



CRIMINAL RESPONSIBILITY FOR PERPETRATORS OF THE CRIMINAL ACT OF FORGERY OF COVID-19 CERTIFICATES (Study of Bitung District Court Decision Number 141/Pid.B/2021/PN Bit)

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Abstract

The crime of forgery is a crime that contains elements of untruth or falsity against an object that appears from the outside as if it were true, when in fact it is contrary to the truth. This study aims to examine and analyze the legal regulations regarding the alleged forgery of Covid-19 swab certificates according to laws and regulations in Indonesia, the legal consequences committed by perpetrators of criminal acts related to forgery of Covid-19 swab certificates and legal responsibility for perpetrators of criminal acts of forgery of Covid-19 swab certificates based on the Bitung District Court Decision Number 141/Pid.B/2021/PN Bit. This research method uses a type of normative legal research that is descriptive analytical in nature. The data sources obtained use secondary data sourced from primary and secondary legal materials. The data collection technique used is literature study. Legal regulations related to alleged forgery of documents, especially doctor's certificates in Indonesia, have been regulated in the Criminal Code, especially Articles 267 and 268. The Decision of the Bitung District Court Number 141/PID.B/2021/PN Bit emphasized that the application of criminal sanctions for forgery of Covid-19 swab certificates is a criminal offense contained in the Criminal Code, namely Article 268. The application of strict and definite penalties is urgently needed to prevent criminal acts and provide a deterrent effect for other individuals who have the potential to commit similar acts.

Keywords: *Criminal Liability, Crime, Forgery of Documents, Covid 19*

1. INTRODUCTION

The Indonesian government has taken a policy with the aim of minimizing and detecting the spread of COVID-19 by requiring antigen and PCR (polymerase chain reaction) swab tests. This then became a requirement that must be met in order to carry out certain activities, such as traveling. This step was legally implemented by enacting the Covid-19 Handling Task Force Circular Letter concerning Provisions for Domestic Travel during the Covid-19 Pandemic, including Circular Letter Number 12 of 2021, Task Force Circular Letter No. 14 of 2021, Task Force Circular Letter No. 16 of 2021 which was later updated with Circular Letter No. 17 which was updated with Task Force Circular Letter Number 21 of 2021 concerning Provisions for Domestic Travel during the Corona Virus Disease 2019 (COVID-19) Pandemic. The purpose of issuing this Circular Letter is to limit community activities, implement health protocols to prevent the transmission of Covid-19.

The crime of forgery is a crime in which there is a system of untruth or falsehood against an object that from the outside appears to be true, when in fact it is contrary to the truth. In its development from various types of forgery crimes, the crime of forgery of letters has experienced a very complex development, because if we look at the object that is forged in the form of a letter, then of course this has a very broad dimension. In the crime of forgery of a doctor's certificate (valschheid in geshrifren) it has been regulated in the Criminal Code Articles 267 to 268. Article 7 of the Indonesian Medical Code of Ethics (KODEKI) of 2012 states that doctors are required to only provide certificates and opinions that have been checked for truth by themselves. In providing a doctor's/expert certificate or expert opinion and expert opinion in any form and purpose, doctors are required to base their contents on medical facts that they believe to be true in accordance with their professional responsibilities as doctors. Doctor's certificates and/or expert opinions/statements

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must be made with full honesty, propriety, accuracy and caution based on the oath of office, in accordance with the provisions of laws and regulations, and as far as possible free from conflicts of interest. The crime of forgery of documents has been widely found in society in the form of forgery of documents with the crime of forgery of doctor's certificates. One of the letters that is often forged is a certificate of Covid-19 test results. Rapid test is one of the examination/testing methods to get results quickly. This examination uses cartridge equipment to see the presence of antibodies in the body when a virus infection occurs. The examination to find out whether someone is exposed to the Covid virus or not is by means of a health test with an antigen swab.

An antigen swab is an application of the Covid-19 test by taking samples from the base of the nose and throat. Samples are taken with a swab test. The results of the examination in the form of a certificate from a doctor stating positive or negative for the virus are what then become a requirement for traveling long distances using public transportation such as trains, airplanes, and ships. This Covid-19 swab test result certificate is issued by doctors and other health workers, which means that there is a possibility that the person is a forger. The crime of forgery of documents itself is not something new, along with the development of the era and the emergence of new events such as the Covid-19 pandemic, forgery of documents has also emerged in the form of fake Covid-19 swab test result letters.

The case of forgery of documents related to Covid-19 became a legal case that occurred in 2021, such as the case at the Bitung District Court Number 141/Pid.B/2021/PN Bit where the defendant named Rudiyanto Mbatono, Amd. Kep was proven to have committed a crime by making a fake letter or falsifying a doctor's certificate in the form of a Covid-19 antigen swab result letter issued by the defendant to facilitate ship passengers, namely witness Sudartin Pauke and his children and wife without carrying out a Covid-19 antigen swab examination using the defendant's laptop and printer. The defendant Rudiyanto Mbatono, Amd. Kep, who at that time worked as an honorary nurse at the Wahyu Slamet Hospital in Bitung City, committed his actions by taking the signature of Doctor Rama Firmanto, Sp.U which had been scanned by the Wahyu Slamet Hospital for the purpose of making a letter at the hospital without the knowledge of the hospital. For his actions, the defendant asked for a reward of IDR 250,000 (two hundred and fifty thousand rupiah) per sheet of Covid-19 antigen swab results.

