

Criminal Act of Forgery of Letter in Village Head Elections in Lhok Village Kulam, Jeunieb District, Bireuen District Case Study (Case Study of Supreme Court Decision No. 431 K/Pid/2021

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Abstract. *Village head elections are often marred by various alleged violations. One of the alleged violations is the provision of false information in documents, document forgery, and using fake documents or letters as a requirement to run as village head. As happened in the village head election in Lhok Kulam Village, Jeunieb District, Bireuen Regency. The winning candidate for the village head election was forced to be canceled after he was sentenced to 6 (six) months in prison through Supreme Court decision No. 431 K/Pid/202. The decision stated that the person concerned was proven to have used fake documents according to Article 362 paragraph (2) when registering as a candidate for village head in the local village. This study aims to determine the legal concept of forgery of letters in the positive Criminal Code and the new Criminal Code, as well as to find out and analyze the results of the judge's legal considerations in the decision. This writing uses a normative legal research method. The results of the study show that the Supreme Court Judge through the Supreme Court decision Number. 431 K/PID/2021 which strengthens the decision of the court at the judex facti level in the case, considers that the defendant was proven guilty in the case because there was no excuse even though the person concerned did not have mens rea to commit the crime of using fake documents. However, the criminalization of the defendant should have been avoided if the village head election committee had verified the nomination files seriously, especially since this case emerged after Nurdin Ahmad was inaugurated as the local village head*

Keywords: *Criminal; Forgery of letters; judge's decision.*

1. Introduction

The rule of law and democracy are two ideas about how power is exercised in governing a country. The two concepts are interrelated and inseparable. Democracy provides the basis and mechanism of power based on the principle of equality and human equity, while the rule of law stipulates that the power in the country is not humans, but the law.¹

According to Joseph A. Schemer, Democracy can be interpreted as an institutional system designed to achieve political decisions, where individuals have the power to determine the course of competitive competition in gaining public support. Within the framework of a democratic system, it is important to ensure full community involvement in planning, organizing, implementing, and supervising the functions of power.² Therefore, collectively, citizens involve themselves in the implementation of the democratic system through participation in general elections to elect leaders, both at the legislative and executive levels.

This process includes presidential elections to village head elections at the most local level. Village head elections are one of the mechanisms that allow active community participation in village progress, where they are given the opportunity to give full voice in determining the village leader. Through this process, the community can contribute directly to decision-making that affects the development and welfare of their village. Granting full voting rights is an important instrument for creating a democratic environment and empowering villagers to manage and improve the quality of life in their environment.³

However, village head elections are often one of the most intense general elections because the position of village head is contested by several candidates. This enthusiasm is certainly inseparable from the government's policy that gives various authorities to village heads in managing village budgets as stated in Law Number 6 of 2014 concerning Villages, so that village head elections are often marred by various allegations of violations. One of the alleged violations is the provision of false information in documents, falsification of documents, and using fake documents or letters as a requirement to run as village head.

¹Muntoha, Democracy and the Rule of Law, Journal of Law, Faculty of Law, Islamic University of Indonesia, Yogyakarta, p. 379

²Jimly, Asshiddiqe, Political Parties and General Elections as Instruments of Democracy, Constitutional Journali, Volume 3 number 4, page 6

³Diky Dikrurahman, Legal Awareness of Village Communities Regarding Village Head Elections, Journal Indonesia Social Science, Vol.2 No.7 July 2021, p. 1099

As alleged happened to the candidate for village head or keuchik of Lhok Kulam Village, Jeunieb District, Bireuen Regency, Nurdin Ahmad bin Ahmad. Initially, Nurdin had been inaugurated as village head by the Regent of Bireuen but his election had to be canceled after the diploma requirement obtained from the Ashhabul Islamic Boarding School Yamin Bakongan, South Aceh, the place where he studied before was proven to be fake based on the Supreme Court decision No. 431 K/PID/2021. Nurdin Ahmad was sentenced by the panel of judges, both at the district level and at the district level.factual evidenceand alsojudicial reviewwith a sentence of 6 months in prison. He was found guilty of violating Article 263 paragraph (2) for using a fake or falsified letter that appeared to be genuine as stated in the subsidiary indictment of the Public Prosecutor of the Bireuen District Attorney's Office, Aceh Province.

