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Abstract
The extraordinary circumstances of the Covid 19 disaster in 2019 the Indonesian government won swiftly by issuing a number of regulations for handling Covid 19 in the country. This study aims to analyze criminal acts in the Forgery of Covid 19-free rancidity letters, but to prove it as a criminal act, objective elements and subjective elements must be fulfilled as a mistake as well as the criminal act has fulfilled the nature of being against the law as the charges so that it can be subject to punishment because it has been proven to be legally against the law and against the material law. The research method used is qualitative with documentation data collection techniques that refer to certain regulations in drawing conclusions. Hasal this research is a criminal act as an act threatened by the law because it is contrary to the law it is done by someone who is able to be responsible, there are two groups of elements to criminal acts such as objective elements and subjective elements, something from outside the perpetrator in the form of actions that are prohibited / required, consequences, and certain circumstances are temporary objective elements attached to the perpetrator in the form of errors and abilities responsible is a subjective element.

Keywords: proof, criminal elements, Covid 19-free forgery.

INTRODUCTION

In the 1945 Constitution, it is stated that the ideal of the Indonesian nation is to protect the entire Indonesian nation and health is an element of welfare that is mainly in the wheel of development and defense which is currently with the existence of Covid 19, the government as a representative of the community must be integrated as a whole to support each other so that the virus disaster can be passed.

Criminal acts are essentially acts that would not be committed by man if his perception was in good condition. A criminal act is an act against conscience or an order established by law, and the main condition for the existence of a crime is the existence of a rule against it because the act is condemned according to law. Language of violation of the law applies.

In 2019, the Indonesian government handled it swiftly by issuing a number of regulations for handling Covid 19 in the country in its implementation, the Covid 19 case became the government's concern to overcome it, sometimes criminal law was used in enforcing regulations so that state conditions became conducive. (Anwar David:2020,235).

The government calls the Covid 19 virus a disaster as the provisions of Law Number 24 of 2007 concerning Disaster Management were reaffirmed by the Ministry of Health of the Republic of Indonesia which stated that Covid 19 was included in the disaster category. (Ministry of Health:2020, 20). The conditions to protect the community make the government in dealing with a country that is in an extraordinary situation due to the existence of Covid 19 has become a lot of regulations issued as well as policies applied to the community so that the State remains conducive and the community is protected.

From the observations of researchers, criminal violations were found because there are still those who seek personal benefits even though the State is experiencing a disaster by making false certificates so that perpetrators are free to want while the Government has issued many policies related to state security against covid 19 disaster conditions.

Forgery of letters in the Criminal Code (KUHP) has been stated in Chapter XII book II of the Criminal Code can be seen from Articles 263 to 276 which are in the following form:
1. The forgery of a general letter can take the form of a forgery of a standard and principal letter.
2. Forgery of aggravated letters.
3. Order to put false information into an authentic deed.
5. Forgery of certain letters.
6. Forgery of official certificates on property rights.
7. Storing materials or objects for forgery of letters.

Forgery can only be carried out in letters that are interpreted as each creation. The criminal act of forgery of letters and characters in all forms is formed to legally protect the public's trust in letters. (Adami Chazawi:2014, 135). Criminal acts will be proven if the unlawful act meets the elements of a type of criminal act and here what will be studied is an element of the criminal act of forgery related to the forgery of Covid-19 free certificates which are rampant for personal gain only while the consequences endanger the community.

METHOD

In this study, researchers used research to identify and analyze constraint factors Legal actions of a criminal law that are related to administration and examine what is the cause of the crime. This type of research is normative legal research.

In this study, the type of research used is qualitative with a statutory approach and a case approach. These two approaches are used to determine the conformity between the rules and the realities that occur which will be analyzed using the theory of legal consequences and the theory of legal protection.

RESULTS AND DISCUSSION

Proof of criminal elements of forgery Article 263 paragraph (1) of the Criminal Code Jo Article 55 Paragraph (1) to 1 of the Criminal Code in a Covid 19 free certificate

The emergence of infectious diseases such as Covid 19 should not make humans take advantage of the situation for personal gain, let alone take advantage of their work such as making false information free of Covid 19 while no test has been held that corroborates the information will have a detrimental effect on the community which turns out then the person who was made a Covid 19-free information is positive for Covid 19 certainly dangerous to society.

