

ABSTRACT

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CRIMINAL LIABILITY OF COUNTERFEITING LAND OWNERSHIP CERTIFICATES FROM THE PERSPECTIVE OF DIGNIFIED JUSTICE THEORY

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Law No. 5 of 1960 in addition to protecting land, it also regulates legal relations over land through the submission of certificates as proof of land rights for the holder. The act of counterfeiting something is a form of criminal act that has been regulated in Chapter XII book II of the Indonesian Criminal Code, the book states that falsification is only in the form of writings, including falsifying authentic deeds and ordering information to be included. into an authentic deed, one of which is a Certificate of Land Ownership. In this study, the author will examine the handling of the crime of counterfeiting property rights certificates using a dignified justice theory analysis knife. This study uses a normative juridical law research method with data collection from literature studies and court decision studies 741/Pid.B/2014/PN.Mks. The formulation of the problems in this study, 1) How are the efforts to deal with criminal acts against the falsification of land title certificates? 2) How is the handling of counterfeiting of land ownership certificates from the perspective of the theory of dignified justice? Based on the results of the research, it is known that: 1) the forms of forgery of certificates of land ownership rights are not only in the form of falsification of contents, names, signatures, stamps/stamps, but can be falsified on the systematics and form of the land certificates of property rights themselves. The investigation mechanism for the criminal act of falsifying land title certificates is no different from other criminal acts, only the investigators' efforts in making the case clear are calling the Head of the National Land Agency and conducting research on the certificate to the Police Forensic Laboratory. The obstacles faced were regulatory provisions that did not keep pace with community developments, unfulfilled human resources, relatively long procedures that investigators had to go through when examining officials, and convoluted information from suspects. 2) Forgery of land ownership certificates from the perspective of dignified justice theory reflects injustice and undignified actions, especially for the people who are entitled to the land and for the state that regulates and manages it based on the constitutional mandate. The handling of the law must bring justice in which there is also certainty and benefit. Suggestions that can be given to the community, it is expected to check with the National Land Agency office in the area where the land is located periodically either at the time of purchasing the land or after owning the land. For law enforcement to be able to cooperate with the National Land Agency and the Forensic Laboratory so that when they find a criminal act, the certificate of land ownership can be resolved as soon as possible.

References: 56 (1981-2022)