



JURIDICAL ANALYSIS OF INVESTIGATION IN THE CASE OF FORGIVENESS OF VACCINE CERTIFICATES BY POLICE INVESTIGATORS POLRESTA BARELANG

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Abstract

The construction of the journal topic above is: "Juridical Analysis of Investigation of Vaccine Certificate Forgery Cases by Barelang Police Police Investigators", with the formulation of the problem: How are the Legal Arrangements, Implementation, Constraint Factors and Solutions to the Investigation of Vaccine Certificate Counterfeiting Cases by Barelang Police Police Investigators?. The type of writing is normative law, using legal research methodology, supported by secondary data, and using a qualitative approach, and to obtain secondary data, obtained through library research. For the grand theory, Jeremy uses the theory of happiness law (utilitarianism) by Jeremy Bentham, middle theory uses the legal theory of victimology and applied theory uses the theory of legal certainty. The results of the analysis concluded, (1) The application of material criminal law to the crime of counterfeiting in the jurisdiction of the Barelang Police is very good and very complete in accordance with the laws and regulations. (2) the perpetrators of the criminal act of counterfeiting at the Barelang Police have been treated in accordance with the procedures established by the applicable laws and regulations, but there are still obstacles that come from inside and outside the institution so that the number of cases of the crime of counterfeiting vaccine certificates is not also down.

Keywords: *The Role of the Police, Crime, Counterfeiting*

1. INTRODUCTION

Indonesia is a legal state which has the consequence that all actions taken by citizens are based on positive law, one of which is related to the rights of citizens. Although the concept of the rule of law itself consists of several concepts, there is a common thread between these concepts, namely the recognition and guarantee of human rights (HAM) or the basic rights of citizens in the constitution. The 1945 Constitution of the Republic of Indonesia as a constitution contains the basic rights of citizens who are born as constitutional rights. One of the basic rights contained is related to the right to health as stated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This article creates an obligation for the Indonesian government to create a healthy and good living environment and to provide health services for all Indonesian people. The government carries out development in all fields, including development in the field of law as a form of reform in the field of law itself. This is of course intended, among other things, to create a sense of security in the community.

The National Police of the Republic of Indonesia is a government institution that has the main task of implementing law enforcement, maintaining security, order and providing protection, protection and services to the people of Batam. In carrying out these main tasks, within the Indonesian National Police institution, police functions are needed which have their respective work areas that are interrelated and integrated. One of the functions of the police is security intelligence or what is commonly called intelligence. This function is one of the functions of the police.

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Currently, health is a top priority for a country, because health is one of the parameters to measure the success of human development, without human health it will not be productive to live economically feasible and undergo a good education. In this case, health is a determining factor for social welfare for the community. Health must be realized through comprehensive and integrated health development supported by a national health system. All of this is in line with Article 28 H paragraph (1) of the 4th Amendment of the 1945 Constitution of the Republic of Indonesia. The relevance of guarantees and enforcement of the right to health was tested by the global coronavirus disease (Covid-19) pandemic that hit all countries in the world, including Indonesia.

The Indonesian government has so far formulated various policies to overcome the Covid-19 pandemic in the health sector or other fields that are also affected, such as the economy, education, and other fields. Policies in the health sector that have been carried out by the government are promotive efforts such as campaigns on the use of masks, social distancing, clean and healthy living behavior (PHBS), preventive measures such as the implementation of social restrictions in several areas, the application of travel bans and tracking, as well as curative efforts such as increasing the number of hospitals to vaccination. Although in practice, these policies reap many pros and cons because their implementation is not on target and inconsistent. The government is currently trying to vaccinate. Vaccines are microorganisms that can have an immune response so that they can generate immunity against pathogens that cause certain infectious diseases. While vaccination is the administration of vaccines that can cause the formation of immunity in the body against a certain disease. The vaccination policy is outlined in Presidential Regulation Number 14 of 2021 concerning Vaccine Procurement and Vaccination Implementation in the Context of Combating the 2019 Coronavirus Disease (Covid-19) an amendment to Presidential Regulation Number 99 of 2020.

