

## LAW ENFORCEMENT AGAINST PERPETRATORS OF THE CRIMINAL ACT OF FORGERY OF SHIP CREW CHANGE LETTER AT THE BELAWAN HOST OFFICE (Study of Decision Number 1705/Pid.B/2023/PN Mdn)

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### ABSTRACT

The crime of forgery is a crime which contains a system of untruth or falsehood of something (object), which something appears from the outside as if it were true, even though in fact it is contrary to the truth. Criminal liability in the crime of forgery of ship crew change letters in Indonesia which has been proven legally and convincingly guilty of committing a crime, the person who does, who orders to do and who participates in the act, makes a fake letter or falsifies a letter in violation of Article 263 paragraph (1) in conjunction with Article 55 paragraph (1) Ke-1 of the Criminal Code. So that the defendants are sentenced to imprisonment for: 1 (one) year each, minus the period of arrest and detention that has been served by the defendants and with the order that the defendants remain detained. The results of the study show that efforts to overcome forgery of ship crew change letters are through penal efforts, namely by imposing penalties on the defendants who forged ship crew change letters, while non-penal efforts are carried out by placing more emphasis on preventive measures before the crime occurs

### 1. Introduction

An act is not considered a crime unless it is expressly stipulated in the Criminal Code (KUHP) or other criminal provisions. This principle remains the foundation for ensuring legal certainty.

Forgery is a form of crime, defined as an act that violates the law. The causes and consequences of this crime are a major concern for various parties, with scientific research conducted to determine the extent and classification of this crime.

A common phenomenon in today's society is the desire to quickly resolve issues without considering the consequences of such actions, even though they are clearly prohibited. Humans are often faced with the need for self-gratification and even the desire to maintain their status, often acting without careful consideration, which can be detrimental to both the environment and themselves.



One form of crime that frequently occurs in society is forgery. Forgery is not limited to certain groups; it can occur whenever the opportunity arises and the object is available. Forgery is a type of crime against property. The most common forgery crime in society is document forgery.

The crime of forgery, or abbreviated to the crime of forgery, is a crime which contains an element of untruth or falsehood regarding something (an object), which appears from the outside as if it were true, even though in fact it is contrary to the truth.

Forgery of documents threatens the public interest in trust in documents that have legal consequences. Attacks on trust in the truth are criminal acts, defined by law as crimes. Providing or placing the prohibition of acts that involve attacks on trust in the law is a form of legal protection for trust in the truth of those objects

## 2. Research Method

This research is descriptive, a method aimed at describing existing phenomena, whether occurring now or in the past. This research will describe the crime of falsifying ship crew change documents.

The type of research used is empirical juridical. The juridical approach (law is seen as a norm or *das sollen*), because in discussing the research problem, legal materials are used (both written and unwritten law, or both primary and secondary legal materials).

This research, employing the normative juridical method, was undertaken considering that this approach is considered sufficiently applicable to this topic, as it will obtain comprehensive normative data and information, drawn from primary, secondary, and tertiary legal sources. The data or information obtained will be compared with laws and regulations related to the crime of falsifying crew change documents.

The data collection technique in this study used Library Research. Data were obtained from several sources in the form of scientific journals, laws and regulations, and other documentation such as magazines, the internet, and other theoretical sources related to the crime of falsifying ship crew change letters.

The collected data will be thoroughly analyzed using qualitative analysis or described in sentences. Qualitative analysis is an analysis based on the paradigm of the dynamic relationship between theory, concepts, and data, which is a constant feedback or modification of the theory and concepts based on the collected data





### 3. Results And Discussion

#### 4. RESULTS

A person cannot be held accountable and punished if they have not committed a crime. However, even if they have committed a crime, they are not always liable for punishment. A person who commits a crime will be punished if they are guilty. A person who is guilty at the time of committing a crime can be criticized by society because they are considered to have acted differently if they did not want to.

Whether or not there is fault is not determined by the defendant's mental state, but depends on the legal assessment of his mental state, whether there is or is not fault. Pompe abbreviates fault as blameworthy (*verwiltbaarheid*) and avoidable (*vermijdbaarheid*) actions committed.

In terms of its consequences, this is blameworthy, and in essence, it allows for the unlawful act to be avoided. Because the perpetrator's will is evident in the unlawful act, it is blameworthy. To a certain extent, the error causes or has blameworthy consequences. This blameworthiness is possible because the perpetrator could have tried to avoid acting contrary to the law. Violation of the norm depends on the perpetrator's will.

There is no point in holding the defendant responsible for his actions if the actions themselves are not unlawful, so it can be said that first there must be certainty that there has been a criminal act and then all the elements of the error must also be connected to the criminal act committed, so that there is an error that results in the defendant being punished.