Forgery is a criminal act and the condition of punishment is dotted with the main idea of the balance between the interests of society and the interests of individuals, between objective factors and subjective factors therefore the condition of punishment also dotted with two very fundamental pillars in criminal law, namely the principle of legality which is the principle of society and the principle of culpality which is a humanitarian principle closely related to the main thoughts regarding criminal acts and criminal liability (Aminanto: 2017, 100).

Elements of criminal acts can be considered both in the Criminal Code and outside the Criminal Code can be divided into:

1. Elements of behavior.
2. Unlawful elements.
3. Element of error.
4. Elements of constitutional consequences.
5. The accompanying element of circumstances.
6. Additional elements of conditions for criminal prosecution.
7. Additional elements of conditions for the aggravation of the criminal offense.
8. Additional elements of conditions for the conviction.
9. Elements of the legal object of the criminal act.
10. Elements of the quality of the subject of criminal act law.

The stage of its application gives rise to an understanding that can be concluded that an act committed intentionally is the sole purpose of the crime, not the fulfillment of its actual purpose. (Admi Chawi:2010, 12). Regarding the element of the unlawful nature of the act that must exist whether it is stated or not in the formulation of the related matter, it is appropriate that the punishment of the act lies in the law of the act.

Infectious diseases, both direct and indirect, that occur from one person to another are characterized by the presence of causes of live and moving diseases that are caused by the cause of the disease, the landlady factor, the factor of the course of transmission and infectious diseases are diseases caused by disease seeds that are reproduced through the transmission of disease seeds from infected people referred to as Covid 19. (Cecep Triwibowo:2014, 121).

The legal consequences of Covid 19 as an infectious disease cause responsibility from the government so that it does not become an outbreak that endangers all citizens so that in order to undermine legal protection of the community, there are many regulations and involve criminal law as an enforcement factor of the Health law as examined the contents of Criminal Decision Number 683 / Pid.B / 2022 / PN.Tng that criminal unification is a form of state efforts to protect its citizens from catastrophe Covid 19.

The contents of Criminal Judgment No. 683/Pid.B/2022/ PN.Tng can be seen that why MSF was ultimately proven to have participated in making false information which included criminal acts was described in the judgment which when described, with the support of several evidence tools such as letters at the trial and communication equipment in the form of a Samsung A51 branded mobile phone (HP) as well as cash in the amount of Rp.400.000,- (four hundred thousand rupiah) also one passbook. MSF in Bank Rakyat Indonesia (BRI) savings and print out catak results of antigen swabs are evidence used to find out the criminal act of forgery article 263 paragraph (1) of the Criminal Code Jo Article 55 Paragraph (1) to 1 of the Criminal Code in a Covid 19 free certificate.

The purpose of the existence of evidence and events is closely related to achieving criminal acts that will be given for legal protection of the existence of forgery of letters and antidote to injustice. According to G.A Van Hamel as an adherent of the relative theory of special inventions and Frank Von liszt mentions criminals aiming to frighten or correct or eliminate if they can no longer be corrected.

The law of causality teachings is used in material acts and acts qualified by consequences as well as impure criminal acts whereforil criminal acts the teachings of causality are not used (Y Kanter and SR Sianturi: 2002, 121). The series of factors concerned must be considered causa / causal where each factor that can be eliminated from the circuit that exists is unnecessary for the occurrence of the result in question, is not given the opposite value each factor that cannot be eliminated (Bambang Waluyo: 2014, 1).

The loss of an unlawful act is a loss as a direct result of an act that can be blamed on the maker or contains an unlawful nature and an act is categorized as unlawful if it fulfills one or several things such as contrary to the rights of others, contrary to his own legal obligations, contrary to the values of moral norms then also contrary to the imperatives that must be heeded in the society of society regarding other people or things. To achieve optimal public health, it is necessary to improve the handling of prevention and handling of protection which includes the protection of the entire Indonesian nation and health one of the elements of general welfare that currently must be realized through various efforts that are unwittingly actually related to defense and development and the realization of Article 28 paragraph (1) of the Constitution of the Republic of Indonesia emphasizes that everyone has the right to live prosperous born and mentally residing and getting a good and healthy living environment and entitled to health services.

