land prior to the acquisition of land rights (pre-acquisition) are acts committed before obtaining/acquiring land rights. In this first category, the criminal offenses commonly committed by perpetrators include forging land rights documents. Many parties deliberately seize land rights belonging to others on the grounds that they have physically occupied the land for a long time, as regulated in Article 263 of the Criminal Code, with a maximum penalty of 6 years imprisonment.[8]

In Indonesian law, forgery is a criminal offense regulated in the Criminal Code (KUHP). Indeed, forgery itself is regulated in Chapter XII of Book II of the KUHP, which states that forgery only includes written documents, including the forgery of letters regulated in Articles 263 to 276 of

[7] Putri Septia Lia, 'TINDAK PIDANA PEMALSUAN SURAT ALAS HAK ATAS TANAH YANG DIGUNAKAN DALAM PENERBITAN SERTIPIKAT HAK MILIK (STUDI PADA KANTOR PERTANAHAN KOTA PALEMBANG)' (Universitas Sriwijaya Palembang, 2020).

[8] R Ramadhani, 'Jaminan Kepastian Hukum Yang Terkandung Dalam Sertipikat Hak Atas Tanah', *De Lega Lata*, 2.1 (2017), p. 139.

the KUHP. The most common criminal offense is related to Article 263 of the KUHP, which reads:

(1) Any person who creates a false document or falsifies a document that may give rise to a right, obligation, or debt relief, or that is intended as evidence of a matter with the intent to use or cause another person to use the document as if its contents were true and not falsified, shall be punished, if such use may cause harm, for document falsification, with imprisonment for a maximum of six years.

(2) Anyone who deliberately uses a false or forged document as if it were genuine, if the use of the document could cause harm, shall be punished with the same penalty.

Article 264 of the Criminal Code reads:

(1) Forgery of documents is punishable by imprisonment for a maximum of eight years if committed against:

1. authentic deeds
2. debt letters or debt certificates from a country or part thereof or from a public institution
3. bonds or debt certificates or bond certificates or debt certificates from an association, foundation, corporation or company
4. talons, proof of dividends or interest from one of the documents described in 2 and 3, or proof issued as a substitute for those documents
5. credit letters or commercial letters intended for distribution

(2) Anyone who deliberately uses the document referred to in the first paragraph, the contents of which are untrue or falsified as if they were true and not falsified, shall be punished with the same penalty if the falsification of the document could cause harm.

Article 266 of the Criminal Code reads:

(1) Any person who instructs the inclusion of false information in an authentic document concerning a matter whose truth must be stated in that document, with the intention of using or instructing another person to use that document as if the information contained therein were true, shall be punished, if such use could cause harm, with imprisonment for a maximum of seven years.

(2) Anyone who deliberately uses the document as if its contents are true, if such use could cause harm, shall be punished with the same penalty.

The forgery of a document must be in the form of:[9]

1. Intended as evidence of a fact whether according to law or a letter from an administrative authority issued based on its authority or also with that letter, rights, obligations or debt relief may arise.
2. Made to be fake

[9] Andi Hamzah, *Delik-Delik Tertentu Dalam KUHP* (Sinar Grafika, 2009).

3. The maker intends to use it as genuine and not fake, or instructs others to use it
4. This could cause harm

Not all documents can be forged; it is limited to four types of documents, namely:[10]

1. A letter that gives rise to a right
2. A letter that gives rise to an obligation
3. A letter that gives rise to debt relief
4. A letter intended as evidence of a right.

Criminology as a social science that questions all kinds of social phenomena and the scope of the turmoil itself, so that criminologists provide definitions according to their respective disciplines. Criminology, as a branch of social science, always seeks to identify the causes of various crimes with the aim of understanding how to prevent and combat crime, and at the very least, reduce crime. Criminology also studies society's reactions to criminal acts and criminals.[11] In general, it can be said that the purpose of criminology is to study crime from various aspects so that a good understanding of the phenomenon of crime can be obtained. Criminology has developed along with the growth of critical thinking that has led to studies on the process of lawmaking.[12]

Thus, criminology not only studies crime, but also how the law works. This means that in handling criminal cases, the causes and effects of a crime or problem must first be understood, such as the falsification of SKRKT.

Effective legal protection must be dualistic: (1) Repressive: Strengthening the enforcement of forgery offenses with an emphasis on eradicating organized crime (land mafia), and (2) Criminological Prevention: Total digitization and integration of SKRKT data into the BPN system to minimize opportunities for forgery, as well as increased supervision and integrity of officials authorized to issue initial land ownership documents.

In Decision Number 285/Pid.B/2021/PN Plw, in this decision, the judge considered Article 263 paragraph (2) of the Criminal Code in conjunction with Article 55 paragraph (1) of the Criminal Code and the aggravating circumstances of defendant I because he had already been convicted.

