

Comparative Analysis of Legal Recourses for Document Forgery in Civil Law: Indonesia and ASEAN Countries

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Abstract

The practice of document forgery in civil transactions, often aiming to unjustly benefit one party over another, is a significant concern in many jurisdictions. This necessitates effective civil legal resources for the aggrieved parties to claim redress and compensation. In Indonesia, the approach to legal remedies is bifurcated into preventive and repressive measures, with the former encompassing legal provisions against document forgery and the latter involving the pursuit of civil litigation, as exemplified by cases such as the one adjudicated in Case Number 55/Pdt.G/2021/PnKpn by the Kepanjen District Court in East Java. This research aims to critically examine the civil legal remedies available in Indonesia for cases of document forgery, using the case as a focal point, and to contrast these with the corresponding legal frameworks in other ASEAN countries, including Malaysia, the Philippines, Brunei Darussalam, Singapore, Thailand, Vietnam, and Myanmar. The impetus for this comparative study stems from a recognized gap in the discourse surrounding document forgery within the civil law context. The methodology employed is normative legal research, involving an in-depth analysis of relevant civil codes and case law. This study's findings highlight the nuances and effectiveness of legal resources against document forgery within these diverse legal systems, aligning with theories of legal protection.

Keywords: ASEAN Countries, Civil Law, Comparative Legal Analysis, Document Forgery, Indonesia



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INTRODUCTION

According to Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia, it emphasizes that Indonesia is a legal state (Masrar, Burhanuddin, and Nawawi 2024). Therefore, everything must be based on the law. The application of the rule of law principle in Indonesia has its own identity and characteristics and does not directly refer to either the absoluteness of the rule of law (Rokilah 2019). Its execution involves safeguarding human rights, the delineation of powers, the practice of popular sovereignty, governance grounded in relevant laws and regulations, and the presence of administrative justice within the state (Siallagan 2016; Zamroni 2019).

The classification of law in Indonesia is highly diverse, with categorizations based on form, source, nature, application, time, manifestation, content, and defense methods. Classification based on content includes two types: public law and private law (Siagian 2017). Public law is further divided into four categories: criminal law, administrative law, constitutional law, and international law. On the other hand, private law is divided into two categories: civil law and commercial law (Alamsyah 2024). Civil law is a set of legal principles

that determine and regulate civil rights and obligations. One commonly used legal source in civil law is the Civil Code of the Republic of Indonesia (UMSU 2022).

In civil law, there is a branch known as procedural law or civil procedural law. Civil procedural law, also referred to as formal civil law, encompasses all legal principles that determine and regulate the procedures for enforcing civil rights and obligations as outlined in substantive civil law (Sutantio and Oeripkartawinata 2009). Through civil procedural law, an individual who feels that their interests have been harmed by someone else can file a lawsuit against that person in court with the aim of restoring their rights or interests. The authority of the court to resolve disputes among the parties is called contentious jurisdiction, and the lawsuits take the form of contentious lawsuits (Harahap 2017). The term "contentious" comes from Latin and, in the context of dispute resolution, implies a spirited contest or controversy (Prent, Adisubrata, and Poerwadarminta 1969). That is why the resolution of cases involving disputes is referred to as contentious jurisdiction, indicating the court's authority to examine cases related to disputed matters between the contending parties (Garner 2004). In practice, contentious lawsuits refer to civil lawsuits. Lawsuits are distinguished based on the subject matter or substance of the case. The substance of lawsuits in court is divided into two types: lawsuits based on breach of contract and lawsuits based on wrongful acts (Wijaya and Ananta 2018). An example of a wrongful act is the forgery of an authentic deed.

According to Article 1868 of the Civil Code, an authentic deed is a deed made by or in the presence of a public official authorized for that purpose, at the place where the deed is made (Hasan and Pradikta 2024), the form of which is determined by law. Article 165 of the HIR (*Herzien Inlandsch Reglement*) states that an authentic deed is a deed made by or in the presence of an authorized official, constituting complete evidence between the parties, their heirs, and those who acquire rights from them, regarding the matters contained therein as mere notification. A document is deemed authentic if it satisfies three criteria, namely being created in compliance with legal provisions, being executed by or in the presence of a public official, and the public official must possess the necessary authorization at the location where the document is produced (Aprilia 2022).

