

Legal Analysis of Criminal Liability for Identity Falsification by the Fiduciary Grantor

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Abstract: This study is motivated by the increasing occurrence of identity falsification within fiduciary security agreements, a practice that undermines the integrity of legal relationships and threatens legal certainty in financial transactions. The core issues examined are the qualification of identity falsification as a criminal act within the context of fiduciary agreements and the judicial considerations applied in rendering decisions on such cases. The research employs a normative legal approach grounded in secondary legal materials. The findings indicate that identity falsification in fiduciary agreements constitutes a criminal act, as it involves deliberate manipulation, the use of false data, and actions that generate harm and vitiate consent within the contractual relationship. The analysis of judicial reasoning demonstrates that each element of the conduct was assessed comprehensively based on facts established during trial, resulting in a decision that aligns with the relevant legal framework. These findings reinforce the argument that identity falsification in fiduciary settings is not merely an administrative violation but a form of wrongdoing that affects the validity and legal standing of the parties' agreement. The study recommends greater accuracy by law enforcement in qualifying acts of wrongdoing and improved verification procedures by fiduciary institutions to prevent similar misconduct in the future.

Keywords: Criminal Liability; Identity Falsification; Fiduciary;

A. INTRODUCTION

The criminal act of identity falsification has increasingly emerged as a significant phenomenon within modern civil transactions, particularly in financing arrangements that rely on fiduciary security.[1] In fiduciary relationships, trust constitutes the core foundation, and the authenticity of personal identity and data submitted by the parties is an essential requirement for the creation of a valid legal agreement.[2] Identity falsification committed by a fiduciary grantor not only causes material losses to financing institutions but also undermines the integrity of the legal system and weakens the certainty that should accompany every contractual relationship. Such acts arise from deliberate attempts to deceive another party through the fabrication or manipulation of personal information for personal gain, thereby violating criminal norms that prohibit fraud, document falsification, and the provision of false statements. [3]

Conceptually, identity falsification refers to the deliberate construction of personal information in such a way that it appears genuine despite being false. In criminal law,

this conduct falls within the broader domain of fraud because the perpetrator creates a misleading representation that causes another party to rely on incorrect information when making legal or economic decisions. In fiduciary transactions, this misrepresentation has particularly serious implications because the validity of a fiduciary agreement depends on the fulfillment of material conditions, including the authenticity of the fiduciary grantor's identity as the lawful owner of the pledged object. This phenomenon of identity falsification is also contrary to the ethical values in Islamic teachings, which emphasize honesty and prohibit fraud. This is affirmed in the Qur'an, Surah Al-Baqarah verse 188, which states: "*And do not consume one another's wealth unjustly or send it [in bribery] to the authorities in order that [they might aid] you to consume a portion of the wealth of others in sin while you know [it is unlawful].*" This verse embodies a fundamental principle that any form of gain obtained through unlawful means, including manipulation and identity falsification, is prohibited both morally and legally. When identity is falsified, the foundation of trust collapses, the legal certainty of the collateral becomes impaired, and the creditor's protection is significantly compromised. A number of scholars have examined issues related to document falsification, fraud within financial institutions, and the validity of civil agreements.[2] Previous studies have generally focused on identity falsification in banking, criminal liability in credit applications, the doctrinal analysis of falsification as a form of fraud, the validity of fiduciary contracts in cases where material requirements are not met, mechanisms to prevent fraud in financing institutions, and assessments of the effectiveness of law enforcement in addressing identity falsification. However, the existing literature predominantly discusses falsification in a broad context and does not specifically address the criminal liability arising from identity falsification committed by a fiduciary grantor, nor does it comprehensively analyze judicial reasoning in concrete cases such as Decision No. 1097/Pid.Sus/2019/PN Mks. This gap underscores the *state of the art* of the present research, which seeks to provide a thorough analysis that integrates criminal law doctrine, civil law principles, and judicial practice in the context of identity falsification in fiduciary agreements.[4]