In general, from the scope of the Health law, the content contained in it in its principle is to provide protection to individuals, the community and facilitate the
organizers of Health efforts so that health objectives are achieved and the content material that regulates health states five basic functions, namely the provision of rights, provision of protection, improvement of health, health financing and assessment of the quantity and quality of health (Cecep Triwibowo: 2014, 16).

The view of the subjective culpa teaching explains the culpa which is dotted with subjective requirements on the sipembuat and to measure the existence of culpa seen the existence of the form of the deed, the way of the deed and the tool for doing the deed, the despicable nature of the deed, the object of the deed and the consequences arising from the form of the deed. The objective view of culpa teachings is about the inner state of a person in the relationship of deeds and consequences of deeds as well as with all circumstances of deeds, objects of deeds and consequences of deeds. Between treatment and effect there must be a causal relationship the unintended illicit consequences must be the direct result of the act.

As to the element of the unlawful nature of the act that must exist whether it is listed or not in the formulation that it should be punishable lies in the denunciation of the unlawful act, in certain criminal acts the element of against the law is included, the situation is caused according to the thinking of the framers of the Law, if the element of against the law is not included then the person who is entitled will also be convicted (Jan Remmelink:2003, 187).

The false state of the content of the disseminated writing has an influence on aspects of life therefore it needs to be avoided by threatening the criminal acts that make it, conveying them that contain the bad influence of the falsehood.

The legal consequences of criminal acts of forging a Covid 19 free certificate.

The legal effect of an act gives rise to an effect that is prohibited and threatened with punishment by law even if the act is not done intentionally or intentionally, the person must be able to do otherwise so as not to cause prohibited consequences or not do the act at all.

Being a benchmark is the person's mind and ability to determine whether everyone who belongs to the same category will do another thing and if another person who belongs to the same category will do the same as him can be said to be negligence or negligence but if the other person will do otherwise with what he did it can be said that he has done less carefully, negligent or alpa (Cecep Triwibowo:2014, 288).

Negligence or negligence essentially contains three elements, namely the perpetrator does something other than what he should have made so that by doing so has committed an act against the law and the second element is that the perpetrator has been negligent, caught off guard or lacks thinking Long then the third element of the perpetrator's actions can be reproached and therefore the perpetrator must be held accountable for the consequences that occurred because of his actions.

Forgery in Article 263 consists of two non-criminal forms formulated in paragraphs (1) and (2), based on the elements of the act of forgery of letters paragraph (1) is mentioned by making a forged letter and forging a letter while the forgery of the letter in and paragraph (2) is referred to by using a forged letter or a forged letter, although the two forms of criminal act are interconnected but each stands independently different tempus and locus criminal acts and can be committed by the same maker (Admi Chazawi and Ardi Ferdian:2014, 136).

The legal consequences of a person that can be included in the criminal category when the act meets the elements of criminal offense, namely treatment, mental attitude, regarding the whole thing of effect that is basically deviant such as the mental attitude is intentional or culpa and regarding the result is about the loss of Health or even life. A conscious omission occurs if a person does not do something even though he is aware that the consequences of the act prohibited by the criminal law must arise. The legal consequences of forging a Covid-19 free certificate in the midst of the condition of the community who are being threatened with their safety due to the extraordinary disaster
conditions of Covid-19 certainly require legal protection. The public needs legal protection from the threat of Covid-19 while public safety cannot be enforced if the Antigen Swab result letter contains a negative result without first being carried out a checking procedure which is replaced by falsification of information, of course, it is a threat to the health safety of every individual Indonesian society that must be protected.