The Bitung District Court then decided that the defendant was proven to have violated Article 268 paragraph (1) and then sentenced the defendant to five months in prison. Researchers consider that the sentence imposed on the defendant is still too light and does not comply with Article 268 of the Criminal Code, where perpetrators of falsifying doctor's certificates can be subject to a maximum prison sentence of four years. The defendant's actions not only harmed the Wahyu Slamet Hospital in Bitung City, but also had the potential to endanger all ship passengers and could create a new COVID-19 cluster at that time. Therefore, researchers consider that it is appropriate for perpetrators of falsifying doctor's certificates in the form of COVID-19 antigen swab results to be given the maximum sentence so that it can have a deterrent effect on other perpetrators.

2. IMPLEMENTATION METHOD**Types of research**

The type of research used in this study is normative legal research. Normative legal research where law is conceptualized as what is written in laws and regulations (law in books) or law is conceptualized as a rule or norm that becomes a benchmark for human behavior that is considered appropriate. This normative legal research is sourced from primary and secondary legal materials, namely research that refers to the norms contained in laws and regulations.

The normative legal approach is an approach carried out based on the main legal materials by studying theories, concepts, legal principles, and laws and regulations related to this research. This approach is also called a literature approach, namely by studying books, laws and regulations, and other documents related to this research. In this case, the researcher uses this type of research



to discuss existing problems regarding criminal liability for perpetrators of the crime of falsifying Covid-19 certificates based on the Bitung District Court decision number 141/pid.b/2021/pn bit.

Research Specifications

The specification of this research uses a descriptive analytical type, namely research that provides detailed data on a condition or other symptoms. Research that in addition to providing a description, writing and reporting of an object or an event will also draw general conclusions from the problems discussed regarding criminal liability for perpetrators of the crime of falsifying Covid-19 certificates based on the decision of the Bitung District Court number 141 / pid.b / 2021 / pn bit.

Data source

The type of data used in this study uses secondary data. Namely data obtained from official documents, research results in the form of reports, theses and laws and regulations.

Data Collection Techniques and Tools

The data collection techniques and tools used by researchers in this study are library research, which is a research method used when prospective researchers seek answers to problem formulations by reading sources. Library research methods include collecting, analyzing, and synthesizing relevant information from various library sources, such as books, journals, research reports, and legal documents. Library study is a data collection technique carried out by studying laws and regulations, books, scientific journals, national seminars, and news published on other social media related to the object of this study regarding criminal liability for perpetrators of the crime of forgery of Covid-19 certificates based on the decision of the Bitung District Court number 141 / pid.b / 2021 / pn bit.

3. RESULTS AND DISCUSSION

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Position Case

First of all, the position of the case as stated in Decision Number 141/Pid.B/2021/PN Bit will be explained so that the problem can be understood clearly.

1. Defendant

In the criminal trial, the Defendant named Rudiyanto Mbatono, who works as a nurse, was tried in the District Court. The Defendant was detained in detention by various parties ranging from investigators to the First Extension District Court Judge from August 2021 to December 2021. The Defendant attended the trial alone in court. After reading various documents and listening to statements from witnesses and the Defendant, the court will issue a verdict based on the evidence presented at the trial. After hearing the criminal charges submitted by the Public Prosecutor stating that the Defendant Rudiyanto Mbatono was proven to have committed the crime of falsifying a doctor's letter, the court sentenced him to 8 months in prison with a temporary reduction in detention. Evidence in the form of a laptop, printer, and Covid-19 SWAB certificate were confiscated for the state. The Defendant was also required to pay court costs of IDR 3,000. After that, the court heard a request for leniency from the Defendant as well as responses from the Public Prosecutor and the Defendant before deciding this case.

2. Chronology of the Lawsuit in the Decision Number of the Bitung District Court Decision Number 141/Pid.B/2021/PN Bitung)

Rudiyanto Mbatono, Amd, Kep alias Rudi on Thursday, July 29, 2021 at around 21.00 WITA or at least at another time in July 2021, at the defendant's house in Bitung

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Barat Satu Village, Lingkungan I, Maesa District, Bitung City or at least in a place that is still included in the jurisdiction of the Bitung District Court which is authorized to examine and try his case, made a fake letter or falsified a letter that could give rise to a right, obligation or debt relief or which was intended as evidence of something with the intention of using or ordering someone else to use the letter as if the contents were true and not falsified and if its use could cause loss, the defendant committed the act in the following manner and description of the incident:

At the time and place as mentioned above, initially witness Samsul Rijal Maloho alias Rijal came to the defendant's house and asked the defendant to make a swab test result certificate because the person who ordered the swab test result certificate would be leaving by ship at night and the nearest hospital no longer serves the making of Covid-19 antigen swab test result certificates. Then the defendant told witness Samsul Rijal Maloho alias Rijal that he would make a Covid-19 antigen swab test result certificate at a price per person of Rp. 250,000 (two hundred and fifty thousand rupiah) then witness Samsul Rijal Maloho alias Rijal submitted the Resident Identity Card (KTP) of the person who would be made a Covid-19 antigen swab test result certificate then the defendant immediately made the Covid-19 antigen swab test result certificate with the defendant's laptop and printer, then after finishing the defendant submitted the Covid-19 antigen swab test result certificate to witness Samsul Rijal Maloho alias Rijal.