In fact, in the administrative file verification stage, he had been declared to have passed by the village head/keuchiek selection committee (P2K) so that questions arise regarding the effectiveness and accuracy of the verification process carried out by P2K. Because, if the use of fake documents was detected earlier, Nurdin Ahmad would have been declared to have failed the selection. Based on these things mentioned above, the author is interested in researching and writing a legal paper with the title“Analysis of the Criminal Act of Forgery of Letters Used as a Requirement in the Village Head Election in Lhok Kulam Village, Jeunieb District, Bireuen Regency Case Study of Supreme Court Decision No. 431 K/PID/2021.

2. Research Methods

This writing uses normative legal research (normative legal). which places law as a building of a system of norms concerning the principles, norms, rules of statutory regulations, court decisions, and agreements as well as doctrines (teachings).⁴ This research was conducted by examining library materials (secondary data) or library legal research.⁵ Meanwhile, the approach used in this research is the statutory approach (statute approach), and case approach (case approach).⁶ The aim is to find the truth and the best solution to the legal problems faced, by considering the principles of justice in the case. The data collection technique in this study is to use a literature study (library research) which was then analyzed using a qualitative approach method using prescriptive analysis characteristics to be able to provide arguments for the research results that have been carried out.

⁴Mukti Fajar, Yulianto Achmad,Dualism of Normative & Empirical Legal Research, Learning Library, Yogyakarta, 2010,p. 34.

⁵Edi Warman,Legal Research Methodology Monograph,Medan 2014, p. 24.

⁶Peter Mahmud Marzuki,Legal Research Revised Edition,9th Edition, Prenada Media Group, Jakarta, 2014, p. 134.

3. Results and Discussion

3.1. Judge's Legal Considerations

A judge's decision is a decision pronounced by a judge in a trial open to the public, after going through criminal procedure, which contains a ruling in the form of a sentence, acquittal, or release from legal charges, and is made in writing with the aim of resolving the case.⁷ The decision contains the principle *res judicata pro veritate habetur*, which means that the judge's decision must always be considered correct. The format of the judge's decision is regulated in Article 197 of the Criminal Procedure Code, including material and formal requirements as determinants of its validity. The regulation aims to ensure that judges can issue verdicts carefully and precisely, thus upholding the principles of justice and legal certainty.

The verdict (verdict) handed down by the judge has an impact that can be seen from two different perspectives. From the first side, the verdict functions as the spearhead of criminal law in controlling things that create public unrest (general impact), by punishing the defendant. On the other side, the verdict provides a deterrent effect for the convict as a form of accountability for his actions (special impact). In its development, criminal law began to modify the concept of misery through an approach of restorative justice, so that the verdict can function as a recovery effort (treatment) for the convict. According to HL Parker, the main goal of treatment is to provide benefits or improve the individual concerned, with a focus not on his past or future actions, but on efforts to provide assistance.⁸ L. Parker divides the purpose of punishment into two main forms, namely preventing crime or undesirable actions (the prevention of crime or undesired conduct or offending conduct), and provide adequate suffering or retribution to violators (the deserved infliction of suffering on evildoers/retribution for perceived wrongdoing).⁹

The decision of the Panel of Judges of the Supreme Court Number 431 K/Pid/2021 with the defendant Nurdin Ahmad bin Nurdin Ahmad rejecting the cassation application by both the Public Prosecutor of the Bireuen District Attorney's Office and the defendant Nurdin Ahmad bin Ahmad. In its considerations, the Panel of Judges of the Supreme Court stated that the reasons for the cassation submitted by the cassation applicant or defendant in the cassation memorandum contained in the case file, the Supreme Court is of the opinion that the reasons for the cassation cannot be justified, the decision factual evidence/High Court revises the verdict factual evidence/The Bireuen District Court has correctly and correctly applied the law because it has sufficiently

⁷English: Mr. Budi Suharyanto, Demanding Accountability of Court Decisions Through Criminal Prosecution of Judges, *Journal of Law and Justice*, Vol. 1, No. 2, July 2012, p. 262.

⁸Muladi, Barda Nawawi Arief, *Criminal Theories and Policies*, Alumni, Bandung, 2010, p. 6.