Against this background, this study aims to explore how criminal law qualifies the act of identity falsification committed by a fiduciary grantor and how judges consider and apply the relevant legal norms when deciding such cases. This research employs a normative legal method relying on secondary legal materials. The normative approach is operationalized through a statutory approach to examine the correspondence between statutory elements and the perpetrator's conduct, a conceptual approach to clarify the legal nature of identity falsification, and a case approach to analyze how legal norms are applied in judicial decisions. This triangulation of approaches enables a comprehensive review of both doctrinal and practical dimensions of the issue.[5]

The structure of the article follows a systematic sequence, beginning with an introduction outlining the context and urgency of the study. It then proceeds to a conceptual discussion of identity falsification and its relevance to fiduciary contracts, followed by a detailed analysis of the criminal qualification of the act under positive

law. Subsequently, the article examines the judicial reasoning employed in the relevant court decision and, finally, concludes with key findings and recommendations designed to strengthen legal certainty and institutional safeguards within fiduciary practices.

The central argument of this research is that identity falsification by a fiduciary grantor is not merely a contractual breach but constitutes a criminal act that undermines the trust principle fundamental to fiduciary arrangements and fulfills the elements of a criminal offense under Indonesian law.[6] Decision No. 1097/Pid.Sus/2019/PN Mks demonstrates how such conduct is legally classified as a punishable act with significant implications for the validity of the fiduciary agreement and the protection of the creditor's interests. Consequently, strict and consistent law enforcement is required to ensure the integrity of fiduciary transactions, protect creditors from fraudulent practices, and uphold a financing system grounded in trust, accountability, and legal certainty.

B. METHOD

This study employs a normative legal research method, which focuses on examining legal norms, doctrines, and principles to address the legal issues under investigation. The normative approach is conducted through an analysis of legal documents, theories, and existing principles to assess the alignment between the elements of the act and the applicable legal framework. The research relies on primary legal materials, including legislation and court decisions, as well as secondary legal materials such as scholarly literature, textbooks, and academic journal articles that provide theoretical and interpretative insights into the topic. Through this approach, the study aims to develop a comprehensive understanding of criminal liability for identity falsification in fiduciary agreements and its application within judicial practice.

C. DISCUSSION

1. Qualification of Identity Fraud as a Criminal Offense in Fiduciary Security Agreements

Identity falsification in fiduciary security agreements is a form of crime that not only constitutes administrative misrepresentation but also disrupts the foundation of trust, which is an essential principle in modern financing mechanisms.[7] Fiducia inherently relies on the validity of identity data to ensure the legal capacity of the parties entering into the agreement. Therefore, identity falsification cannot be viewed as a minor violation, but rather as an act capable of undermining the reliability of the entire financing system that depends on legal documentation.

In an increasingly integrated financing system that relies on digital verification, identity functions as the initial point and entry gate for assessing a person's creditworthiness. Creditors, both financing institutions and banks, conduct risk analysis based on identity data that are then connected to financial records, repayment capacity, and the legal history of prospective debtors. When identity information is manipulated, the entire risk assessment process becomes flawed and misleading.

Consequently, credit decisions are made based on inaccurate data, thereby increasing the likelihood of default and disrupting the risk-mitigation mechanisms of financing institutions. Furthermore, identity falsification also destroys the principle of trust that lies at the heart of fiduciary institutions. The fiduciary security model grants ownership rights in trust to the creditor while leaving physical control of the object to the debtor. This relationship can only function under the assumption that the debtor is a legitimate legal subject who can be clearly identified and held legally accountable for the fiduciary object. When the identity used is falsified or manipulated, the resulting legal relationship becomes fragile, and the contract loses the legal certainty that should inherently accompany it. In other words, identity falsification negates the element of good faith, which is a fundamental requirement in every civil contract.