Some regulations regarding forgery of documents in Indonesia are outlined in the Indonesian Penal Code. Notably, under Article 263, the creation or falsification of documents with the intent to use them as genuinely is addressed. If the use of such forged documents causes harm, the perpetrator may face a maximum prison sentence of 6 years. Additionally, intentional use of false documents that results in losses carries the same penalty. Under Article 264 of the Indonesian Penal Code, forgery of specific documents is subject to a maximum prison sentence of 8 years. This includes authentic deeds, debt certificates from a state or its parts, documents related to associations, foundations, corporations, or companies, as well as dividend or interest coupons and commercial or credit documents. The intentional use of these forged documents, causing harm, is also punishable by the same maximum prison term.

This study takes a case example from the verdict number 55/Pdt.G/2021/Pn.Kpn of the Kepanjen District Court, East Java, Indonesia, where the deceased Mr. Juari passed away on April 16, 2012, in Malang, East Java. He was the owner of a land and building with an approximate area of 363 m², as stated in pole D number 420, parcel number 33, class D1 Kohir 1378, located in Malang Regency, East Java. In the year 2000, Mr. Juari donated a portion of

the land situated to the north of a mosque, with an area of approximately 20 m². Later, the heirs of Mr. Juari, namely Sumiati, Sutrisno, Kumayani, and Suherlin, added a donation of land for the construction of a road to the mosque, with an area of about 129 m², with the knowledge of Mrs. Rubanah, who is the defendant. This means that the total land area allocated for the mosque is approximately 149 m². Based on Mr. Juari's will, the remaining land after the donation to the mosque was not allowed to be sold to anyone other than family members. Therefore, the heirs, Sumiati, Sutrisno, Kumayani, and Suherlin, sold the remaining land and building to Mrs. Rubanah, as she still had a family relationship with the plaintiffs. The plaintiffs and the defendant reached an agreement, resulting in a sales transaction between the parties for a portion of the land and building, approximately 214 m², at a price of Rp100,000,000, fully paid on January 13, 2015, by the defendant.

However, at the end of the year 2020, issues arose due to Mrs. Mudawati, another defendant, who halted and requested the dismantling of the mosque courtyard renovation, claiming that the plaintiffs had no right to the land. Because of this dispute, mediation was conducted by the local village and sub-district governments, but it did not reach a resolution due to discrepancies in the village records. The land and building, measuring 363 m², were recorded under Mudawati's name instead. Upon further investigation, it was discovered that Mrs. Mudawati had forged a fake deed of sale with number 999/PPAT-Pks/III/2013 dated March 28, 2013, covering an area of approximately 363 m² under the name of Mrs. Rubanah. As a result, in this case, the plaintiffs lost their rights to possess the land and building.

Document forgery is a significant issue in many ASEAN countries, particularly in Indonesia, where it has reached alarming levels. According to recent statistics, Indonesia reported 2,217 cases of document forgery related to official documents and 7,604 cases concerning private documents in 2020 alone. Over a three-year period from 2018, nearly ten thousand criminal cases of document forgery were reported annually, highlighting the urgent need for effective forensic capabilities to detect such crimes (J. Lee et al. 2023; Y.-J. Lee, Lee, and Kim 2023). The prevalence of forgery in Indonesia is not only a legal concern but also poses serious implications for property rights and public trust in official documentation. One of the most concerning aspects of document forgery in Indonesia involves land certificates. The South Sulawesi Regional Police conducted investigations into the forgery of land certificates, which are often misused as evidence of ownership rights. This issue is compounded by the existence of illegal certificates that create significant legal problems and societal concerns (Manangin et al. 2022). The Indonesian legal framework, particularly Article 264 of the Criminal Code, addresses forgery but often struggles to keep pace with the sophistication of forgery techniques employed by criminals (Manangin et al. 2022). Moreover, the role of notaries in document verification has come under scrutiny, especially in cases where they inadvertently facilitate forgery. For instance, a notable case involved a notary who was penalized for processing a deed based on fraudulent documentation submitted by a client (Lesmana and Aryatama 2022). This highlights the vulnerabilities within the legal system and the need for stricter oversight and training for notaries to prevent their involvement in forgery cases.