Vaccination activities are divided into several types based on priority groups of vaccine recipients that have been determined in the Regulation of the Minister of Health Number 10 of 2021 concerning the Implementation of Vaccination in the Context of Combating the 2019 Corona Virus Disease (Covid-19) Pandemic (Permenkes 10/2021). Although the technical regulations regarding the Covid-19 vaccination have been determined further, in its implementation it is not free from various problems. One of these problems is the falsification of the Covid-19 vaccine certificate document.

Article 263 of the Criminal Code states that, whoever makes a fake letter or falsifies a letter that can issue a right, a debt frees a debt or which can be used as evidence of something, with the intention of using and ordering other people to use the letter as if the letter were original and not falsified, if the use of the letter can cause harm, then the forgery of the letter is punishable by a maximum imprisonment of six years. And shall be punished with the same punishment, whoever deliberately uses a forged or forged letter as if it were genuine, if the use of the letter can cause harm.

truth (intellectual valscheid). This is the reason why counterfeiting is discussed and classified as a crime.

In addition to Article 263 Paragraphs (1) and (2), Article 35 of the ITE Law also mentions the falsification of vaccine certificate documents, where:

"Every person intentionally and without rights or against the law manipulates, creates, changes, deletes, destroys Electronic Information and/or Electronic Documents with the aim that the Electronic Information and/or Electronic Documents are considered as if the data is authentic."



Meanwhile, Article 51 paragraph (1) of the ITE Law regulates criminal threats against acts categorized in Article 35, namely:

"Every person who fulfills the elements as referred to in Article 35 shall be sentenced to a maximum imprisonment of 12 (twelve) years and/or a maximum fine of Rp. 12,000,000,000.00 (twelve billion rupiahs)."

The first dose of Covid-19 vaccination reached 913,955 people. While the second vaccination reached 759,805 people. Vaccination targets consist of health workers, elderly groups, public officials, vulnerable communities, and the general public, including children aged 12-17 years. With the applied requirements, the community is relaxed to carry out activities by showing a Covid-19 vaccination certificate during the PPKM period.

The obligation to show Covid-19 vaccination certificates in public spaces has its pros and cons. People who are pro stated that these requirements are considered to protect the public interest. But on the other hand it raises problems, given the uneven distribution of vaccinations in various regions. The rise of crimes that have occurred recently is the falsification of the Covid-19 vaccine certificate document by someone to take the opportunity to profit by trading the Covid-19 vaccine certificate to be used inappropriately.

As for the case that the author discusses occurred in Batam City, there were 5 (five) perpetrators who were arrested. According to the Criminal Investigation Unit of the Bareleng Police, AKP Juwita Oktaviani, SIK said that the five perpetrators were the initials RA (19 years old), RR (20 years old), LC (26 years old), FM (23 years old) and HP (31 years old). RA served as a volunteer vaccine validator in Temanggung Abdul Jamal on July 6, 2021. They were arrested by the Criminal Investigation Unit of the Bareleng Police and the Batam City Police on Wednesday (14 July 2021). The perpetrators have falsified vaccine certificates without being vaccinated first. the five perpetrators succeeded in falsifying 43 Vaccine Certificates. The same thing was done by the perpetrator with the initials AA where the perpetrator was also a Volunteer Vaccination and was successfully arrested by the Batam City Police Criminal Investigation Unit,

The prohibition on counterfeiting vaccine certificates is mentioned in a Circular (SE) of the Ministry of Transportation for both land, sea and air transportation which explains that counterfeiting vaccine certificates and Covid-19 negative certificates will be subject to sanctions in accordance with statutory provisions. The act of falsifying vaccination certificate documents can be categorized as a crime of forgery, so that they can be subject to criminal threats as stipulated in Article 263 paragraph (1) of the Criminal Code and Article 35 and Article 51 paragraph (1) of Law no. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions. The author sees the case of counterfeiting the Covid-19 vaccine certificate in Batam City has increased and the author is interested in researching the case.