In addition, identity falsification has systemic implications far more complex than mere individual losses. In the context of the national financing industry, the widespread practice of identity falsification has been shown to increase non-performing financing (NPF), complicate collection processes, and hinder the execution of fiduciary objects because debtor data cannot be traced. In certain cases, identity falsification is even carried out by organized syndicates to obtain fictitious financing or to duplicate financing by using different identities. This not only harms financing institutions but also reduces public confidence in the integrity of the population administration system and the credibility of the financial sector as a whole.

From a criminal law perspective, identity falsification in fiduciary agreements also demonstrates a higher degree of culpability because it is carried out with the intention of obtaining economic benefits through fraudulent conduct. This act is not merely the falsification of documents but actively leads another party into a misperception that results in actual loss. Therefore, this crime must be understood not only as a formal violation of identity documents but as an abuse of trust that has the potential to damage both private and public legal order.

a. Conceptualization of Identity Fraud from a Criminal Law Perspective

In criminal law, falsification (*valsheid*) is understood as the act of creating or altering a document so that it appears to be genuine, despite contradicting the material facts. The defining characteristic of falsification is the creation of an illusion of truth, which leads another party to a false perception. In the context of fiduciary security, identity falsification is typically carried out with two primary motives: (1) obtaining credit facilities that the applicant does not qualify for, or (2) concealing one's true identity due to poor credit history or a high risk of default.[8]

This act inherently involves two essential elements: the *actus reus*, namely the act of falsifying identity data and submitting it to the creditor; and the *mens rea*, namely malicious intent, a fraudulent motive, or the purpose of misusing credit facilities. When both elements are fulfilled, identity falsification essentially meets the construction of a criminal offense as contemplated in the general provisions on falsification. However, in the context of fiduciary security, such

falsification has particular characteristics that are not fully encompassed by general norms, thereby requiring a more specific legal regime.

As an analytical extension, it is important to emphasize that *mens rea* in identity falsification cases is often obscured. Offenders may submit falsified documents for pragmatic reasons such as to maintain access to financing where economic motives dominate, without explicitly acknowledging malicious intent. Therefore, from an evidentiary standpoint, law enforcement must infer intent through supporting evidence: behavioral patterns (e.g., repeated applications), involvement of third parties, inconsistent financial records, or communications indicating planning. This is where electronic evidence, digital forensics, and internal audits of financing institutions become crucial in uncovering hidden *mens rea*.

Additionally, it should be noted that identity falsification in fiduciary arrangements often involves information asymmetry and procedural weaknesses within financing institutions (e.g., weak KYC verification). A purely criminal law approach will not suffice if root causes—such as permissive corporate governance, suboptimal integration of population-identification data, or administrative loopholes—are not addressed. Therefore, the concept of identity falsification must be analyzed through a multidisciplinary lens: combining criminal law, civil law, population-administration regulations, and financial sector policy.

b. Identity Falsification as a Formal and Material Offense

In criminal law theory, offenses may be classified as either formal offenses or material offenses. A formal offense focuses on the act itself, irrespective of the consequences it produces. Meanwhile, a material offense emphasizes the existence of certain consequences as an essential element of the crime.^[9] Identity falsification within fiduciary security agreements possesses a dual character. First, it constitutes a formal offense because the act of creating, altering, or submitting falsified identity data is criminal in nature regardless of whether it causes any harmful result. Second, identity falsification may also constitute a material offense because, in practice, it produces consequences such as economic losses for the creditor, contractual defects, defects of will, and the invalidation of the legal relationship established through the fiduciary deed.

A further elaboration shows that this dual classification carries significant implications for both evidentiary standards and sentencing. For formal offenses, the objective elements are clear: the existence of a forged document or alteration making enforcement relatively straightforward. However, when treated as a material offense, law enforcement must prove a causal relationship between the falsification and the resulting harm; for example, that the credit would not have been granted without the falsified document, or that the falsified document was a determinative factor in a financing decision that ultimately harmed the creditor. Establishing such causality often requires financial analysis, expert economic testimony, and internal examinations of

the lending institution.