Witness Abidin Sulaiman, S.Sos as a member of the Police was supervising the loading of vehicles and prospective passengers on the KMP Portlink VIII bound for Ternate, found one of the ship's passengers, namely witness Sudartin Pauke, who did not have a ship ticket and a Covid-19 antigen swab test result letter as a requirement for passengers who would depart using the ship, then after being asked, witness Sudartin Pauke admitted that the ticket would be purchased and for the antigen test letter, witness Sudartin Pauke had asked for help from witness Harsono Taribo alias Son to take care of it and about 30 (thirty) minutes later, witness Harsono Taribo alias Son came to meet witness Sudartin Pauke and submitted the Covid-19 antigen swab test result letter and Validation letter from the Bitung Port Health Office to witness Sudartin Pauke, seeing this, witness Abidin Sulaiman, S.Sos immediately checked the swab letter and Validation letter from the Bitung Port Health Office then asked for help from witness Sudartin to take care of the Covid-19 antigen swab test result letter and Validation letter from the Bitung Port Health Office to witness Sudartin Pauke. Pauke whether witness Sudartin Pauke has been retested so that the person concerned has an antigen swab letter and witness Sudartin Pauke explained that he did not take an antigen swab test and only submitted his KTP and money amounting to Rp250,000.00 (two hundred and fifty thousand rupiah) to Harsono Taribo alias Son.

The defendant's act of making a Covid-19 antigen swab result examination letter was carried out by witness Harsono Taribo alias Son looking for ship passengers who were going to depart and needed a Covid-19 antigen swab result examination letter without conducting an examination, then after getting the person who would order the Covid-19 antigen swab result examination letter, witness Harsono Taribo alias Son asked for the passenger's identity (KTP) then handed over the passenger's identity (KTP) to the man Enggor and the man Enggor handed over the passenger's identity (KTP) to the witness Samsul Rijal Maloho alias Rijal, then the witness Samsul Rijal Maloho alias Rijal handed over the passenger's identity (KTP) to the defendant to make a Covid-19 antigen swab result examination letter without the knowledge of the dr. Wahyu Slamet Regional Hospital. The defendant's actions as regulated and threatened with criminal penalties in Article 263 paragraph (1) of the Criminal Code.



3. Prosecutor's Evidence and Witness Submissions

a. Abidin Sulaiman (Witness)

- Witnesses were present at today's trial regarding the case of falsifying Covid-19 Antigen Swab certificates.
- The defendant in this case is Rudiyanto Mbahtono who falsified the Covid-19 Antigen Swab certificate.
- The forgery of the letter was revealed on Thursday, July 29, 2021, when the witness was carrying out his duties at the Pateten Satu Urban Crossing Port (ASDP), Aertembaga District, Bitung City.
- At that time, the witness was on guard at the Ferry Port (ASDP) and checked several passengers who were about to board the ship. The witness found a passenger named Sudartin Pauke who did not have a ticket and an Antigen Letter. After being asked, the passenger admitted that he had asked a laborer for help to take care of the documents. Then, a man came and handed over the rapid antigen result letter to the passenger. After the witness approached Sudartin Pauke and asked whether he had received the Covid-19 Swab Antigen Certificate through the correct procedure, Sudartin Pauke admitted that the letter was fake.
- The witness also found fake Covid-19 Antigen Swab certificates in the names of Mrs. Sudartin Pauke, Mrs. Idayani Amu, and Mr. Alex Kune.
- Prospective passengers received a Covid-19 Antigen Swab certificate by being contacted directly by the courier. After an agreement was reached, the courier contacted the Defendant Rudiyanto Mbahtono to make a Covid-19 Antigen Swab certificate.
- Defendant Rudiyanto Mbahtono worked as an admin at the Indonesian Navy Hospital.

b. Harsono Taribo (Witness)

- I understand about the forged Antigen Swab Result Letter
- In this case, the defendant named Rudiyanto Mbahtono falsified the antigen swab result letter.
- The perpetrator of the forgery of the antigen swab result letter was his friend named Rijal.
- The witness who provided the statement admitted that he did not know where Rijal got the antigen swab result letter from.
- The incident of falsifying antigen swab test results occurred on Thursday, July 29, 2021 at around 22.00 WITA at the Bitung City Ferry Port (ASDP).
- The witness also admitted that this was the first time he had helped residents make antigen swab result letters.
- The police asked where they got the antigen swab result letter from and they admitted to getting the letter from a baggage handler.
- The police then looked for a witness named Abidin and asked where the witness got the letter. Witness Abidin then said that the letter was obtained from someone named Rijal.
- The defendant confirmed the witness's statement.

c. Olvi Madonsa (Witness)

- The defendant's statement is the same as the statement of witness Harsono Taribo.
- At that time, the witness, together with witness Harsono Taribo, offered the mother to make a letter of antigen swab results.
- It's just that the mother asked the defendant to make a letter of antigen swab results.