2. IMPLEMENTATION METHOD

The approach method in this research is a statutory approach, a normative research also uses a statutory approach relating to the role of Polri investigators on perpetrators of criminal acts of detention because what will be examined are the legal rules that are the focus and the central theme. from research. This research paper uses a mixed research method, namely normative legal research methods and empirical legal research. Normative legal research studies the law that is made as a rule or rule that applies.

The approach method used in this research is normative and empirical juridical, that this approach is carried out by studying and reviewing applicable legal rules, especially with regard to

the process of investigating cases of counterfeiting fake certificates by police investigators from the Barreng Police.

3. RESULTS AND DISCUSSION

Legal Arrangements in Investigating Vaccine Certificate Forgery

The birth of a regulation set by the government and balanced with the establishment of cooperation from all parties in implementing the regulation, there will be an expectation that the birth of a new crime can be suppressed. Policies or efforts to combat crime are essentially an integral part of community protection. Therefore, it can be said that the main purpose of criminal policy is the protection of society to achieve public welfare.

Based on its natural nature, the state has a function to always protect and prosper its citizens, so it is necessary to guarantee protection from the government for the community which must apply widely, both from threats originating from outside the territory of Indonesia or from within the territory of Indonesia. The threats referred to above include threats from all kinds of crimes or other deviant acts. The Criminal Code (KUHP) is a form of guarantee legally granted by the Indonesian government to its citizens from the threat of crime or other deviant acts. The Criminal Code (KUHP) contains all forms of actions that should not be violated and the existence of legal threats for anyone who violates the provisions contained in each article.

The crime of forgery of letters in general is the falsification of letters in the main form contained in Article 263 of the Criminal Code (KUHP), which are as follows: Whoever makes a fake letter or falsifies a letter that can give rise to a right, engagement or release of debt, or which is intended as evidence of something with the intention of using or ordering other people to use the letter as if its contents were true and not falsified, shall be punished if such use can cause losses due to falsification of the letter with a maximum imprisonment of 6 years.

Wirjono Prodjodikoro illustrates that it is said to have made a fake letter:

1. A person makes a letter as if it came from a person B and signs by imitating the signature of person B;
2. A wrote a letter and signed it himself but the contents were not correct;
3. A person fills in a blank paper that already has person B's signature with the wrong writing.

The act of making a fake letter can involve the signature or the contents of the writing or letter, where the act falsely illustrates that the letter, either in its entirety or from only his signature or its contents, comes from a person whose name is listed in the writing.

Forgery of signatures can occur under the following conditions:

1. Impersonating someone who doesn't exist, for example someone who has died or who never existed at all (fictitious);
2. Affixing another person's signature by imitating it with his consent;
3. Fill out a blank-sealing paper that has already been signed by another person, the filling of which is basically contrary to or deviating from the will of the signatory;
4. Signing with your own name, if the content and use of the letter creates an image as if the signature came from someone with the same name.

According to Lamintang, the act of making a fake letter means that in the beginning there was no letter whatsoever, then the letter was made with the contents wholly or partly contradicting the truth. The act of making a fake letter is before the act is done, there is no letter. Then a letter is made, the contents of which are partially or wholly contrary to the truth or falsehood. The entire



writing in the letter was produced by the act of making a fake letter. Such a letter is called a fake letter or a non-genuine letter.

The forms of forgery of letters, namely:

1. Forgery of letters in general: in the main form of forgery of letters (Article 263 of the Criminal Code).
2. Aggravated falsification of letters (Article 264 of the Criminal Code).
3. Ordered to enter false information into an authentic deed (Article 266 of the Criminal Code).
4. Forgery of a doctor's certificate (Article 267 and Article 268 of the Criminal Code).
5. Forgery of certain documents (Articles 269, 270, 271 of the Criminal Code)
6. Forgery of official certificate of ownership (Article 274 of the Criminal Code).
7. Storing materials or objects to falsify letters (Article 275 of the Criminal Code).

The elements of the crime of counterfeiting contained in Article 263 above are as follows:

Article 263 Paragraph (1)

1. Objective Element
 - a. Acts, namely:
 - (a) Create a fake letter, or
 - (b) Fake letters.
 - b. The object is "letter" :
 - (a) which can give rise to a right;
 - (b) which gives rise to an engagement;
 - (c) which gives rise to a debt relief;
 - (d) which is intended as evidence of something.
 - c. Can cause losses due to the use of the letter

2. Subjective Element

"With the intention" to use or to instruct others to use as if the contents are true and not faked.