Additionally, this dual dimension influences the rationale for sanctions. If the offender is subjected only to administrative sanctions, the deterrent effect may be insufficient. Conversely, if criminal enforcement focuses solely on formal elements without considering economic impact, restitution for the victim (the creditor) may not be adequately realized. Therefore, an effective legal policy must combine both approaches: criminal sanctions to address the offender's culpability and civil remedies to compensate the victim's losses.

Another key aspect that must be highlighted is the potential involvement of corporate actors or syndicates in identity falsification.[10] In some cases, falsification is not carried out by a single individual but involves intermediaries (brokers), negligent or collusive employees of financing institutions, or organized networks producing forged documents on a large scale. This phenomenon requires a handling model that integrates corporate accountability: internal investigations, sanctions against institutions that fail to implement proper Know Your Customer (KYC) procedures, and the application of corporate criminal liability where systemic negligence is found. Finally, from a preventive standpoint, recognizing that identity falsification has both formal and material dimensions should prompt policy reform: strengthening biometric-based identity verification, ensuring real-time integration between population data and financial systems, establishing standardized digital-forensic procedures, and implementing educational programs for financing institutions to enhance due diligence. Only through a preventive approach that integrates regulation, technology, and law enforcement can systemic vulnerabilities to identity falsification be significantly minimized.[11]

c. Identity Falsification as a Violation of the Principle of Trust in Fiduciary Security.

Fiducia derives from the Latin term *fiducia*, meaning trust. In a fiduciary security relationship, the creditor provides financing facilities and receives a transfer of ownership based on trust from the debtor as the fiduciary grantor, while the debtor retains physical control over the collateral for use in economic activities.[12] The entire fiduciary scheme is built upon the principle of trust—both the creditor's trust in the debtor and the state's trust in the authenticity of citizens' identity data. Therefore, the accuracy of identity information constitutes a non-negotiable element in the formation of a fiduciary legal relationship. Identity falsification committed by the fiduciary grantor is a serious violation of this fundamental principle because such an act undermines the legal and moral basis required for contractual processes. When the debtor's identity is false, the agreement becomes not only administratively flawed but also loses its substantive validity. In practice, identity falsification often renders financing contracts unenforceable, hinders financial institutions from tracing the debtor, and triggers disputes regarding the validity of the legal

subject whose name appears in the fiduciary deed. This condition increases the risk of default and contributes to the rise of non-performing loans.

From a civil-law perspective, identity falsification may be classified as a defect of consent because the agreement is made on the basis of misleading false statements (*fraudulent misrepresentation*). This allows the contract to be annulled or even deemed void by operation of law if the falsification meets the elements of a defect of consent as stipulated in Article 1321 of the Indonesian Civil Code. However, the criminal-law dimension of identity falsification has a broader scope. It not only causes financial loss to creditors but also damages public trust in the integrity of the financing system, increases moral hazard, and may create a domino effect that undermines the stability of the financing industry. Thus, identity falsification constitutes a multidimensional violation harming the state, creditors, and society at large.

Furthermore, within a policy-oriented legal approach, identity falsification in fiduciary security should be viewed as a threat to economic security. The high dependency of the financing industry on the authenticity of identity information makes falsification a critical vulnerability that disrupts transactional efficiency and weakens the overall credit ecosystem. Consequently, the legal approach taken must be not only repressive but also preventive, such as through enhanced identity-verification standards, integration of population data systems with financing institutions, and stricter know-your-customer (KYC) obligations.

d. Normative Analysis of Article 263 of the Indonesian Criminal Code, Article 93 of the Population Administration Act, and Article 35 of the Fiduciary Security Act