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- The payment is IDR 250,000.00 (two hundred and fifty thousand rupiah) for one antigen swab result letter.
 - The one who determines the price is Rijal.
 - The incident occurred on Thursday, July 29, 2021 at around 22.00 WITA at the Bitung City Ferry Port (ASDP).
 - The person who issued the antigen swab result letter was the defendant Rudiyanto Mbahtono.
 - That the mother asked for help to make a letter of antigen swab results.
- d. Samsul Maloho (Witness)
- I was contacted by Witness Harsono Taribo and Witness Olvi Madonsa to ask for an antigen swab result letter to be made, then I said to wait a minute because I would ask my friend whether it could be made or not;
 - The involvement of a friend who is usually called "Panglima" or Rudi Yanto Mbah Tono.
 - Agreement with the defendant to help issue antigen swab result letters.
 - Submission of the identity card of the person requesting assistance to the accused.
 - Payment of IDR 250,000.00 per person for making an antigen swab result letter.
 - There was no time to give the money to the accused because the three people who asked for help had been arrested.
 - The arrest of three people, including the mother, her husband and their child.;
4. Proof
- a. 1 (one) Toshiba Brand Laptop Unit, Red;
 - b. 1 (one) unit of MP237 Black printer;
 - c. 3 (Three) Covid-19 Antigen SWAB Certificates consisting of:
 - Number: SKSAC-19/1138/VIII/2021 dated July 29, 2021 in the name of Mrs. Sudartin Pauke
 - Number: SKSAC-19/1136/VIII/2021 dated July 29, 2021 in the name of Mrs. Alex Kune
 - Number: SKSAC-19/1134/VIII/2021 dated July 29, 2021 in the name of Mrs. Idayani Amu
5. Legal Facts
- Based on the evidence and proof submitted above, the following legal facts emerge:
- a. The incident occurred on Thursday, July 29, 2021, at the defendant's house in Bitung.
 - b. The witness asked the defendant to make a Covid-19 antigen swab letter because the hospital was unable to do so.
 - c. The defendant agreed to pay Rp. 250,000 per person and made fake letters with his personal equipment.
 - d. A ship passenger without a valid ticket and antigen swab letter was found by police officers.
 - e. The passenger admitted that he had paid someone a sum of money for the fake letter.
 - f. The defendant also helped make fake antigen swab letters with the help of other people without the knowledge of the hospital.
 - g. The defendant's goal was to gain financial gain.
 - h. Police became aware of the fraud before any payments were made.
 - i. The defendant worked as an honorary worker at a hospital.
6. Aggravating circumstances:
- a. The defendant did not support the government's program in handling the Covid-19 outbreak. This can be considered an aggravating factor because the defendant did not contribute or even hindered the government's efforts in handling the serious health crisis.



7. Mitigating circumstances:
 - a. The defendant has never been convicted. This is a mitigating factor because it shows that the defendant has never been involved in a previous violation of the law.
 - b. The defendant has a wife as his dependent. This condition can be considered a mitigating factor because it shows the existence of family dependents who can influence the defendant's behavior.
 - c. The defendant behaved politely in court. The defendant's polite behavior in court reflects his respect for the legal process and demonstrates his willingness to behave respectfully.
 - d. The defendant did not enjoy the proceeds of his crime. This factor can also be considered a mitigating factor because it shows that the defendant did not succeed in gaining any benefit from the crime he committed.

After considering various factors, the judge issued a verdict taking into account Article 268 paragraph (1) of the Criminal Code and Law Number 8 of 1981 concerning Criminal Procedure Law and other related laws and regulations;

TO JUDGE:

1. Declaring the Defendant Rudiyanto Mbatono, A.Md. Kep. proven legally and convincingly guilty of committing the crime of "Making a false certificate or falsifying a false certificate regarding the presence or absence of disease, weakness or disability;
2. Sentenced the Defendant to 5 (five) months imprisonment;
3. Determine that the period of detention served by the Defendant be reduced in full from the sentence imposed;
4. Determine that the accused remains in custody
5. Order proof in the form of:
 - a. 1 (one) Unit Toshiba Brand Laptop Color
 - b. 1 (one) unit of MP237 Black printer;
 - c. Confiscated for the State
 - 3 (Three) Covid-19 Antigen SWAB Certificates consisting of:
 - Number: SKSAC-19/1138/VIII/2021 dated July 29, 2021 in the name of Mrs. Sudartin Pauke
 - Number: SKSAC-19/1136/VIII/2021 dated July 29, 2021 in the name of Mrs. Alex Kune
 - Number: SKSAC-19/1134/VIII/2021 dated July 29, 2021 in the name of Mrs. Idayani Amu is still attached to the case file
6. Sentencing the Defendant to pay court costs of Rp. 5,000.00 (five thousand rupiah);

English: Thus it was decided in a deliberation meeting of the Panel of Judges of the Bitung District Court, on Thursday, November 25, 2021 by us, Paula Magdalena Roringpandey, SH, as Chief Justice, Nur'ayin, SH, Rio Lery Putra Mamonto, SH each as Member Judges, which was pronounced in an open hearing for the public on Thursday, December 2, 2021 by Chief Justice Paula Magdalena Roringpandey, SH, accompanied by Nur'ayin, SH, and Jubaida Diu, SH each as Member Judges based on the Judge's Decision dated December 2, 2021, accompanied by Marilyn Ann Antou, SE, SH, Substitute Clerk of the Bitung District Court, and attended by Justisi Devli Wagiu, SH, Public Prosecutor and the Defendant accompanied by Legal Counsel