By blaming the perpetrator for the despicable act, it is clear that whether the perpetrator is punished or not does not depend on whether there is a criminal act or not, but on whether the defendant is despicable or not because he committed the criminal act. Therefore, it is also said that the basis for the existence of a criminal act is the principle of legality, namely the principle that determines that an act is prohibited and is threatened with punishment for anyone who does it, while the basis for punishing the perpetrator is the principle of not being punished if there is no mistake.

The use of criminal law is one way to combat crime, utilizing legal sanctions in the form of punishment. Combating crime through criminal law is a process of addressing social problems within the realm of criminal law enforcement policy. Combating crime through penal policy means a crime prevention effort that emphasizes a "repressive" nature, namely (suppression/eradication/suppression) after the crime has occurred. Marc Ancel



stated that "modern criminal science" consists of three components: "criminology," "criminal law," and "penal policy." He further stated that "penal policy" is both a science and an art that ultimately has a practical purpose to enable positive legal regulations to be formulated better and to provide guidance not only to lawmakers but also to courts that implement laws and also to organizers or implementers of court decisions.

## 5. DISCUSSION

Crime prevention efforts using criminal law are essentially a form of law enforcement. This means that politically or in terms of criminal law policy, it is a part of law enforcement policy, while the process of formulating or creating criminal law (statutes) is an integral part of efforts to protect society (social welfare) which is referred to as social policy or politics (social policy). This can be interpreted as meaning that social policy is all rational efforts to achieve social welfare and also includes community protection.

The problem, as explained in Chapter I in the background, is the annual increase in cases of 49 victims who have filed complaints, with the perpetrators reported seemingly immune from the law. This demonstrates the weakness of the law enforcement system in achieving the principle of state responsibility in protecting victims. The will of law enforcement officials tends to be questioned, ultimately calling into question their seriousness in their efforts to protect victims of human trafficking and combat the crime.

As with the expression of doubt indirectly quoted from Mahmud Mulyadi, the question of whether criminal punishment can be used as an instrument for crime prevention is raised, given the assumption that criminal punishment does not reduce crime but instead increases it and makes it more prevalent. This doubt arises from the failure of correctional institutions to integrate prisoners into a better social life.

The above question need not arise if there is synchronization between the achievement of legal objectives and the function of the law itself. Referring to the opinions of the scholars mentioned above, then connecting them with the prevention theory proposed by Peter Hoefnagels, criminal policy efforts aim to change human behavior for the better. If the application of the law (criminal law application-practical criminology) is functioning and being implemented, questions and doubts regarding the function of the use of criminal law in the eradication of human trafficking crime need not arise.

As the scholar's expression understood by the author from Inkeri Antilla regarding the problem of crime faced with criminal functions has been going on for hundreds of years, Herbert L Packer also clearly stated that efforts to control anti-social behavior by imposing punishment on someone who is guilty of



violating criminal regulations, is a social problem that has an important legal dimension.

In relation to law enforcement regarding the crime of falsifying land certificates, through this effort, it is attempted to take firm and tough action against perpetrators of the crime of falsifying land certificates with the aim of reducing the frequency of cases of falsifying land certificates.

Imposing a punishment that is disproportionate to the crime committed will set a bad precedent for society. Conversely, it will serve as an excuse for those who have the intention or will to commit crimes to achieve their goals.

If the judge gives a relatively low sentence to the perpetrator of the crime of falsifying land certificates, this will not deter the person who was sentenced and will not make other people afraid to carry it out and will even imitate the actions of the first perpetrator.

Repressive efforts are the overall efforts, policies, and actions taken after a crime has occurred, with the aim of preventing such crimes from recurring. In relation to combating the crime of land title fraud, sound regulations and discipline are implemented within institutions, agencies, and departments. Therefore, sound discipline within the aforementioned agencies or departments will reduce the occurrence of fraud. Discipline, in this case, is synonymous with law enforcement, where every department or agency must follow the law. Consequences here refer to the application of sanctions for violations, not simply viewing them as friends or colleagues.

Law enforcement is not solely the responsibility of government officials but also of all citizens. If law enforcement is solely focused on officials or law enforcement agencies, without involving the public, it will not be effective, as the public also plays a role in the falsification of academic degrees.

The role of the community is crucial in monitoring, assessing, and analyzing phenomena occurring within society. Without community participation in monitoring deviant behavior, law enforcement and justice officials will be unable to do much.

Crime prevention (non-penal efforts) focuses on social, economic, and various public policy interventions aimed at preventing crime. Other forms of community involvement include situational prevention efforts and capacity building in the use of informal social control tools. Crime prevention efforts are focused on offender-centered crime prevention and victim-centered crime prevention.

The primary goal of non-penal efforts is to improve specific social conditions, directly impacting crime prevention. These non-penal preventive efforts hold a strategic, key role that should be continuously intensified and made effective.





Failure to address this strategic position will have dire consequences for crime prevention efforts. Therefore, a criminal policy must integrate and harmonize all non-penal preventive activities into a unified and orderly system of state activities.