A normative analysis shows that identity falsification in the context of a fiduciary agreement is essentially regulated by three different legal regimes, each with its own limitations and scope. These three regimes must be comparatively analyzed to determine the most appropriate norm (*lex most appropriate*) for addressing criminal acts of identity falsification committed by a fiduciary grantor.[13]

a. Article 263 of the Indonesian Criminal Code (KUHP): Article 263 of the Indonesian Criminal Code (KUHP) regulates the criminal act of document forgery by emphasizing the act of creating or using false documents whose contents do not correspond to material facts. This provision is general in nature (*lex generalis*) because it encompasses all forms of document falsification without considering the specific context of the conduct, including contractual, economic, or financing relationships. In the context of fiduciary security, this article may be applied to prosecute offenders who falsify identity documents such as ID cards (KTP), family cards (KK), driver's licenses (SIM), or other supporting documents as the basis for credit applications. However, Article 263 KUHP focuses only on the formal aspect of the act namely the discrepancy between the document's contents and the actual facts without further elaborating on the economic dimensions and legal relationships affected by such falsification.

The main weakness of Article 263 KUHP lies in its non-contextual and overly broad nature, which fails to provide sufficient space for judges to assess the complexity of business relationships between debtors and creditors. This provision does not address how identity falsification within financing transactions can create moral hazard, increase the risk of default (non-performing loans), and disrupt the stability of financial institutions that rely on the validity of customer data. In the absence of an economic and contractual perspective, the application of Article 263 KUHP often fails to reflect the true severity and degree of criminality associated with document falsification in the fiduciary context.

Furthermore, Article 263 KUHP does not provide adequate legal instruments for law enforcement to evaluate the connection between the element of falsification and modern credit-granting mechanisms, which have become increasingly complex. In practice, financing institutions implement a series of risk-analysis procedures, including identity verification, credit history checks, and assessment of the debtor's character. Document falsification in this context not only disrupts administrative processes but also constitutes a form of manipulation against risk-control systems designed to safeguard the financial stability of financing companies. Because Article 263 does not incorporate these dimensions, criminal sanctions imposed under this provision are often disproportionate to the actual losses and potential systemic risks incurred. Moreover, the inadequacy of Article 263 KUHP is evident from its failure to differentiate between document forgery that causes limited private harm and forgery that has broader implications for the financing market. In fiduciary transactions, false documents serve as an entry point for offenders to access substantial financial facilities. This risk not only burdens creditors but may also impact the macroeconomic sphere when document falsification becomes a recurring and systematic *modus operandi*. Therefore, Article 263 KUHP is insufficient to meet the needs of modern criminal law, which demands norms that are sensitive to economic contexts, contractual relationships, and the sustainability of financial systems.

Thus, although Article 263 KUHP remains relevant as a basic provision (*lex generalis*) for prosecuting document falsification, its application in fiduciary security cases should be regarded as supplementary rather than the sole legal foundation. The presence of specific regulations such as Article 35 of the Fiduciary Security Law is essential, as it fills the normative gaps not covered by the KUHP and provides a more comprehensive penal framework suitable to the characteristics of the offense.

- b. Article 93 of the Population Administration Act (UU Administrasi Kependudukan):** regulates prohibitions and sanctions against any form of falsification of population data as part of the state's efforts to safeguard the