This comparative legal study is conducted to facilitate the development of laws or regulations in a country (Legrand and Munday 2003). This study is urgent due to the growing

need to address document forgery in civil disputes, especially within the context of Indonesia's legal system, which relies on statutory laws that evolve with societal changes. The complex case of Mr. Juari's land donation highlights issues surrounding property rights, inheritance, and the legal implications of unauthorized documents, which have significant impacts on rightful ownership and community trust. The dispute, further complicated by alleged forgery, reveals a gap in regulatory frameworks and enforcement mechanisms that protect parties from fraudulent claims. Comparative analysis with ASEAN countries that have adopted different legal remedies offers critical insights into potential legislative improvements in Indonesia.

Comparative law is one of the fields used in legal studies, examining legal systems in relation to one another, including their constitutive aspects, differences, and how their elements come together to form a system. Comparative law involves studying two countries with different legal systems. In the civil law system, laws are created first and amended according to the development of society. In this legal system, judicial decisions, known as *inkracht* or jurisprudence, serve as a secondary source. In the common law system, reliance is placed on case law, which involves using previous court decisions as the basis for law. This research, set in Indonesia and drawing comparisons from regulations in ASEAN countries in similar cases, addresses the general question of how civil legal remedies can be pursued in the event of document forgery in Indonesia.

Based on the complexities highlighted in this case, the research questions for this study aim to address the legal and procedural challenges of document forgery within Indonesia's property rights system. First, what legal remedies are available to plaintiffs in Indonesia when fraudulent deeds or certificates are used to claim ownership of land? This question examines the effectiveness and limitations of current Indonesian laws, specifically in cases where property rights are disputed due to forgery. Second, how do Indonesian legal practices compare to those in other ASEAN countries facing similar issues of document fraud in property cases? This comparative question seeks to uncover whether alternative legal frameworks or enforcement measures used in the region offer potential solutions. Third, what role do notaries and other officials play in verifying property documents, and how can their accountability and oversight be improved to prevent cases of forgery?

RESEARCH METHODS

This research employs the normative legal research method, which involves an examination of legal regulations and other written rules. Additionally, it utilizes a case study approach by analyzing the verdict number 55/Pdt.G/2021/Pn.Kpn of the District Court of Kepanjen, East Java, Indonesia. The research employs a comparative approach by analyzing the verdict from Singapore, specifically Civil Appeal No. 7 of 2016, in similar cases. Additionally, the study delves into a comparison with selected ASEAN countries on document forgery. The legal framework used in this study is the Civil Code on Unlawful Acts. Data for this research is obtained through secondary sources, consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include the Civil Code and the court verdicts and regulations. Secondary legal materials used in this research comprise research journals or articles, scholarly books related to the topic, while tertiary legal materials include legal dictionaries.

RESULTS AND DISCUSSION

Civil Legal Remedies for Document Forgery Cases in Indonesia

Article 1457 of the Civil Code defines a sale and purchase as an agreement between the parties, where one party, the seller, is obligated to deliver a certain item, and the other party, the buyer, is obligated to pay the agreed-upon price (Pratiwi 2024). According to Article 37 paragraph (1) of Government Regulation Number 24 of 1997 of the Republic of Indonesia regarding Land Registration, the sale and purchase of land must be evidenced by an authentic deed prepared by a Land Deed Officer, and the deed must be signed by the parties involved before being registered at the local Land Office (Asnawi 2024). This registration is necessary because even though the sale and purchase have taken place, it does not automatically transfer the land rights to the buyer, even if the buyer has fully paid for the land and physically possesses it. The transfer of land rights to the buyer can only occur if the seller has legally transferred them as part of fulfilling their legal obligations (Helmi 2017).

Before drafting the deed, the Land Deed Officer is obliged to verify the land certificate at the land office. Subsequently, the Land Deed Officer must read aloud the contents of the deed so that it can be understood by the parties involved (Firdawaty, Asnawi, and Mahmudah 2024). The Land Deed Officer is also obligated to provide information, including information about relevant laws and regulations, to the parties signing the deed. The verification of the certificate aims to ascertain the validity of the data on the certificate or land book held at the local Land Office. Through this verification, it can be determined whether the land is in dispute, subject to a line, under any restrictions, falls under state land or has management rights, and so forth. The deed for the sale and purchase of land is a crucial document that serves to transfer ownership rights to the land and establish ownership. Additionally, witnesses are important in the transaction to hold them accountable if necessary.