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[10] Adami Chazawi, *Kejahatan Terhadap Harta Benda* (Mandar Maju, 2001).

[11] Frieska Jayanthy Datau, 'Tinjauan Kriminologi Terhadap Tindak Pidana Penyerobotan Tanah (Studi Kasus Di Wilayah Hukum Polda Gorontalo)', 1.3 (2023).

[12] S.L.T Situmeang, *Buku Ajar Kriminologi* (PT. Rajawali Buana Pusaka, 2021).

The court ruled that Defendant I and Defendant II were legally and convincingly proven guilty of jointly committing a criminal act using forged documents and sentenced the defendants to three years imprisonment each. The evidence was as follows:

1) 1 (one) Certified Copy of the Deed of Establishment of Limited Liability Company PT. PERSADA KARYA SEJATI Number: 114, from the Office of Notary TAJIB RAHARDJO, S.H. Date: January 30, 2004
2) 1 (one) Copy of the Legalized Decision of the Minister of Justice and Human Rights of the Republic of Indonesia Number: C-08675 HT.01.01.TH.2004, dated April 12, 2004, concerning the Ratification of the Deed of Establishment of the Limited Liability Company by the Minister of Justice and Human Rights of the Republic of Indonesia
3) 1 (one) certified photocopy of the Deed of Statement of Decision of the Shareholders of PT. PERSADA KARYA SEJATI Number: 20, from the Office of Notary LINDA HERAWATI, S.H. dated September 10, 2008
4) 1 (one) certified photocopy of the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number: AHU-88772.AH.01.02.TAHUN 2008, dated November 21, 2008, concerning the Approval of the Deed of Amendment to the Articles of Association of the Company
5) 1 (one) certified photocopy of the Deed of Statement of Meeting Resolution of PT. PERSADA KARYA SEJATI Number: 39, from the Office of Notary H. RIYANTO, S.H., M.KN. dated August 24, 2017
6) 1 (one) certified photocopy of a letter from the Directorate General of General Legal Administration to Notary H. RIYANTO, S.H., M.KN. Number: AHU-AH-01.03-0172584, dated September 12, 2017, regarding the receipt of notification of changes to the data of PT. PERSADA KARYA SEJATI
7) 1 (one) certified photocopy of a letter from the Pelalawan Regency Investment and Integrated Services Agency to the Director of PT. PERSADA KARYA SEJATI Number: 504/DPMPTSP/2017/35, dated December 8, 2017, regarding the Principle Approval for the Development of a Palm Oil Plantation on behalf of PT. PERSADA KARYA SEJATI in Sering Village, Pelalawan

Subdistrict, Pelalawan District, covering an area of ± 3,100 Ha.

8) 1 (one) Parcel Certified Copy of the Letter of Approval for the Fulfillment of the Location Permit Commitment of PT. PERSADA KARYA SEJATI from the Pelalawan Regency Investment and Integrated Services Agency Number: 137/DPMPTSP/IL/2019/018, dated March 25, 2019

In this study, the researcher narrowed the scope of the study from a criminological perspective, because SKRKT forgery often occurs due to easy access to false documents through digital technology or corruption networks. For example, in rural areas with weak supervision, perpetrators take advantage of gaps in land administration. Economic or social pressures drive individuals to forge documents in order to obtain quick profits, such as in land speculation or asset embezzlement.[13]

In the case of this Pelalawan ruling, the Land Ownership History Certificate (SKRKT) was issued by the Pelalawan Village Head as the official authorized to issue and publish SKRKTs. Once members of the Pelalawan Makmur Abadi Farmers Group had obtained their SKRKTs, they had the right to manage and clear their respective plots of land. meaning that the Pelalawan Village Head's issuance and publication of the SKRKT was valid and there was no forgery, and whatever the members of the Farmers Group did was valid and did not cause any damage. especially since Defendant I and Defendant II never ordered the forgery of letters or used forged letters because Defendant I and Defendant II, as representatives of the community, certainly provided guidance and advice in accordance with the rules so that the advice and guidance did not violate laws and regulations.

However, the main point of contention regarding the defendants and witnesses is why, when the defendants learned that the land was being controlled by another party, namely PT PKS, the Defendants initiated Witness Tengku Makhrudin, as the village head, to issue proof of land ownership, which should only be issued if the dispute between the community, in this case the Pelalawan Makmur Abadi Farmers Group, and PT PKS had been clearly resolved by a court decision stating who the owner was, rather than the village head unilaterally

[13] Jufri Natsir, Ruslan Renggong, and Baso Madiong, *PEMALSUAN SURAT TANAH RINCI DAN SANKSI*.

declaring the Pelalawan Makmur Abadi Farmers Group as the owner by directly issuing the SKRKT.