integrity of the population administration system. This provision arises from the need to ensure that every resident's data recorded in the national database possesses validity, accuracy, and high reliability.[14] Therefore, Article 93 provides a legal basis for the state to impose criminal penalties on individuals who intentionally falsify or manipulate identity data, whether in the process of issuing electronic ID cards (e-KTP), civil registration, or other administrative documentation. Furthermore, UU Adminduk views identity falsification as an attack on the public administrative system because it can cause disruptions in the management of the national data system, which serves as a reference for various public services, including healthcare, education, social assistance, and even electoral processes. In this context, falsifying identity is regarded as a violation of the state's interest in maintaining accountable population data management, rather than merely an act that harms certain individuals. Thus, the focus of UU Adminduk lies in protecting administrative order and the population information system. However, the regulatory framework of UU Adminduk has substantive limitations because it only highlights administrative aspects and not the implications that arise within private or commercial legal relations. This law does not regulate the subsequent consequences of identity falsification when it is used as an instrument to obtain economic benefits, such as accessing credit facilities, financing schemes, or fiduciary security agreements. In such contexts, falsifying identity no longer merely undermines the integrity of the population database but also has the potential to cause significant material losses to financial institutions and other private entities. Therefore, UU Adminduk cannot stand alone in addressing identity falsification cases that have broader impacts on financial transactions and contractual relationships. In addition, Article 93 of UU Adminduk does not provide a comprehensive regulation concerning the role and responsibilities of institutions that utilize population data, such as financing companies or banks, in verifying and validating debtor information. This normative gap makes UU Adminduk insufficient to provide a complete solution to identity falsification issues that extend into civil-commercial domains. This is where the distinction between UU Adminduk and more specific regulations such as the Fiduciary Security Law becomes evident. Unlike UU Adminduk, the Fiduciary Security Law does not merely view identity falsification as an administrative violation but also as an act that undermines the credibility of the financing market. Consequently, other legal provisions—such as Article 35 of the Fiduciary Security Law and Article 263 of the Indonesian Criminal Code—remain necessary as *lex specialis* and *lex generalis* to provide broader legal protection in accordance with the context of the offense.

- c. **Article 35 of the Fiduciary Security Act (UU Jaminan Fidusia):** Article 35 of the Fiduciary Security Act constitutes the most relevant and specific (*lex specialis*) provision, as it expressly regulates the act of providing false information in order to obtain fiduciary-based financing facilities. The

essential elements of this article include: (1) the existence of false information; (2) such information being provided by the fiduciant; and (3) the information being used to obtain financing secured by fiduciary collateral. This provision does not merely govern the administrative aspect of falsification, but explicitly highlights the contractual relationship and the economic dimensions inherent within the financing mechanism. Consequently, this norm has a broader and more comprehensive scope compared to the Criminal Code (KUHP) or the Population Administration Act. Juridically, the existence of Article 35 affirms that identity falsification in the context of fiduciary arrangements cannot be treated merely as a general offense focused on individual loss arising from document forgery, as reflected in Article 263 of the Criminal Code.[15] This provision offers a broader perspective by positioning the act of providing false information in fiduciary transactions as a threat to the integrity of the financing system itself. In other words, Article 35 protects not only the fiduciary recipient (the creditor), but also safeguards the stability and credibility of the national financing mechanism, given that fiduciary objects essentially serve as financial instruments with strategic economic value. Furthermore, Article 35 of the Fiduciary Security Act carries significant implications for the assessment of the perpetrator's *mens rea*. In contrast to the offense of document forgery under the Criminal Code, which typically centers on the physical aspect of the document, the offense regulated in Article 35 places greater emphasis on the intentional use of false information to obtain economic benefits in the form of financing access. Thus, proof of intent within this provision must relate to the perpetrator's motive and purpose in misleading the financing institution, rather than merely the act of falsifying or using forged documents. This allows the court to evaluate the entire course of conduct, including communications, transaction patterns, and omissions in providing information that should have been accurate. From the perspective of law enforcement, the application of Article 35 also necessitates heightened verification standards and enhanced risk-mitigation mechanisms by financing institutions. Implicitly, this provision establishes that the fiduciant bears both a moral and legal obligation to provide accurate information. However, financing institutions as fiduciary recipients are likewise required to implement stronger *know your customer* (KYC) and *due diligence* measures, ensuring that the granting of financing facilities does not rely solely on administrative assessment of documents. Accordingly, Article

35 not only places obligations on the fiduciant, but also promotes the development of a more secure and reliable financing ecosystem. At the level of criminal policy, Article 35 represents a legislative response to the escalation of economic crimes exploiting gaps in identity verification systems. By introducing a specific provision concerning false information within fiduciary arrangements, lawmakers signal that the financing sector requires heightened protection. This norm becomes a crucial instrument to

prevent misuse of credit facilities and to minimize systemic risks that may arise when fiduciary objects are transferred or pledged on the basis of fictitious information. In this regard, Article 35 functions not only as a repressive legal mechanism but also possesses a strong preventive dimension.