In the case being tried, Rudiyanto Mbatono was found guilty of the crime of falsifying a Covid-19 antigen swab result certificate. During the verdict hearing, there were several things that were considered by the judge. The defendant, who works as a nurse, committed the crime of falsifying a Covid-19 antigen swab result certificate at the request of several people, including Samsul Rijal Maloho alias Rijal. Although the defendant had never been convicted before and had family responsibilities, his actions were classified as

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serious violations because they interfered with the handling of the Covid-19 outbreak which was the government's responsibility. However, the defendant behaved politely during the trial and had not yet enjoyed the results of his crime, which were mitigating factors. The defendant was also required to pay court costs.

Every individual must be responsible for their actions. In this case, even though the Defendant had mitigating factors such as never having been convicted before and no family support, he is still responsible for his criminal actions. The judge's decision also shows that the Defendant's actions have disrupted the handling of the Covid-19 outbreak which is a shared responsibility to overcome the public health crisis. Thus, the decision reflects the principle of criminal responsibility which emphasizes that violations of the law must be accounted for, regardless of mitigating factors.

Legal Accountability for Perpetrators of the Criminal Act of Forgery of Covid-19 Swab Certificates Based on the Decision of the Bitung District Court Number 141/PID.B/2021/PN Bitung

In Dutch, responsibility is called “toerekenbaarheid”, in English it is called “criminal responsibility” or its synonym “criminal liability”. Criminal responsibility in Indonesia is enforced using the principle of “not punished if there is no fault” which comes from the principle of “geen straf zonder schuld: Actus non facit reum nisi mens sis rea”. Based on this principle, a person can only be held criminally responsible if it can be proven that the act he committed was a mistake.

In the context of falsifying a health certificate of Covid-19 test results from a criminal law perspective, it is a criminal act of falsification as regulated in Article 268 paragraph (1) and (2) of the Criminal Code, this act is a criminal act that describes material and intellectual falsification. Before prosecuting the defendant, it is important to ensure that the act violates criminal law and is related to all the necessary elements of guilt. The defendant must face a fair legal process and if proven guilty, accept the legal consequences in accordance with the criminal sanctions regulated in Indonesian law.

Analysis of criminal liability for the crime of falsifying a COVID-19 test result health certificate as per the case of the district court decision number 141/PID.B/2021/PN Bit, to the criminal sanctions for people who make fake certificates or falsify doctor's certificates as regulated and threatened with criminal sanctions under Article 268 paragraph (1) of the Criminal Code. Based on the information provided by the Defendant, he admitted to being the main perpetrator in making fake COVID-19 antigen swab certificates in the names of Sudartin Pauke, Alex Kune, and Idayani Amu. The Defendant used the signature of Doctor Rama Firmanto which had been scanned by the Wahyu Slamet Hospital without the knowledge of the hospital and the doctor. The process of making the letter was carried out at the Defendant's house on July 29, 2021 with the aim of being given to the person who ordered it. The Defendant also admitted that his actions were aimed at obtaining financial gain. However, until now the Defendant has not received any benefit because his actions have been discovered by the police. The revealed legal facts show that the Defendant consciously and intentionally falsified the COVID-19 antigen swab result certificate using his personal laptop and printer. The Defendant did this to fulfill a request from his friend, Samsul Maloho, who had a friend who was going to Ternate and really needed the letter. Although the Defendant only had honorary status at the Bitung Navy Hospital, this did not prevent him from being involved in the crime.

Based on the charges filed by the Public Prosecutor, the Panel of Judges considered the criminal elements regulated in Article 268 paragraph (1) of the Criminal Code. These elements include making a false certificate or falsifying a false certificate regarding the presence or absence of illness, weakness, or disability. Based on the Panel of Judges' considerations of the facts revealed in the trial, the elements that form the basis for these considerations are as follows:

Element 1: "Whoever" The Panel of Judges assessed that the Defendant named Rudiyanto Mbatono, A.Md. Kep., is a person who can be held responsible for his actions according to the law.



The Defendant has acknowledged his identity in accordance with the indictment of the Public Prosecutor and can undergo the trial process properly.

Element 2: "Making a false certificate or falsifying a false certificate regarding the presence or absence of disease, weakness, or disability" The Panel of Judges identified that the Defendant made a fake COVID-19 antigen swab certificate using electronic devices such as his personal laptop and printer. The letter was made without an actual antigen swab examination, and was given to witness SAMSUL RIJAL MALOHO alias RIJAL for travel purposes. Based on the evidence obtained, the Panel of Judges also assessed that the Defendant did not gain any financial benefit from his actions because the fraud he committed was already known to the police before the payment was made. By considering all the existing elements, the Panel of Judges concluded that the Defendant had legally and convincingly committed the crime of falsifying the COVID-19 antigen swab result certificate which violated Article 310 Paragraph (4) of the Republic of Indonesia Law Number 22 of 2009 concerning Traffic and Road Transportation. The Defendant was sentenced in accordance with applicable legal provisions.

