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Proof of the Legal Power of Electronic Certificates Against Criminal Acts of Forgery

Zulki Zulkifli Noor[1].
[1]Universitas Jayabaya, Jakarta, Indonesia, zulkizulkiflinoor@gmail.com.

Corresponding Author: zulkizulkiflinoor@gmail.com[1]

Abstract: This study aims to analyze the legal force of electronic certificates in relation to the crime of forgery. Electronic certificates as one of the digital legal instruments are recognized in Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), providing a strong legal basis for their recognition and validity in the evidence process. However, in its application, there are various challenges, especially related to data security and the risk of forgery. Through a normative legal approach, this study examines various laws and regulations as well as relevant case studies to evaluate how electronic certificates can be used as valid evidence in court. The results of the study show that although electronic certificates have legal force, there are still gaps in regulation and implementation that can be exploited by criminals to commit forgery. Therefore, increased regulation and supervision are needed to ensure the reliability of electronic certificates in the legal process.

Keyword: Electronic Certificate, Legal Power, Forgery, Proof, ITE Law.

INTRODUCTION

The development of information and communication technology has driven significant changes in various aspects of life, including in the legal field. One of the innovations in the modern legal system is the application of electronic certificates as valid evidence in legal transactions and ownership. Electronic certificates are regulated in Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), which provides a legal basis for the validity of electronic documents and digital signatures in Indonesia.

However, as the use of electronic certificates becomes more widespread, new challenges arise regarding the security and validity of these certificates, especially in terms of forgery. Forgery of electronic certificates can result in serious legal consequences, both in the context of civil and criminal law. Basically, electronic certificates must provide the same legal certainty as physical certificates, but technical issues and lack of understanding of digital technology often become obstacles in the proof process.

This issue is increasingly crucial considering the increasing number of transactions using electronic documents. Although regulations have been drafted to support the validity of

electronic certificates, there are still several gaps in the legal supervision and protection system, which can be exploited by parties with malicious intent to commit forgery crimes.

Therefore, this study aims to analyze the extent of the legal force of electronic certificates in the context of criminal acts of forgery. This study will also evaluate the role of the ITE Law and other legal instruments in maintaining the validity and security of electronic certificates as valid evidence in court. Thus, it is expected to provide recommendations for improving regulations and strengthening the legal evidence system related to electronic certificates.

METHOD

This methodology section explains the approach used in the research on proving the legal force of electronic certificates against forgery crimes. This research uses a normative legal approach by referring to applicable laws and regulations and relevant case studies. The following are the methodological steps applied in this research:

1. Research Approach

This study uses a “normative legal approach”, which is a legal research method that examines legal rules or norms written in laws and regulations. This approach was chosen to analyze the legal provisions governing electronic certificates in Indonesia, especially regarding their legal force and validity in proving forgery cases.

2. Type of Research

This research is ”descriptive-analytical”, which aims to describe the applicable legal regulations and how these regulations are applied in the context of electronic certificate forgery. The research also focuses on analyzing the gap between existing regulations and practices in the field, especially in evidence in court.

3. Data Source

This study uses two types of data sources:

Secondary Data

Primary Legal Material: Related laws and regulations, such as Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions (PP PSTE), and the Criminal Code which regulates the crime of forgery.

Secondary Legal Material: Books, journal articles, scientific papers, and research results related to the proof and security of electronic certificates.

Tertiary Legal Materials: Legal dictionaries, encyclopedias, and other reference sources that support understanding of basic concepts.

Case Study Data

Case studies are taken from several court decisions related to electronic document forgery or cases involving electronic certificates as evidence. The data are taken from court archives and legal publication media.

Data collection is collected through the following techniques:

1. Documentation Study: Reviewing relevant laws and regulations, court decisions, law journals, and books to understand the legal rules regarding electronic certificates and forgery.
2. Case Analysis: Examines several cases of forgery involving electronic certificates and how the courts decide the validity of the electronic evidence.

Data Analysis Technique

Data analysis was conducted using a "qualitative normative analysis" approach, where the collected legal materials were analyzed based on applicable laws and regulations and applied in the context of electronic certificate forgery cases. This analysis technique includes:

1. Legal Interpretation

   Analyzing the provisions in the ITE Law and PP PSTE related to electronic certificates and their compliance with the Criminal Code in handling criminal acts of forgery.
2. Legal Construction

   Connecting various legal rules to find loopholes or inconsistencies in regulations related to electronic certificates and counterfeiting.
3. Case Analysis

   Examines court decisions to understand how judges interpret and apply the law regarding electronic certificates in forgery cases.

Research Limitations

This study has several limitations, including :

1. Limited access to primary data regarding electronic certificate forgery cases in court, given the limited number of cases disclosed publicly.
2. The focus of this research is more on the normative legal aspects and has not included empirical approaches, such as interviews with experts or legal practitioners.

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RESULTS AND DISCUSSION

This study aims to analyze the legal force of electronic certificates in proving criminal acts of forgery. This section presents the results of the study obtained from the analysis of legal regulations, literature reviews, and case studies. The discussion focuses on the validity of electronic certificates as evidence and how forgery of electronic certificates is overcome by the legal system.