Legal regulations such as laws, regulations, and court decisions serve as rules and guidelines for the public and legal institutions in conducting legal activities. Legal regulations play a crucial role in providing a strong legal foundation for preventive legal efforts. Legal regulations regarding authentic forgery can prevent the occurrence of falsification of authentic deeds that may harm individuals or groups by imposing legal sanctions on the perpetrators. Civil law regulations on the forgery of authentic deeds are not specifically addressed in the Civil Code. Forgery of authentic deeds is categorized as an unlawful act because an authentic deed is considered valid and complete evidence of the legal acts regulated (Al-eser, Marhamah and Fikri 2024). This act is deemed unlawful because it fulfills the elements of an unlawful act found in Article 1365 of the Civil Code, namely: there is an act, a violation of the law, an error, causing harm to the victim, and a causal relationship between the act and the harm.

Unlawful acts are caused by different elements of negligence and intention. In unlawful acts due to intentionality, the perpetrator has the intent to cause specific harm to the victim or is certain that their actions can lead to harm (Djabu and Latumenten 2022). In contrast, in cases of negligence, the perpetrator has no intent to cause harm and may even prevent harm from occurring (Novianty 2011). Therefore, in unlawful acts with intentional elements, intent or mental attitude becomes the dominant factor, while in cases of negligence, emphasis is placed on outward behavior and actions performed without too much consideration for what is in the mind (Fuady 2002).

According to Article 1365 of the Civil Code, for an act to be considered wrongful, it must result in harm to the victim. The harm caused by wrongful acts is divided into two types: material and immaterial losses, which will be assessed monetarily (Wagino 2021). The plaintiffs, who should have rightfully possessed and owned the land based on inheritance rights, are now unable to enjoy the inheritance left by their parents, the late Mr. Juari. As a result, the plaintiffs have suffered losses. In decision number 55/Pdt.G/2021/Pn.Kpn, Mrs. Mudawati (the first defendant) created a sales and purchase deed dated March 28, 2013, which has been proven to be false because the deed states that it was made by Drs. Edy Susanto, MSc., as the Land Deed Officer in the local area. However, this Land Deed Officer was only appointed and designated by the Head of the National Land Agency of East Java Province as the Land Deed Officer on October 19, 2013, with number 258/KEP.35.II/2012. The creation of the sales and purchase deed in this case was intended to enable the first defendant to gain control over the land object. With the falsified deed of sale, the first defendant claimed ownership of the land and building with an area of 363 m². Thus, the first defendant successfully appeared to control the entire disputed object with the intention of claiming ownership, even though they have no right to it. Part of the land should belong to the second defendant (Mrs. Rubanah), and the other part should belong to the plaintiff. It can be concluded that the act of forging the authentic deed by the first defendant fulfills the elements of an unlawful act, according to the elements specified in Article 1365 of the Civil Code and can also be subject to Article 1366 of the Civil Code, which states that anyone causing harm to others, whether intentionally or negligently, can be sued in a civil court.

The establishment of laws or regulations governing unlawful acts is one form of preventive legal protection that aims to prevent legal violations, including the forgery of authentic deeds. However, if the regulated laws are still violated and issues or disputes arise, there is a need for repressive legal protection. In legal efforts, both formal and substantial dimensions are crucial to consider. Effective legal efforts must ensure compliance with formal and substantial requirements in legal protection. For example, when someone wants to file a lawsuit, the procedures followed must adhere to the formal requirements stipulated by the law, such as time limits and necessary documents. Meanwhile, legal efforts referring to the substantial dimension in the theory of legal protection involve ensuring that decisions are based on principles of justice and legal certainty.

The formal dimension of the legal protection theory in repressive legal efforts focuses on law enforcement against legal violations that occur, requiring clear and precise legal regulations. Legal efforts can be made by filing criminal legal actions against perpetrators of authentic deed forgery in accordance with applicable laws. However, criminal law only punishes the offender without providing compensation or restitution for the victim. On the other hand, the substantial dimension of the legal protection theory ensures justice for the victim or the injured party. In cases of forgery of authentic deeds, repressive legal efforts can provide justice to the injured party by filing civil legal actions against the forger to recover the losses incurred.