Therefore, in terms of legal protection related to this case, legal protection against SKRKT forgery must be integrated with criminological insights for long-term effectiveness. Therefore, the law alone is not enough. A deep understanding of the roots of crime is needed as a preventive measure.

2. Criminological Factors Contributing to the Forgery of SKRKT Based on Pelalawan District Court Decision Number 285/Pid.B/2021/PN Plw

Crimes involving forgery, or forgery crimes for short, are crimes that contain elements of falsehood or falsification of an object, which appears to be true from the outside but is in fact contrary to the truth. Forgery crimes are classified into four categories, namely:

1. The crime of perjury (Chapter IX).
2. The crime of counterfeiting money (Chapter X).
3. The crime of counterfeiting stamps and trademarks (Chapter XI).
4. The crime of forgery (Chapter XII).

This classification is based on the object of the forgery, which can be further broken down into six (6) objects of crime, namely:[14]

1) statement above the oath

2) currency

3) paper money

4) stamp duty

5) trademark

6) letter.

Several articles in the Criminal Code often mention errors, whether intentional or negligent, but unfortunately, the definition of intentional and negligent errors is not explained in the law. There is no further explanation regarding intentional or negligent fault, but based on the doctrine and opinions of legal experts regarding the articles in the Criminal Code, it can be concluded that these articles contain elements of intentional or negligent fault that must be proven by the court. so that in order to prosecute a perpetrator who has committed a criminal act, in addition to having been proven to have committed a

[14] Anis Rifai, 'Rekonstruksi Pengaturan Pertanggungjawaban Pidana Pihak Yang Menggunakan Dokumen Palsu', 7.1 (2022), pp. 35–47, doi:10.18196/ijclc.v3i1.12806.

criminal act, the elements of intentional fault or negligence must also be proven.[15]

Indonesia adopts a negative publication system in land registration activities, whereby the state does not guarantee the accuracy of the data presented in certificates. At first glance, this does not guarantee legal certainty in land registration activities, so many parties want the government to change the land registration policy towards a positive system.[16]

Land registration is conducted to regulate the relationship between the subject and object of land parcels.[17] Land registration intended for interested parties to provide legal certainty.[18] Efforts to provide legal certainty are carried out by conducting cadastral land registration and converting land rights originating from the old agrarian law into land rights in accordance with the provisions of the new national agrarian law (UUPA). Land registration is regulated in Article 19 of the UUPA to avoid overlapping land rights, thereby preventing the falsification of land deeds.

Economic factors are one of the main drivers for perpetrators to commit forgery. In cases of SKRKT forgery, perpetrators usually commit forgery to obtain quick financial gains without having to go through legal procedures, such as obtaining money from the cost of making fake documents. The desire to overcome economic difficulties is a strong motive for perpetrators to commit this type of forgery.

In addition to economic factors, malicious intent is a very important cause. Perpetrators are motivated by the desire to obtain large profits easily, so they recklessly create false documents for specific purposes. This is also related to weak faith and morals, where greed and dishonesty play a role in encouraging such criminal acts.

Individual factors such as greed, weak self-control, and low morals are psychological aspects that encourage perpetrators to falsify SKRKT. In addition, certain social conditions and weak supervision and law enforcement can also be causes that make perpetrators feel that they can escape legal sanctions.

[15] Hanafi dan Mahrus Ali Amrani, *Sistem Pertanggung Jawaban Pidana* (Rajawali Pers, 2015).
[16] Desi Apriani and Arifin Bur, 'Kepastian Hukum Dan Perlindungan Hukum Dalam Sistem Publikasi Pendaftaran Tanah Di Indonesia', 5 (2021).
[17] Prama Widyanugraha, 'Tinajaun Normatif Pendaftaran Tanah Sistematis Lengkap Dikaitkan Denagn Pembentukan Peraturan Perundang-Undangan', *Bina Mulia Hukum*, 3 Nomor 2 (2019), p. 209.
[18] A.P. Parlindunga, *Komentar Atas Undang-Undang Pokok Agraria* (Mandar Maju, 1993).

The SKRKT forgery found in the Pelalawan District Court's ruling also highlights the losses that can be caused by the use of forged documents.

The application of strain theory in analyzing the crime of document forgery is very important because it can explain the underlying motives and factors that drive perpetrators to commit document forgery. In the Pelalawan District Court Decision Number 285/Pid.B/2021/PN Plw, the perpetrator knew that the land was controlled by PT. PKS. The Land Ownership History Certificate (SKRKT) issued by the Head of Pelalawan Village, TENGKU MAKHRUDDIN, on behalf of the Farmers Group, was issued for land in the Plantation Cultivation Business License (IUP-B) area on behalf of PT. Persada Karya Sejati, which was issued by the Pelalawan Regency Investment and Integrated Services Agency Number: KPTS.503/DPMPTSP/IUP-B/2020/02, on May 11, 2020, covering an area of 2,722 hectares (two thousand seven hundred and twenty-two hectares).