Under the principle of *lex specialis derogat legi generali*, Article 35 of the Fiduciary Security Act must serve as the primary basis for prosecuting identity falsification in fiduciary financing contexts. This is because the article is substantively designed to respond to the needs of the financing industry and provide stronger legal protection for creditors. The use of this article also aligns with the objectives of the Fiduciary Security Act, namely ensuring a secure security system, strong legal certainty, and optimal protection for parties involved in modern financing schemes. In conclusion, the application of Article 35 of the Fiduciary Security Act should be integrated with Article 263 of the KUHP and Article 93 of the Population Administration Act to build a holistic law enforcement approach. This combination enables the state to punish offenders not only as violators of population administration but also as criminals who harm the economic system and weaken the legal instruments of fiduciary security. Such an integrated approach is essential to maintain the credibility of the national financing system and prevent widespread identity misuse.

2. Analysis of Legal Considerations in Decision No. 1097/Pid.Sus/2019/PNMks

The Decision of the Makassar District Court in Case No. 1097/Pid.Sus/2019/PN Mks reflects a judicial approach that integrates both factual and normative assessments to capture the complexity of identity falsification within the fiduciary framework. The judge does not merely refer to the formal attributes of documents but evaluates the legal consequences arising from the substance of the fiduciary agreement. This approach demonstrates an understanding that identity falsification in financing transactions carries contractual and systemic implications that go beyond mere administrative violations. Accordingly, the decision affirms that acts of falsifying identity data to access credit facilities should be regarded as a threat to the integrity of the financing mechanism. In terms of evidentiary assessment, the judge combines physical evidence (the ID card document) with digital forensic evidence to build a narrative showing the alignment of *actus reus* and *mens rea*. This is crucial because the *mens rea* in identity falsification cases is often obscured; thus, inferences drawn from behavioral patterns, communication records, and digital forensic findings become key instruments in concluding the existence of intent. This acknowledgment represents a progressive step for the judiciary, yet it also raises critical questions regarding the evaluation standards employed: to what extent do visual inspection, metadata verification, and expert testimony satisfy the scientific reliability and accountability required in criminal proceedings?

At this point, a substantive gap becomes apparent: the court still relies on evidentiary methods that remain relatively arbitrary and lack standardization. Although the judge uses testimony from a digital forensic expert, there are no binding procedural guidelines regarding the validity of forensic tools, sampling methods, metadata analysis, or the electronic custodial chain. The absence of technical standards and laboratory accreditation creates room for doubt concerning the probative strength of digital evidence in court. For this reason, the decision highlights the urgent need for national guidelines on digital evidence, including chain-of-custody protocols, expert accreditation, and standards for the admissibility of electronic evidence.

Beyond evidentiary issues, the judge's reasoning contains an important legal-policy dimension: recognition of the *lex specialis* principle in the Fiduciary Security Act (UU Jaminan Fidusia) as the more appropriate legal framework for assessing falsification within the context of financing. The application of this principle demonstrates judicial awareness that not all forms of falsification are the same; falsification that causes defects in a fiduciary contract has different implications compared to falsification of ordinary administrative documents. However, the court must also maintain proportionality in sentencing by considering aggravating and mitigating factors, such as the degree of involvement of other actors, the presence of a criminal syndicate, or the negligence of financial institutions in verifying identity. From the perspective of victim protection and remedial justice, the ruling should be complemented by a recovery-oriented framework. Criminal sanctions may create a deterrent effect but do not always resolve the creditor's economic losses; therefore, courts and policymakers must consider restitution mechanisms, asset seizure, and expedited procedures to restore creditors' rights for instance, through accelerated civil processes or coordination between criminal and civil authorities. A combination of effective penal measures and remedial mechanisms would provide a more holistic response to the economic consequences of falsification.