In the previously discussed case of document forgery, before filing the lawsuit, the plaintiffs and defendants attempted mediation. However, the mediator judge failed to reconcile the parties, leading to the dispute resolution being continued to the District Court of Kepanjen,

East Java. The plaintiffs' submission of a civil lawsuit to the District Court of Kepanjen constitutes a form of repressive legal protection. By filing the lawsuit, the intention is to settle the dispute with the defendants by seeking compensation. The manifestation of repressive legal protection in this verdict is that the defendants are convicted for committing an unlawful act against the plaintiffs. The legal basis for filing a civil lawsuit for an unlawful act by the plaintiffs against the defendants to the District Court of Kepanjen is as follows:

- a. The plaintiffs filed a lawsuit with the District Court of Kepanjen on March 10, 2021. The plaintiffs submitted the lawsuit because the defendants did not fulfill the elements in the conditions of sale and the validity requirements of an agreement in Article 1320 of the Civil Code, which includes the absence of agreement, untrue information, and a valid legal basis. Therefore, the actions of the first defendant meet the elements in Article 1365, in conjunction with Article 1366 of the Civil Code. Unlawful acts in Article 1365 of the Civil Code regulate compensation imposed on the person who has committed an offense against the injured party. This compensation arises due to a mistake, not an agreement (Salim 2021). Article 1366 of the Civil Code explains that everyone is responsible not only for losses resulting from action but also for losses caused by negligence or carelessness.
- b. Government Regulation replacing Article 2, Article 6 paragraph 1, and paragraph 3 of Law Number 51 of 1960 concerning the Prohibition of Land Use Without the Rightful or Authorized Permit.
- c. Violation of the fundamental rights of the plaintiffs.

However, the defendants filed a counterclaim against the plaintiffs but were counter-used by the plaintiffs in the conventional lawsuit. In this verdict, the substantive or material element has been fulfilled, namely the interests and fundamental rights of the plaintiffs protected by the law. The substantive element violated by the defendants serves as the basis for filing a lawsuit against them. In addition, the procedural element, which includes the procedure and manner of filing a lawsuit, has been fulfilled by the plaintiffs. The legal action taken by the plaintiffs is to file a civil lawsuit with the District Court based on the location of the immovable object in dispute, according to Article 118 HIR/Article 142 Rbg, namely the Kepanjen District Court because the disputed land is in Kepanjen. Committing forgery of an authentic deed is an unlawful act, so the lawsuit filed with the Kepanjen District Court is a lawsuit for an unlawful act. This decision has met the sanction element, where the imposed sanction is in the form of civil sanctions. The case was won by the plaintiffs with the following verdict:

- a. Granting the plaintiff's lawsuit in part.
- b. Declaring that the statement regarding the grant of land to the plaintiff, covering approximately 149 m², made on January 5, 2015, is valid and legally binding.
- c. Stating that the sale deed number 999/PPAT-Pks/III/2013 dated March 28, 2013, allegedly made by Drs. Edy Susanto, MSc., as the Land Deed Officer on behalf of Mudawati, covering an area of approximately 363 m², is not legally binding with all legal consequences.
- d. Declaring that the first defendant (Mrs. Rubahan) in the conventional lawsuit has committed an unlawful act by causing losses to the conventional plaintiffs.

- e. Sentencing the defendants and/or anyone who controls the disputed object to be handed over to the conventional plaintiffs voluntarily, immediately, and all at once, if necessary, with the assistance of the police.

Sentencing the first defendant in the conventional lawsuit/plaintiff in the counterclaim and the second defendant in the conventional lawsuit jointly and severally to pay the court costs amounting to Rp2,114,000.

Comparison of Legal Remedies for Document Forgery in ASEN Countries

In Singaporean law, if someone has committed forgery, such as falsifying a document like a deed, apart from facing criminal charges under Section 468 of the Penal Code 1871, which carries a maximum prison sentence of 10 years and a fine, the aggrieved party can also file a civil lawsuit for forgery to seek compensation. However, like prosecutors who bear the burden of proving that a crime has been committed, the person alleging forgery in a civil case also has the burden of proving that the act of forgery has occurred. Providing evidence is essential when suing someone for forgery, which may include handwriting samples or documents obtained through expert testimony and unaltered copies of the original documents. In this context, crucial pieces of evidence need to be presented to substantiate the accusation of forgery.