In addition to criminal considerations, the Panel of Judges also considered mitigating and aggravating factors for the Defendant. The Defendant had never been convicted before, had family responsibilities, was polite in court, and had not yet enjoyed the fruits of his actions. However, the criminal decision was still taken by considering the applicable law. This decision was based on considerations of Article 268 paragraph (1) of the Criminal Code and Law Number 8 of 1981 concerning Criminal Procedure Law and other related laws and regulations.

Decision Number 141/PID.B/2021/PN Bit regarding the actions committed by Rudiyanto Mbatono, A.Md. Kep is a falsification of a health certificate that leads to a criminal act because it was done intentionally and harmed another party. From this explanation, it can be interpreted that if a person can be punished with a crime, then the person has not only committed a crime, but there is an element of error in his actions and the person has fulfilled the element of willingness to be responsible. That a person can be punished with a crime if he has fulfilled the requirements for criminal responsibility.

Criminal liability without any fault from the violating party cannot be accounted for and punished if they do not commit a crime. However, even though they commit a crime, they cannot always be punished. The subject of criminal liability law is an individual or legal entity that commits a crime that meets the elements of a crime. So that criminal liability cannot be separated from the crime.

Regarding the responsibility carried out by the perpetrator of forgery of letters, it is regulated in Chapter XII Book II of the Criminal Code which contains forms of forgery in the form of writing. Forgery of letters is regulated in Articles 263 to 267 of the Criminal Code. Forgery of letters in Article 263 paragraph 1 of the Criminal Code which reads as follows:

"Anyone who makes a false letter or falsifies a letter, which can give authority to grant a right, agreement (obligation), or debt relief, or which can be used as information for an act, with the intention of using or ordering another person to use the letter as if the letter were genuine and not falsified, then if using it can cause a loss, is punished for falsifying a letter, with a maximum imprisonment of six years."

In addition, Article 268 paragraph (1) and paragraph (2) of the Criminal Code states:

1. "Anyone who makes a false medical certificate or falsifies a medical certificate regarding the presence or absence of an illness, weakness or disability, with the intention of misleading the public authority or guarantor, is subject to a maximum prison sentence of four years."
2. "Threatened with the same punishment, anyone who with the same intent uses a false or falsified certificate, as if the certificate were true and not falsified."

In the decision of the Bitung District Court Number 141/PID.B/2021/PN Bit regarding the forgery of COVID-19 swab certificates, for the actions carried out by the perpetrator Rudiyanto Mbatono, A.Md. Kep, intentionally and to the detriment of other parties, has committed a crime.

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The decision emphasizes that forgery of documents related to handling the pandemic is a serious act that can cause harm to the community and harm the government's efforts in handling public health. By imposing criminal penalties on the perpetrators, the court emphasizes the importance of legal accountability in responding to violations that have an impact on public safety and welfare, in accordance with the objectives of criminal law in protecting the interests of the wider community.

Legal accountability for perpetrators of the crime of falsifying COVID-19 swab certificates as stated in the Bitung District Court Decision Number 141/PID.B/2021/PN Bit illustrates the application of the basic principles of criminal law in responding to criminal acts that are detrimental to the community. In this context, legal accountability requires proof that the perpetrator has committed an act in accordance with the elements of a criminal act regulated by law. The act of falsifying the COVID-19 swab certificate committed by Rudiyanto Mbatono, A.Md. Kep is considered a serious act that is detrimental to the community and the government's efforts in dealing with the pandemic. The decision provides criminal sanctions in accordance with applicable legal provisions, in line with the principles of justice and protection of the community from criminal acts.

The connection between legal responsibility and the crime of falsifying COVID-19 swab test results also emphasizes the importance of respecting a fair legal process and the need to comply with applicable provisions. Although the Defendant in this case admitted his actions, the legal process was still carried out to ensure that justice is upheld and the public is protected from criminal acts that are detrimental. The Bitung District Court's decision reflects the basic principles of the criminal justice system that prioritizes the interests of the public and emphasizes that every violation of the law will be subject to accountability in accordance with applicable provisions. Thus, the decision further strengthens confidence in the effectiveness of the law in responding to criminal acts that threaten the safety and welfare of the public.

Author's Analysis of Bitung District Court Decision Number 141/PID.B/PN Bitung

Bitung District Court Decision Number 141/Pid.B/2021/PN Bit concerns a criminal case of forgery of a Covid-19 certificate which was decided in 2021. The following is an analysis of the decision:

1. Case Facts

This case concerns a criminal act committed by the defendant named Rudianto Mbatono, Amd.Kep, an honorary nurse and administrator at the dr. Wahyu Slamet Navy Hospital, who was charged with committing the crime of "Anyone Who Makes a False Letter or Falsifies a Doctor's Letter Regarding the Existence or Absence of a Disease, Weakness or Physical Disability", as regulated and threatened with a criminal penalty in the First Charge of Article 268 of the Criminal Code (Law No. 1 of 1946 concerning Criminal Law Regulations);

The defendant's friend named Samsul Rijal Maloho alias Rijal came to the defendant's house and asked the defendant to make a swab test result certificate because the person who ordered the swab test result certificate would be leaving by ship at night and the nearest hospital no longer serves the making of Covid-19 antigen swab test result certificates. Then the defendant told the witness SAMSUL RIJAL MALOHO alias RIJAL that he would make a Covid-19 antigen swab test result certificate at a price per person of Rp. 250,000 (two hundred and fifty thousand rupiah). Then the witness SAMSUL RIJAL MALOHO alias RIJAL submitted the identity card (KTP) of the person who would be given the Covid-19 antigen swab test result certificate. Then the defendant immediately made a Covid-19 antigen swab test result certificate with the defendant's laptop and printer. After finishing, the defendant submitted the Covid-19 antigen swab test result certificate to the witness SAMSUL RIJAL MALOHO alias RIJAL.