Institutionally, this decision should prompt broader reforms: improved know-your-customer (KYC) standards in financing institutions, real-time integration of population databases with financial verification systems, and mandatory reporting to authorities when indications of identity manipulation are detected. Additionally, training programs for judges and prosecutors on digital forensic technology are needed so that judicial assessments rest on adequate technical understanding. Policy reforms should prioritize accreditation of digital forensic laboratories, the establishment of metadata analysis standards, and clear guidelines on the admissibility of electronic evidence in court.

Based on the synthesis above, the author's conclusion is as follows: the judge's considerations in Decision No. 1097/Pid.Sus/2019/PN Mks are appropriate in emphasizing the contractual implications of identity falsification and in applying fiduciary regulations as the basis for assessment. However, to ensure that the decision has stronger precedential value and can be applied consistently in future cases, it is necessary to strengthen digital evidentiary standards, harmonize relevant

legal regimes, and develop remedial mechanisms to restore victims' losses. Only through the combination of firm criminal enforcement, integrated evidentiary standards, and preventive policy reforms can the justice system effectively address the phenomenon of identity falsification that threatens the integrity of the financing sector.

D. CONCLUSION

Following an analysis of the identity falsification case in Decision No. 1097/Pid.Sus/2019/PN Mks, it can be concluded that the authenticity of identity documents constitutes the primary foundation in the formation of a fiduciary security agreement. The falsification of an ID card (KTP) in this case not only undermines the trust relationship between the debtor and the creditor but also creates a legal defect that directly affects the validity of the agreement. These findings confirm the research objective that identity falsification within fiduciary agreements is a form of crime with systemic implications and cannot be viewed merely as an administrative violation. From a normative perspective, the defendant's actions fulfilled the elements of criminal offenses as regulated in Article 263 of the Indonesian Criminal Code (KUHP) on document falsification and Articles 35–36 of the Fiduciary Security Act, as well as elements related to fraud under Article 378 KUHP.[16] The judge in this decision appropriately assessed the existence of *actus reus* in the form of creating and using forged documents, as well as *mens rea* in the form of intent to mislead the creditor. The judge's legal considerations in imposing criminal sanctions based on Article 263 paragraph (1) KUHP and Article 36 of the Fiduciary Security Act are consistent with juridical construction, especially since the fiduciary object was transferred without the written consent of the fiduciary recipient. The imposed sanctions are also proportional, although the element of participation (Article 55 KUHP) was not applied because the perpetrators were tried in separate case files. However, this research finds that evidentiary practices in identity falsification cases—particularly those involving digital evidence—still face structural weaknesses. The court does not yet possess standardized procedures regarding verification of electronic ID authenticity, metadata analysis, or the use of digital forensic technology. This reflects limitations within the judicial system in adapting to increasingly sophisticated crime modalities. In addition, coordination gaps persist among population administration institutions, law enforcement agencies, and financing institutions, creating opportunities for identity misuse. Based on these findings, this research recommends that regulatory reforms and improved governance of digital evidence must be implemented immediately. National technical standards on authentication of population documents, enhanced capacity of digital forensic laboratories, and real-time integration of population data with financial institutions—through cooperation among the Ministry of Home Affairs, the Financial Services Authority (OJK), and law enforcement agencies are urgently needed. Moreover, public education on the importance of safeguarding identity authenticity should be strengthened as a preventive measure. Cross-sector cooperation must also be enhanced so that identity

verification processes become more efficient and less prone to manipulation. The implications of this research offer a new perspective: identity falsification in fiduciary agreements is not merely an individual document offense but a strategic crime with the potential to threaten the stability of the national financing system. Therefore, its mitigation should be placed within the framework of systemic risk prevention, rather than conventional law enforcement alone. By strengthening regulations, digital evidence mechanisms, and inter-agency coordination, public trust in the financial system and financing mechanisms can be sustainably enhanced.

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