The Pelalawan Makmur Abadi Farmers Group in Pelalawan Village does not own any land within the area covered by the Plantation Cultivation Business Permit (IUP-B) of PT. PKS, located at KM 13, Pelalawan Village, Pelalawan District, Pelalawan Regency.

The LURAH issued a Land Ownership History Certificate (SKRKT) for all 315 (three hundred and fifteen) parcels of land belonging to members of the Pelalawan Makmur Abadi Farmers Group, which was issued in two stages. In the first stage, the witness issued 16 (sixteen) SKRKT parcels on October 9, 2019, on behalf of the farmer group officials, and in the second stage, the witness reissued the SKRKT for members of the Pelalawan Makmur Abadi Farmer Group for a total of 299 (two hundred ninety-nine) parcels.

The crime of document forgery is the act of creating a false document and falsifying a document, namely a document that can be used as evidence and states a legal situation which, if used, can cause harm. In other words, it is the act of imitating something or creating something illegally so that it appears to be genuine.

The crime of document forgery is regulated in Article 263 paragraph (1) of the Criminal Code, namely the act of creating a false document, and in Article 263 paragraph (2) of the Criminal Code, namely the use of a false document.

Criminal forgery can be committed in two ways:

• Material forgery, which is altering an object, sign, brand, currency, or writing that was originally authentic, changing it in such a way that it takes on a different nature. In other words, the letter or writing is completely fake from the outset.

- Intellectual forgery, which is forgery committed by altering the information or statements contained in a document or writing so that they do not correspond to the actual facts. In other words, in intellectual forgery, the form of the document or writing is original from the outset, but its content or the information or statements contained therein do not correspond to the actual facts.

So, in criminological analysis, the factor that influenced the perpetrator to commit document forgery was economic need. The perpetrator first met Witness Tengku MAKHRUDDIN in February 2019 during a mediation meeting between the Pelalawan Village community and PT. RAPP regarding crops at the Environment and Forestry Agency on Jalan Jenderal Sudirman in Pekanbaru City.

Around 2019, the Defendant was informed by Mr. SYAHRUDDIN that the land at KM 13, Pelalawan District, Pelalawan Regency, was designated as APL (Other Designated Area), so the Defendant believed that the land could be managed by the Pelalawan Village community. The SKRKT had been completed, but the Defendant did not pay much attention to the contents of all the SKRKTs

In this case, the influencing factors are not only economic needs, but also opportunities and weak control, supervision, and law enforcement systems. If control over documents, verification, and law enforcement is weak, the risk of getting caught is low, which encourages perpetrators to commit fraud.

In addition, social norms can also be a factor, because in society, the perpetrator is said to have violated norms. It is likely that loopholes in the administration carried out by the village head provided an opportunity to forge the land deed. Thus, from a criminological perspective, this forgery had an impact on the victim and caused him to suffer losses.

One important aspect of forgery is its impact on the rights of victims.[19] Victims of document forgery often suffer material and immaterial losses that are difficult to recover, especially if the forged documents are used to access assets or identities. Forgery related to land certificates has an impact on victims.[20] In the court decision,

[19] Praseyo L, 'Dampak Pemalsuan Dokumen Dalam Kitab Undang-Undang Hukum Pidana', *Hak Dan Keadilan*, 7.2 (2021), p. 112.

[20] Ni Made and others, 'Juridical Review of Criminal Law Arrangements in Document Forgery Cases', 1, 2025.

PT.PKS suffered losses amounting to Rp. 1,000,000,000.00 (one billion rupiah).

CONCLUSION

Legal protection for victims of SKRKT forgery is based on provisions regarding document forgery in the Criminal Code. SKRKT, although often in the form of a private letter or a letter of reference made by village/sub-district/district officials, is a type of document that can give rise to rights and losses, so that its forgery can be charged under Article 263 of the Criminal Code concerning document forgery.

Effective legal protection must be dualistic: (1) Repressive: Strengthening the enforcement of forgery offenses with an emphasis on eradicating organized crime (land mafia), and (2) Criminological Prevention: Total digitization and integration of SKRKT data into the BPN system to minimize opportunities for forgery, as well as increased supervision and integrity of officials authorized to issue initial land ownership documents.

In the case of Pelalawan District Court Decision Number 285/Pid.B/2021/PN Plw, the influencing factor was not only economic necessity, whereby the perpetrator wanted to obtain large and quick financial gains from the sale or control of land. The high economic value of land (especially in strategic locations or plantations) is the main incentive. However, opportunities and weak control, supervision, and law enforcement systems also play a role. If control over documents, verification, and law enforcement is weak, the risk of getting caught is low, which encourages perpetrators to commit fraud.

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