Witness ABIDIN SULAIMAN, S.Sos as a member of the Police was supervising the loading of vehicles and prospective passengers on the KMP Portlink VIII bound for Ternate, found one of the ship's passengers, namely witness SUDARTIN PAUKE, who did not have a



ship ticket and a Covid-19 antigen swab test result letter as a requirement for passengers who would depart using the ship, then after being asked, witness SUDARTIN PAUKE admitted that a ticket would be bought and for the antigen test letter, witness SUDARTIN PAUKE had asked for help from witness HARSONO TARIBO alias SON to take care of it and about 30 (thirty) minutes later, witness HARSONO TARIBO alias SON came to meet witness SUDARTIN PAUKE and submitted the Covid-19 antigen swab test result letter and Validation letter from the Bitung Port Health Office to witness SUDARTIN PAUKE, seeing this, witness ABIDIN SULAIMAN, S.Sos immediately checked the swab letter and Validation letter from the Bitung Port Health Office then asked witness SUDARTIN PAUKE whether witness SUDARTIN PAUKE had a re-examination was carried out so that he had an antigen swab letter and witness SUDARTIN PAUKE stated that he did not undergo an antigen swab examination and only submitted his KTP and money amounting to Rp. 250,000.00 (two hundred and fifty thousand rupiah) to HARSONO TARIBO alias SON.

The defendant's actions in making the Covid-19 antigen swab result examination letter were carried out by witness HARSONO TARIBO alias SON looking for ship passengers who were going to depart and needed a Covid-19 antigen swab result examination letter without conducting an examination, then after getting the person who would order the Covid-19 antigen swab result examination letter, witness HARSONO TARIBO alias SON asked for the passenger's identity (KTP) then handed over the passenger's identity (KTP) to the man ENGGOR and the man ENGGOR handed over the passenger's identity (KTP) to the witness SAMSUL RIJAL MALOHO alias RIJAL then the witness SAMSUL RIJAL MALOHO alias RIJAL handed over the passenger's identity (KTP) to the defendant to make a Covid-19 antigen swab result examination letter without the knowledge of the dr. Wahyu Slamet Hospital.

2. Legal Issues

Defendant Rudianto Mbatono, Amd.Kep was proven legally and convincingly guilty of committing the crime of falsifying a Covid-19 certificate. The legal considerations for imposing aggravating penalties on the defendant were that the defendant did not support the government's program in handling the pandemic and efforts to break the chain of Covid-19 transmission, and the defendant wanted to gain profit, while the mitigating factors were that the defendant had never been convicted, the defendant was married, the defendant only wanted to help the defendant's acquaintance, namely witness SAMSUL RIJAL MALOHO, the defendant was polite in court and the defendant had not yet enjoyed the proceeds of his crime.

3. Judge's Considerations:

After listening to the statements of all witnesses, the following results were obtained:

- a. That the defendant made a Covid-19 Antigen Swab Result Certificate as if the contents were true, whereas the contents of the Covid-19 Antigen Swab Result Certificate made by the defendant were fake/false, using the defendant's laptop then the defendant printed it using the defendant's printer. After completion, the defendant submitted the Covid-19 Antigen Swab Result Certificate to the person who ordered it;
- b. That the defendant was making a fake Covid-19 Antigen Swab Result Certificate for the first time;
- c. That the defendant only asked for help from his friend, Witness SAMSUL MALOHO, because his friend was about to leave for Ternate, it was nearing the departure time and he could not leave because he did not have a Covid-19 Antigen Swab Result Certificate;
- d. That the defendant's reason was only to want to help the defendant's acquaintance, namely Witness SAMSUL MALOHO;
- e. That it is true that the defendant intended to make a profit;
- f. That the defendant did not receive any benefit from the results of making the letter because Witness SAMSUL MALOHO had not had time to give money from the results of making

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the letter, because the incident of making the fake Covid-19 Antigen Swab Result Certificate had been known or known by the police;

- g. That the defendant only worked as an honorary worker at the Bitung Naval Hospital and currently no longer has a job;
- h. That the Public Prosecutor has submitted the following evidence:
 - 1 (one) Toshiba Brand Laptop Unit, Red;
 - 1 (one) unit of MP237 Black printer;
 - 3 (Three) Covid-19 Antigen SWAB Certificates consisting of Number: SKSAC-19/1138/VIII/2021 dated July 29, 2021 in the name of Mrs. Sudartin Pauke - Number: SKSAC-19/1136/VIII/2021 dated July 29, 2021 in the name of Mrs. Alex Kune - Number: SKSAC-19/1134/VIII/2021 dated July 29, 2021 in the name of Mrs. Idayani Amu.