In the case number Civil Appeal No. 7 of 2016 between Sudha Natrajan v the Bank of East Asia Ltd, the appellant Sudha Natrajan sued The Bank of East Asia for forging her signature in the Deed of Assignment of Proceeds (Singapore Court Judgments 2016). In the appeal, the petitioner stated that she never signed the deed, but The Bank of East Asia Ltd had sued Sudha Natrajan in the SGHC 328 of 2015 judgment. The petitioner presented a handwriting expert, also known as a graphologist, Mr. Yap Bei Sing, to prove that the signature was fake and not signed by the petitioner. During the signing of the deed, only Sudha had a witness, while her spouse, Rajan Natrajan, had no witness during the signing of the deed, raising the possibility of signature forgery. Furthermore, the Bank failed to prove that the signature truly belonged to Sudha because, according to Mr. Yap, the signature did not match Sudha's typical writing style (see Figure 1). It is proven that the respondent is guilty of forging the petitioner's signature for the respondent's purposes, namely signing the Deed of Assignment of Proceeds to make the petitioner pay a certain amount demanded by the respondent, as stated in the deed. Therefore, the respondent must pay the appeal costs to The Court of Appeal of Singapore.

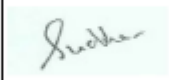
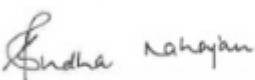
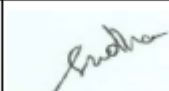
The Signatures		The Specimen Signatures
D1		
D2		

Figure 1. The signature appearing in the deed and the original signature of the petitioner.

Source: Singapore Court Judgments (2016)

In Malaysia, the offence falls under Section 471 of the Penal Code, punishable under Section 465 of the same act, which carries a jail term of up to two years or a fine or both, upon conviction. In July 2023, a chairperson and a treasurer of a non-governmental organization were fined RM3,500 each by the Sessions Court after pleading guilty to two charges of submitting forged documents involving the Malaysian Indian Transformation Unit (Mitra) funds in the year 2020 (Nizam 2023). They were accused of forging payment vouchers worth RM1,600 in total towards two separate women on October 11, 2020, which were submitted to Mitra under the description of 'Volunteer Services for The Women Empowerment Program' under the Persatuan Wanita Berjaya Sejati Malaysia.

In the Philippines, forgery is addressed under the Revised Penal Code, Article 169. Forgery can be committed by various means, such as giving the appearance of a true genuine document to a treasury or bank note or any instrument, payable to bearer or order, or by erasing, substituting, counterfeiting, or altering figures, letters, words, or signs contained therein. Additionally, under Section Four of the Revised Penal Code, Article 170 covers the falsification of legislative documents, imposing penalties for altering bills, resolutions, or ordinances enacted or approved by legislative bodies. Under Article 171, falsification by a public officer, employee, or notary taking advantage of their official position is also addressed. The penalty is prison mayor and a fine not exceeding P5,000 pesos for falsifying a document through specific acts outlined in the law.

Brunei Darussalam's legal framework, specifically outlined in Chapter XVIII, addresses offences related to documents, false documents, currency notes, and bank notes. Section 463 defines forgery as the creation of a false document with various intents, leading to a punishment of imprisonment for up to 5 years and a fine under Section 465. In addition, Vietnam's Penal Code, Article 341, amended in 2017, focuses on the crime of using fake documents from agencies and organizations. Penalties range from fines to community sentences or imprisonment, depending on circumstances such as involvement in organized groups, multiple offenses, the use of multiple fabricated seals or documents, and the commission of less serious or serious crimes. Additionally, Myanmar's Chapter XVIII, addressing offences related to documents and trade or property marks, states in Section 463 that whoever makes a false document with specific intents commits forgery. Section 465 outlines the punishment for forgery, including imprisonment for up to two years, a fine, or both. Additionally, Section 466 addresses specific types of forgery with varying punishments, including imprisonment of up to seven years and fines.

In Thailand, Chapter 3 addresses offences related to documents. Section 264 defines forgery of a document as the act of fabricating, altering, or adding to a document in a manner likely to cause injury to others. This includes putting a false seal or signature to deceive others into believing it is genuine. The punishment for forgery is imprisonment not exceeding three years, a fine not exceeding six thousand Baht, or both. Additionally, filling in the contents on a sheet of paper or material bearing someone else's signature without consent for activities causing potential harm results in the same punishment. Section 265 specifies that whoever forges a document of right or an official document faces imprisonment ranging from six months to five years and a fine ranging from one thousand to ten thousand Baht.