In essence, legal protection according to Satjipto Raharjo is in the interests of a person by allocating a power to him to act in the context of these interests, this power is called a right granted by law to a person. The protection of human rights harmed by others and such protection is given so that they enjoy the rights granted by law as Philipus M. Hadjon thought that legal protection is the protection of dignity and dignity, as well as the recognition of human rights possessed by legal subjects under the legal provisions of the authority. (Satjipto Rahardjo: 2014, 53).

Legal protection according to Phillipus Hadjon is of two forms:

a. Preventive legal protection where the people have the opportunity to express their opinions aimed at preventing disputes from occurring, this protection is given to legal subjects according to the rule of law both of a preventive nature and in this preventive legal protection, legal subjects are given the opportunity to raise their objections or opinions before a government decision gets a definitive form. The goal is to prevent disputes from occurring. Preventive legal protection means a lot for government actions based on freedom of action because with preventive legal protection the government is encouraged to be careful in making decisions based on discretion, in this country there are no special arrangements regarding preventive legal protection.

b. Repressive legal protection aimed at resolving coercive disputes), which are in writing or unwritten in order to enforce legal regulations. Repressive legal protection is aimed at resolving disputes.

The handling of legal protection by the General Court belongs to this category of legal protection. The principle of legal protection against government actions is the recognition and protection of human rights and this principle underlies government actions is the principle of the rule of law because the protection of human rights has the main place and can be linked to the objectives of the rule of law.

The material truth of the standard of truth of criminal law is a truth that is obtained through a process in this case the criminal procedure law. The search for material truth in general is the purpose of criminal procedural law in particular, namely in a criminal case trial, it is more accurately referred to as the purpose of the law of proof. (Agus Takariawan, 2021:2).

So the matter of proof is whether or not the defendant committed the act indicted based on the available evidence accompanied by the judge's conviction. (Andi Hamzah, 2016: 249). Evidence is evidence of where the offense was committed (the object of the offense) and the goods with which the offense was committed (the tools used to commit the offense), including goods that are the result of an offense.

Evidence is witness testimony, expert testimony, letters, instructions, testimony of the defendant as stipulated in Article 184 of the Criminal Procedure Code, while unlawful acts are acts that violate legal provisions (onrechtmatige daad) according to Hoge Raad, are to do or not to do an act that violates the rights of others, contrary to the legal obligations of the person carrying out the act and contrary to decency and the principles of association in society. (Eddy O.S. Hiariej: 2014, 204).

The subjective elements of the crime include: (Lamintang, 1996: 184.)
1. Intentional or unintentional (dolus/culpa).
2. The purpose or voornemen in an experiment or pogie as referred to in Article 53 (1) of the Criminal Code.
3. Kinds of intent (oogmerk) such as those contained in, for example, crimes of theft, fraud, extortion, and forgery.
4. Planning in advance (voorbedachte raad) as for example contained in the crime of murder according to Article 340 of the Criminal Code.

5. Feelings of fear (vrees) such as, among others, are contained in the formulation of criminal acts based on Article 308 of the Criminal Code (KUHP).

Meanwhile, what is included in the objective elements of a crime are among others the nature of breaking the law, the quality of the perpetrator, causality, namely the relationship between an action as a cause and a reality as a result. The rule of law applies three basic principles because in every country that adheres to, among others, the rule of law, such as equality before the law, then law enforcement in a way that does not conflict with the law, which principle is the foundation of law enforcement. From equality in law, as a state of law, all aspects of life in the field of society, nationality, and lastly is where the state must be based on law in accordance with the national legal system.

The national legal system is the law that applies in Indonesia with all its elements that support each other in order to anticipate and overcome problems that arise and as a means of anticipation in the life of society, nation and state based on Pancasila and the 1945 Constitution. Doctrinally, the purpose of law in general, it aims to provide justice, legal certainty and benefit. The government has an effort to provide a form of guarantee for the existence of certainty as heavy as legal protection against causality in crime according to the theory of causality from Von Buri in a systematic and rational manner that can be understood logically in terms of finding the cause of the emergence of a very rational, systematic, and logical result with caution. Caution, because from a criminal law perspective, it contains the weakness of the proposition that the causal relationship extends without end, considering that the cause is essentially the result of the causes that occurred before. The theory of conditio sine qua non in criminal law is important in revealing cause and effect in criminal acts used in material crimes and criminal acts qualified by consequences and impure omission crimes where for formal crimes the doctrine of causality is not used.