4. Allegation:

- a. Declaring that the Defendant RUDIANTO MBATONO has been proven legally and convincingly guilty of committing the crime of "Anyone Who Makes a False Statement or Falsifies a Doctor's Letter Regarding the Existence or Absence of a Disease, Weakness or Physical Disability", as regulated and threatened with a criminal penalty in the First Charge of Article 268 of the Criminal Code/WvS (Law Number 1 of 1946 concerning Criminal Law Regulations);
- b. Sentencing the Defendants to 8 (eight) months imprisonment each minus the length of time the Defendants have served in temporary detention and ordering that the Defendants remain in detention.
- c. Mention evidence in the form of:
 - 1 (one) Toshiba Brand Laptop Unit, Red;
 - 1 (one) unit of MP237 Black printer;
 - Confiscated for the State. • 3 (Three) Covid-19 Antigen SWAB Certificates consisting of:
 - Number: SKSAC-19/1138/VIII/2021 dated July 29, 2021 in the name of Mrs. Sudartin Pauke
 - Number: SKSAC-19/1136/VIII/2021 dated July 29, 2021 in the name of Mrs. Alex Kune
 - Number: SKSAC-19/1134/VIII/2021 dated July 29, 2021 in the name of Mrs. Idayani Amu
- d. Sentenced the Defendants to pay court costs of Rp. 3,000.00 (three thousand rupiah).

Remain attached to the case file

According to the Author in a pandemic situation, especially the Covid-19 pandemic, regarding the results of the trial verdict Number 141/Pid.B/2021/PNBit, the sentence of 8 (eight) months imprisonment imposed by the judge on the defendant is not in accordance with Article 268 of the Criminal Code, considering that the criminal acts committed by the defendant did not support the government's efforts to prevent and break the chain of transmission of Covid-19 at that time, then it is appropriate for the defendant to receive the maximum sentence in accordance with Article 268 of the Criminal Code. Because it is not impossible that cases with new variants will emerge in the future. In addition, the impacts that arise can be in the form of material losses, such as costs that must be borne by the community for the legal process, and immaterial losses in the form of a sense of insecurity and distrust of law enforcement.

5. Legal Implications:

Decision Number 141/Pid.B/2021/PN Bit has important legal implications, both for the defendant and for the criminal justice system as a whole. This decision can set a precedent for similar cases in the future and show how the law is applied in the context of a pandemic.



CONCLUSION

Based on the discussion above, the conclusions in this study are as follows:

1. In a pandemic situation, especially the Covid-19 pandemic, the government must implement a strict monitoring system including restricting public mobility to prevent the spread and transmission of Covid-19. The implementation of provisions in accordance with the Covid-19 Handling Task Force Circular Letter No. 16 of 2021 which was later updated with the Circular Letter concerning Provisions for Domestic Travel During the Covid-19 Pandemic, requires every domestic traveler to follow the provisions stipulated in the Circular Letter, one of which is to show a negative RT-PCR certificate before traveling. With the enactment of these provisions, it is hoped that the authorities can take firm action against any perpetrators of criminal acts, especially falsification of Covid-19 certificates so that the chain of Covid-19 transmission can be broken. Including preventing the possibility of the emergence of new variants of cases. Law enforcement against cases of falsification of Covid-19 Swab test certificates is based on the provisions of the Criminal Code, especially Articles 263, 267, and 268. Sanctions need to be applied in accordance with the provisions for perpetrators of forgery and users of fake letters, as well as stricter preventive measures to maintain the integrity of the public health system in the future.
2. The legal consequences caused by perpetrators of criminal acts related to falsification of Covid-19 swab test results not only have a direct impact on the perpetrators and victims, but also have broader implications for society. Article 263 of the Criminal Code stipulates that falsification of documents is a criminal act that can be punished, with the impacts caused including material losses, such as costs that must be borne by the community for the legal process, and immaterial losses in the form of a sense of insecurity and distrust of law enforcement. From a criminological perspective, the crime of falsifying documents can be analyzed using several theories, such as social control theory, labeling theory, and deterrence theory, which emphasize the importance of firm and certain punishment to prevent criminal acts and provide a deterrent effect for other individuals who have the potential to commit similar acts. Thus, falsification of Covid-19 swab test results can be seen as a real example of the application of criminological theories in the context of law enforcement.
3. Legal accountability for perpetrators of the crime of falsifying COVID-19 swab test certificates as stipulated in the Bitung District Court Decision Number 141/PID.B/2021/PN Bit, reflects the application of basic principles of criminal law in responding to criminal acts that are detrimental to the community. The decision emphasizes that falsifying documents related to handling the pandemic is a serious act that has a detrimental impact on the community and the government's efforts in handling public health. By imposing criminal penalties on the perpetrators, the court emphasizes the importance of legal accountability in responding to violations that have an impact on the safety and welfare of the community, in accordance with the purpose of criminal law in protecting the interests of the wider community. In this context, legal accountability requires proof that the perpetrator has committed an act in accordance with the elements of a crime regulated by law, and emphasizes respect for a fair legal process and compliance with applicable provisions. Thus, the decision strengthens confidence in the effectiveness of the law in responding to criminal acts that threaten the safety and welfare of the community.

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