In the Indonesian case, civil sanctions were imposed on the defendants. Penalties in Malaysia include imprisonment or fines, Singapore imposes both criminal charges and potential civil compensation, Brunei Darussalam entails imprisonment and fines, Vietnam's penalties vary, Myanmar's include imprisonment and fines, and Thailand's range based on the nature of forgery. The Indonesian case involves both substantive and procedural legal elements, whereas other countries have comparable legal elements, such as definitions, evidence requirements, and specific acts constituting forgery. In Indonesia, the burden of proof lies with plaintiffs, a similarity shared with other countries, like Singapore.

The issue of document forgery within the context of civil law in ASEAN countries necessitates a multifaceted approach that encompasses legal, institutional, and collaborative efforts. Document forgery poses significant challenges to the integrity of legal systems, particularly in the realm of property rights and contractual agreements. As highlighted by Manangin et al. (2022), investigations into forgery cases, particularly those related to land rights, reveal both the effectiveness and obstacles faced by law enforcement agencies in South Sulawesi, Indonesia. Moreover, the collaborative efforts within ASEAN to combat corruption and related crimes, including document forgery, are essential. Arifin discusses the importance of regional cooperation in establishing frameworks for asset recovery and combating corruption, which are often intertwined with forgery cases. The transnational nature of such crimes necessitates a unified approach among ASEAN member states to enhance legal cooperation and information sharing (Arifin, Riyanto, and Putra 2023). This is further supported by Syafrinaldi, Prayuda, and Harto (2023), who emphasize the need for effective mutual legal assistance in combating non-traditional security threats, including transnational crimes like forgery.

The legal landscape in ASEAN is also influenced by the varying degrees of awareness and understanding of digital documentation and its implications for forgery. Ismail et al. (2021) point out that there is a significant gap in the understanding of how digital documents can be used as evidence in legal proceedings, particularly in Malaysia's Syariah courts. This gap highlights the necessity for legal practitioners across ASEAN to be adequately trained in handling digital evidence to mitigate forgery risks (Ismail et al. 2021). Furthermore, the harmonization of laws related to document authenticity and forgery across ASEAN nations could enhance the overall effectiveness of legal responses to such crimes. In addition, the role of civil society and regional organizations in advocating for stronger legal frameworks and enforcement mechanisms cannot be overlooked. The challenges faced by civil society in promoting democratic norms and human rights, as discussed by Nirmala (2023), indicate that a robust civil society can play a crucial role in addressing issues like document forgery by pushing for legal reforms and greater accountability within the legal systems of ASEAN countries.

CONCLUSION

The conclusion drawn from the Indonesian case underscores the comprehensive fulfillment of both substantive and procedural elements in the legal protection theory. The government's preventive legal efforts are evident through regulations aimed at deterring forgery of authentic deeds, aligning with the substantive element of legal protection. These regulations, rooted in the Civil Code, not only serve as a preventive measure but also provide a foundation

for initiating legal action, demonstrating a procedural aspect. Moreover, the plaintiffs' pursuit of an amicable settlement aligns with the procedural element, reflecting a repressive legal effort. However, the defendants' disregard for this attempt compelled the plaintiffs to resort to litigation, specifically an unlawful act lawsuit filed with the Kepanjen District Court. This legal action is grounded in Article 1365 and Article 1366 of the Civil Code, asserting that the defendants forged authentic deeds and unlawfully occupied, controlled, resided, and exploited the disputed land, infringing upon the inheritance rights of the rightful heirs—the plaintiffs.

The verdict, captured in Decision Number 55/Pdt.G/2021/Pn.Kpn, attests to the fulfillment of punitive elements within the legal protection theory. The panel of judges acknowledging the defendants' guilt, imposed penalties, requiring them to cover court costs and surrender the disputed object to the rightful owners. This decisive legal outcome reinforces the deterrent aspect of legal protection and serves as a tangible manifestation of justice within the Indonesian legal system. Comparatively, these legal mechanisms and outcomes align with the broader context of legal protection theories observed in other ASEAN countries, showcasing shared principles in preventing forgery and ensuring just resolutions through legal avenues.

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