An action is an absolute condition for the existence of certain properties and a condition for causes to be considered equal. The elements of an act containing elements of a criminal act are called offenses or criminal acts, criminal acts include written and unwritten elements, while bestandeel only includes elements of written criminal acts. (Eddy O.S.Hiariej: 2014, 30).

The legal consequences of the criminal act of falsifying a COVID-19 free certificate can be subject to criminal sanctions if there is an error as a basis for sentencing that requires conditions. the person who commits the act has an error or is guilty, the punishment of a person is not enough that the person has committed his act to fulfill the formulation of the offense in the law and it is not justified that this does not meet the requirements for a criminal sentence, for that punishment still needs a condition where the person who commits the crime an act of guilt or guilt. (Sudagrat: 1990, 85).

According to Prodjoahmidjojo, a person makes a mistake if at the time he commits an offense, from a societal perspective, he should be reproached (Roeslan Saleh: 1983, 9). Someone getting a criminal depends on two things, namely (Marwan Effendy: 2014, 204):

a. there must be an act that is against the law or in other words there must be an element of being against the law, there must be an objective element.

b. against the perpetrator there is an element of error in the form of intentional or negligence so that the unlawful act can be accounted for to him as a subjective element.

The ability to be responsible when viewed from the inner state of the person who commits a criminal act (Sutrisna I Gusti Bagus: 1986, 78), the problem of being responsible and becomes an important basis for determining the existence of an error in which the state of the soul of the person who commits a criminal act must be such that it
can be said normal because normal healthy people who can regulate behavior in accordance with good standards by society.

The legal consequences of the criminal act of falsifying a Covid-19 free certificate shall pay attention to Article 263 paragraph (1) of the Criminal Code in conjunction with Article 55 paragraph (1) of the 1st Criminal Code, Law Number 8 of 1981 concerning the Law of Criminal Procedure and other relevant laws and regulations. has been legally and convincingly proven guilty of committing the crime of Participating in Making False Letters so that with all the evidence and elements that are met, the judges decide to be sentenced to four years in prison.

The prison sentence is a hallmark of the rule of law providing protection to its citizens in terms of the Indonesian legal state which has a central point of harmonious relations between the government and the people prioritizing the welfare of the people's lives and the state is required to prosper the lives of its people and the state provides the best and widest possible service to the people. especially at this time with the Pandemic situation that entered the end of the Covid 19 virus as an infectious disease.

CONCLUSION

1. Proving the criminal elements of counterfeiting Article 263 paragraph (1) of the Criminal Code in conjunction with Article 55 Paragraph (1) to 1 of the Criminal Code in a Covid 19 free certificate proves that:
   a. Whose element is described.
   b. The element of making a fake letter or falsifying a letter that can give rise to a right, engagement or debt relief, or which is intended as evidence of something with the intention of using or ordering other people to use the letter as if the contents are true and not faked.
   c. Elements of those who do, who ordered to do and who participated in doing the deed.
   d. Between treatment and effect there must be a causal relationship. The unwanted effect must be a direct result of the action.

2. The legal consequences of the criminal act of falsifying a Covid-19 free certificate, taking into account Article 263 paragraph (1) of the Criminal Code in conjunction with Article 55 paragraph (1) of the 1st Criminal Code, Law Number 8 of 1981 concerning Criminal Procedure Code and other laws and regulations the person concerned has been legally and convincingly proven guilty of committing a criminal act of Participating in Making False Letters so that with all the evidence and elements that are met, a sentence of imprisonment is decided by the panel of judges for four years. life or health as a direct result of an act that can be blamed on the maker or contains an unlawful nature and an act is categorized as against the law if it conflicts with:
   a. other people's rights.
   b. its own legal obligations.
   c. moral norms.
   d. must be respected in society.
   So that protection from law enforcement is important because the rule of law is a country that can realize the same protection as part of equality in law.

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