Article 263 Paragraph (2)

1. Objective Element
 - a. Actions, namely: "wearing"
 - b. The objects are:
 - (a) Fake Letter
 - (b) Forged letter
 - c. The use of the letter can cause losses
2. Subjective Element: On purpose

Counterfeiting comes from the syllable "false" which means not genuine, illegitimate, imitation, fraudulent and dishonest. Counterfeiting can be interpreted as an act of imitating something or making something illegally so that it looks like the real thing.

Counterfeiting can be done in two ways:

1. Material counterfeit
Namely changing an object, sign, brand, currency or writing that was originally original, changed in such a way that it has other characteristics. In other words, the letter or writing in its form was completely fake from the start.
2. Intellectual falsification
That is forgery which is done by changing the information or statements contained in a letter or writing so that it does not match the actual facts. In other words, in intellectual

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falsification, the form of this letter or writing from the beginning is original, but its contents or what is explained or stated in the letter or writing are not in accordance with the actual reality. Intellectual falsification can only occur in writings or letters. Material falsification is often done by people with the intention of using or to make other people use the falsified object as the original object. Intellectual falsification is often accompanied by unjustified intentions.

Implementation, Obstacles and Solutions in the Process of Investigation and Investigation of Vaccine Certificate Forgery Cases by Barelang Police Investigators

a. Obstacles Factors in the Investigation and Investigation of Vaccine Certificate Forgery Cases by Barelang Police Investigators

The obstacles faced internally in carrying out the investigation into the criminal act of counterfeiting fake vaccine certificates at the Barelang Police Criminal Investigation Unit are as follows:

1. Insufficient number of investigators

The number of investigators in the Barelang Police Criminal Investigation Unit is currently approximately 32 (thirty two) people, this number is not sufficient and not in accordance with the DSP (list of personnel composition) the number of investigators/Auxiliary Investigators in the Barelang Police Criminal Investigation Unit should be 60 (sixty) Because the workload is also quite high where the number of cases that enter the Barelang Police Criminal Investigation Unit each year increases quite high, reports of complaints received at the Barelang Police SPKT and related to alleged criminal acts of counterfeiting fake vaccine certificates, this is because there are still many people in the area who do not believe in the performance of police investigators, especially in the field of investigations carried out by work units at the police station and police ranks in terms of reports of alleged criminal acts of counterfeiting vaccine certificates where the number of investigators at the regional police and police investigators is still very low. investigators and assistant investigators still lack the number of personnel and are limited to those who control the investigation process, especially in the field of Criminal Investigation, especially in terms of handling cases of alleged forgery of vaccine certificates, the ability of police investigators and police investigators who have investigative abilities in the case of counterfeiting vaccine certificates is still very low. In making a complaint report, the public must come far to the Barelang Police Station only to make a complaint report at the Barelang Polresta Police SPKT while it can be seen that in general the complainants, witnesses, reported all live in the area where the case occurred and in the area where the incident occurred. there is a Polres or Polsek but the community does not want to make a complaint report at the local police station, so it is certain that there are many complaints reports received at the Barelang Polresta SPKT every year which are handled by the Barelang Police Criminal Investigation Unit which is not in accordance with the current number of investigators so that in the investigation process is too much workload in this case reports of complaints/cases of alleged forgery of vaccine certificates.

2. The application of Article 263 and regarding evidence can be an obstacle if evidence is not found.

The description of the obstacles above when analyzed with the theory of the legal system (legal system) put forward by Lawrence M. Friedman, in his book entitled "The Legal System A Social Science Perspective", states that the legal system consists of legal structures, legal



substance (laws) and legal culture or legal culture. The legal system must contain Substantive Law, Legal Structure, and Legal Culture. The enforcement of the law depends on the legal culture in society, meanwhile the legal culture of the community depends on the legal culture of its members which is influenced by educational background, environment, culture, position or position and interests.