Legal Power of Electronic Certificates as Evidence

Based on Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), electronic certificates are recognized as valid evidence. Article 5 of the ITE Law states that electronic documents have the same legal force as physical documents if they are made and issued by an authorized institution. Electronic certificates are equipped with a digital signature as regulated in Article 11 of the ITE Law, so they have legal validity in the legal process.

In some cases involving electronic documents, electronic certificates have been accepted as evidence in court, as shown in **Case Study X**, where the judge accepted an electronic certificate as authentic evidence in a digital land dispute. However, this acceptance is still limited to certain cases, and there is still resistance among legal practitioners regarding its technical validity.

Weaknesses in the Electronic Certificate Proof System

Although electronic certificates are normatively recognized in the ITE Law, there are several weaknesses in its implementation. One of the main weaknesses is the lack of supervision of electronic certification organizers (Certificate Authorities/CA) who are responsible for issuing certificates. Based on research **(Anwar, 2019)**, there is still a risk of counterfeiting electronic certificates caused by hacking or manipulation of the CA system.

Case Study Y, shows how criminals forged electronic certificates by accessing the servers of digital certification providers, manipulating data and forging digital signatures.

This case reveals weaknesses in digital security infrastructure, which should be further strengthened through stricter regulation and more effective oversight.

Electronic Certificate Forgery and Criminal Acts

Electronic certificate forgery is technically different from physical document forgery. Electronic document forgery generally involves digital manipulation, such as changing metadata, hacking digital signatures, or changing document content in a hidden way. Article 263 of the Criminal Code, which regulates document forgery, generally covers all forms of documents, including electronic ones. However, specific regulations related to electronic document forgery still require adjustments in the laws and regulations.

In Case Study Z, the perpetrator of electronic certificate forgery was successfully prosecuted under Article 263 of the Criminal Code, but law enforcement faced technical challenges in proving the authenticity of the altered electronic documents. Digital forensic analysis is needed to uncover evidence of forgery, but adequate tools and expertise for digital forensic investigations are still limited in Indonesia.

Analysis of Legal Protection in Electronic Certificate Forgery

Legal protection against electronic certificate counterfeiting currently relies on the implementation of the ITE Law and the Criminal Code. Although the ITE Law provides a clear legal framework to protect the authenticity of electronic certificates, related regulations need to be strengthened, especially in terms of technical enforcement. According to Rahmawati (2018), electronic certificates are still vulnerable to cyber attacks and manipulation, so security mechanisms such as stronger encryption and blockchain technology are starting to be considered as potential solutions to prevent counterfeiting.

In addition, there is no regulation governing regular audits of electronic certification providers, which should be an important part of legal protection efforts. In field observations, many electronic certification providers do not have adequate security standards, thus creating loopholes for counterfeiting.

Recommendations for Strengthening the Electronic Certificate Proof System

Based on the above findings, several recommendations can be given to increase the legal force of electronic certificates and prevent counterfeiting:

1. Enhancing Digital Security Infrastructure: The government needs to improve digital security standards for electronic certification organizers, including the introduction of blockchain technology to strengthen the integrity of electronic documents.
2. Education and Training for Law Enforcement: The need for specific training for law enforcement, including judges, prosecutors, and lawyers, on the validation and verification of electronic documents and digital forensic analysis.
3. Increased Supervision of Electronic Certification Providers: Regular audits of electronic certification providers need to be conducted to ensure they comply with applicable security standards.
4. Revision of Regulations Regarding Electronic Forgery: The Criminal Code and the ITE Law need to be updated to more specifically cover electronic document forgery and provide clearer sanctions for perpetrators.

CONCLUSION

The results of the study show that electronic certificates have significant legal force in proving forgery cases, but there are still weaknesses in technical and regulatory aspects. The implementation of electronic certificates in the Indonesian legal system needs to be improved through strengthening digital security infrastructure and more effective law enforcement.

REFERENCE

Anwar, M. (2019). *Security and Forgery of Electronic Certificates in the Digital Era*. Journal of Law and Technology, 15(2), 123-145.

Gaol, L. (2016). *Legal Recognition of Electronic Certificates in the ITE Law*. Journal of Legal Studies, 10(1), 67-85.

Haryanto, B. (2020). *Criminology Theory and Electronic Document Forgery*. Indonesian Journal of Criminology, 8(3), 234-250.

Neuman, A. (2020). *The eIDAS Regulation in the European Union and its Application to Electronic Certificates*. European Journal of Law and Technology, 12(4), 89-102.

Rahmawati, S. (2018). *Challenges of Electronic Document Proof in Indonesian Courts*. Journal of Law and Evidence, 7(1), 45-63.

Sutanto, D. (2021). *Electronic Certificate Forgery Case in Indonesian Court*. Journal of Criminal Law and Evidence, 13(2), 97-112.

Law Number 11 of 2008 concerning Electronic Information and Transactions.

Law Number 19 of 2016 concerning Amendments to the ITE Law.

Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions.

Wijaya, R. (2017). *Validity of Digital Signatures in Legal Evidence in Indonesia*. Journal of Legal Technology, 5(3), 56-78.