One of the efforts to achieve legal certainty by firmly enforcing the law is through the Judicial Power, where judges are law enforcement officers whose decisions can become a benchmark for achieving legal certainty.

Article 18 of Law Number 48 of 2009 concerning Judicial Power confirms that judicial power is exercised by a Supreme Court and judicial bodies under it in the general court environment, religious court environment, military court environment, state administrative court environment, and by a Constitutional Court.

A judge is obligated to uphold the law and justice impartially. When dispensing justice, a judge must first examine the truth of the incident presented to him, then assess the incident and relate it to applicable law. Only then can the judge issue a verdict regarding the incident.

Today's increasingly complex society demands law enforcement and justice to satisfy the public's sense of justice. The role of a judge is crucial in their decisions, as they are the ones who exercise judicial power to ensure the implementation of the judicial function.

A judge is deemed to know the law and therefore may not refuse to examine and try an incident submitted to him. This is expressly regulated in Article 10 paragraph (1) of Law Number 48 of 2009, namely: "The court may not refuse to examine and try a case submitted on the grounds that the law is unclear or unclear, but is obliged to examine and try it."

Based on the Medan District Court's decision No. 1705/Pid.B/2023/PN Mdn, judges clearly have the freedom to consider the severity of prison sentences for the decisions they handle. This freedom is absolute and unimpeded by other parties. This is to ensure that court decisions are truly objective. The judge's freedom to determine the severity of prison sentences must also be guided by maximum and minimum limits. This freedom must be based on a sense of justice for both the defendant and the community, and must be based on a sense of responsibility to God Almighty.

Every court decision must be accompanied by considerations that form the legal basis and rationale for the decision. This is stated in Article 14 paragraph 2 of Law Number 48 of 2009 concerning Judicial Power, which states: "In deliberation sessions, each judge is required to submit written considerations or opinions regarding the case being examined, which shall constitute an integral part of the decision."



A defendant can be sentenced if the trial proves legally and convincingly that they have committed a crime. Therefore, during the trial, the judge must state the defendant's actions, which are consistent with the facts revealed during the trial and meet the requirements of a specific article of a statutory regulation.

Based on the reasons above, the Panel of Judges in the verdict gave a verdict that better reflects a sense of justice in the form of a balance between the actions committed and the punishment that must be received by the defendant and provides benefits for the defendant and society, as stated in the verdict for the Sake of Justice Based on the One Almighty God

## 6. Conclusion

Criminal liability in the crime of falsifying a ship's crew change letter in Indonesia which has been proven legally and convincingly guilty of committing a crime, the person who did, ordered it to be done and participated in the act, making a fake letter or falsifying a letter violates Article 263 paragraph (1) in conjunction with Article 55 paragraph (1) Ke-1 of the Criminal Code. Therefore, the defendants were each sentenced to imprisonment for: 1 (one) year, minus the period of arrest and detention that has been served by the defendants and with the order that the defendants remain detained.

Efforts to combat the falsification of ship crew change documents include penal measures, namely imposing penalties on those accused of falsifying ship crew change documents. Non-penal measures are carried out by placing greater emphasis on preventive measures before the crime occurs. The main objective is how these policies can address the factors causing the crime of falsifying academic degrees. Preventive crime prevention is intended to address efforts undertaken before the crime occurs.

The judge's legal considerations regarding the perpetrator of the crime of falsifying a ship's crew change letter based on the Medan District Court decision Number 1705/Pid.B/2023/PN Mdn that the defendant's actions fulfill the elements of Article 263 Paragraph (1) of the Criminal Code and the Judge in the trial did not find any evidence that the defendant was a person who was unable to take responsibility for his actions and also did not find any reasons, either justification or forgiveness as reasons to eliminate the criminal penalty for the defendant so that the defendant was declared guilty and deserved to be sentenced commensurate with his actions which had been declared proven and guilty



## References

- Hamdan. M., *The Criminal Act of Bribery and Money Politics*, Pustaka Bangsa Press, Medan, 2015.
- Hamzah, Andi, *Principles of Criminal Law*, PTRienka Cipta, Jakarta, 2014.
- Huda. Chairul, *From No Crime Without Fault to No Criminal Responsibility Without Fault*. Prenada Media Group, Jakarta, 2018
- Kanter, EY and SR. Sianturi, *Principles of Criminal Law in Indonesia and Their Implementation*, Storia Grafika, Jakarta, 2012
- Kartono. Kartini, *Social Pathology*, PT. Raja Grafindo, Jakarta, 2013
- Lamintang, PAF, *Crimes that Endanger Public Trust in Documents, Payment Instruments, Evidence and the Judiciary*, CV. Mandar Madju, Bandung, 2011.
- Moeljatno, *Principles of Criminal Law*, Rineka Cipta, Jakarta, 2016.
- Muhammad, Abdul Kadir, *Law and Legal Research*, Citra Aditya Bakti, Bandung, 2014.