The legal structure (legal structure) is a frame of mind that provides definitions and forms for the operation of the existing system with predetermined limits, so the legal structure can be said to be an institution that carries out law enforcement with all the processes in it. Then it can be analyzed that there are still weaknesses and shortcomings of investigators in Sub-Directorate II of Criminal Investigation Unit of the Bareleng Police of Batam and the inadequate number of investigators who have special expertise in the crime of counterfeiting baksin certificates, thus indicating that Polri investigators are not ready for the challenge and are not ready for maximum personnel in the investigation of the crime.

Supporting Factors And Obstacles In The Process Of Investigation And Investigation Of Vaccine Certificate Forgery Cases By Bareleng Police Investigators

As previously explained, the implementation of an order to carry out a vaccination program has been stated as referred to in the Presidential Regulation on the Procurement and Implementation of Covid Vaccinations, where this outbreak has become a world epidemic that has become the nation's attention.

The vaccine should be a program which can be one of the solutions to prevent and overcome the epidemic that is currently hitting the status of a health emergency in Indonesia. indeed everything in Indonesia is always regulated in such a way with the provisions of the laws and regulations that apply in society to make people obey and to regulate all life of the nation and state. However, the essence of giving vaccines does not mean to seek a vaccine certificate to carry out activities, but the essence to protect oneself and others through vaccines and not to get a certificate.

Issuance of certificates as a requirement and proof that the community has been vaccinated in accordance with applicable doses and provisions so that vaccination achievements can be monitored massively to measure success in achieving herd immunity. Essentially the existence and issuance of vaccine certificates is not the main goal in the implementation of national vaccinations, but rather as community legitimacy that the vaccination implementation program has achieved the target.

Regarding the existence of a punishment system, although it is recognized as an important money tool to fight and/or prevent these crimes, it is not the main factor to reduce or eliminate crimes. deepening preventive efforts by expanding the quality of education, deepening cultural traditions and the intensity of social contact between them is an assessment of developing norms by being the best effort to prevent a crime from arising.

The main problem in preventing crime is a form of effort to develop legal awareness, so the issue of legal awareness is a major element that supports the prevention of crime regardless of whether the crime is committed, including the falsification of letters. Higher education institutions can strengthen the moral concept for carrying out such tasks, a strong human resource is needed.

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4. CONCLUSION

After discussing the problems that became the formulation of the problem in writing this thesis, the author finally came to a conclusion from the discussion. The author will describe this conclusion further in the following points:

- a. After the author reads some of the relevant literature and laws, the author concludes that letter falsification is described in Article 263 to Article 276 of the Criminal Code, policies and the role of the Barelang Police Sector Police in Revealing Cases of Criminal Acts of Counterfeiting has a role in conducting investigations related to case reports. After conducting an investigation and it was proven that a crime of counterfeiting vaccine certificates had occurred, the Barelang Police Sector Police made arrests of parties related to the crime. In addition to conducting investigations and arrests of the forgery case,
- b. The Barelang Police Sector Police have various ways or efforts to tackle the crime of counterfeiting, either by means of prevention or crackdown measures such as conducting raids, providing legal knowledge to the community and conducting patrols in tackling these crimes. The police experience several obstacles, namely internal obstacles (from the Police themselves) and external obstacles (from outside the Police). These internal obstacles are in the form of: the lack of an operational budget, the lack of skilled personnel in the forgery case. External obstacles experienced in the form of: witnesses are reluctant to give information, lack of public awareness, lack of evidence, and there are also other obstacles, namely the lack of cooperation between the police and the community.
- c. The form of prevention efforts against the criminal act of counterfeiting Covid-19 vaccine certificates is through preventive efforts by providing various counseling and socialization that there are special agencies that can issue Covid-19 vaccine certificates and repressive efforts after the crime of counterfeiting occurs is by a fair law enforcement process. .

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**JURIDICAL ANALYSIS OF INVESTIGATION IN THE CASE OF FORGIVENESS OF VACCINE
CERTIFICATES BY POLICE INVESTIGATORS POLRESTA BARELANG**

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