⁹*Ibid.*

considered the legally relevant legal facts along with the evidence that is the basis for determining the defendant's guilt.¹⁰

Decision of the Supreme Court Judge or the district court judicial review which strengthens the decision of the level factual evidence namely the Bireuen District Court and the Banda Aceh High Court, so in this case the author describes the judge's considerations in the first instance decision against the defendant Nurdin Ahmad bin Ahmad.

Nurdin Ahmad bin Ahmad in mid-October 2019 registered himself as a candidate for village head of Lhok Kulam. As a candidate, he must complete the administrative requirements, one of which is a photocopy of a legalized diploma. To fulfill this requirement, he attached a diploma from Madrasah Tsanawiyah Ashabul Yamin Bakongan South Aceh with the number: As.Ts.Ay/0025/Pst dated December 1, 1996. Nurdin received the diploma on July 14, 2019, he visited the Ashabul Yamin Bakongan Islamic Boarding School and asked the head of the Tgk. H. Baidhawi Adnan Islamic Boarding School to issue a diploma dated December 1, 1996 in the name of Nurdin Ahmad in order to complete the administrative requirements for registration as a candidate for village head in 2019. Then, Tgk. H. Baidhawi Adnan issued a diploma in the name of Nurdin Ahmad, namely the diploma of Madrasah Tsanawiyah Ashabul Yamin Bakongan South Aceh which was signed by the Director of Madrasah Tsanawiyah Ashabul Yamin Bakongan South Aceh. However, on the certificate it was written that the diploma was in the name of Nurdin Ahmad was issued in 1996 along with a score indicating that the exam was taken as stated on the diploma.

In the decision of the Panel of Judges of the Bireuen District Court Number 154/Pid.B.2020/PN in its decision agreed to decide that Nurdin Ahmad's charges were proven according to the more subsidiary charges, namely Article 263 paragraph (2) of the Criminal Code which reads: "Threatened with the same punishment, anyone who intentionally uses a fake or falsified letter as if it were genuine, and the use of the letter can cause harm. In the consideration of the panel of judges, Nurdin Ahmad was proven to have intentionally used a fake document in the form of a diploma from the Ashabul Yamin Islamic boarding school in South Aceh to fulfill one of the requirements to participate in the village head election contest in Lhok Kulam Village, Jeunieb District, Bireuen Regency, Aceh. The panel of judges stated that Nurdin Ahmad Bin Ahmad had been proven legally and convincingly guilty of committing the crime of "using fake documents" and was sentenced to 6 (six) months in prison, then the evidence in the form of 1 (one) sheet of Diploma No: As-Ts.AY/0025./Pst dated December 1, 1996 in the name of the Defendant Nurdin Ahmad was damaged so that it could no longer be used.

¹⁰Excerpt from Supreme Court Decision Number 431 K/Pid/2021

3.2. Analysis of Judge's Legal Decision

The analysis of the judge's decision in writing this journal will be analyzed using the approach of law enforcement theory and legal system. The theory of law enforcement is used to analyze how the law is applied in practice, identify obstacles in its enforcement, evaluate the effectiveness of law enforcement agencies, provide recommendations for improvement, and understand the relationship between law and society, while the theory of criminal responsibility aims to determine the basis for a person's responsibility for a crime committed. This theory ensures that only the truly guilty party can be punished, taking into account the existence of forgiving or justifying reasons.

1. Theory of Law Enforcement

Law is a manifestation of cultural values that develop in a society. These values can be manifested in the form of ideas or ideals about justice, equality, regular patterns of behavior, laws, doctrines, customs, judges' decisions, and legal institutions such as courts, police, and prosecutors. Because every society has its own culture, law is always present in it with its own characteristics. Therefore, Wolfgang Friedman argues that law does not have a universal nature that applies everywhere. Every nation develops its own legal system, just as they also have different languages.¹¹

Criminal law enforcement is a system that involves adjustments between values, rules, and real behavior of society. The rules- This rule serves as a guideline or standard that determines behavior or actions that are considered appropriate and should be done. These attitudes and behaviors aim to create, maintain, and preserve peace in society.

According to Jimly Asshiddiqie,¹² Law enforcement is a process to ensure that legal norms function in real terms as guidelines for behavior in legal interactions in the midst of social and state life. Law enforcement can also be interpreted as the functionalization of criminal law, namely efforts to combat crime through criminal law enforcement carried out rationally to fulfill a sense of justice and provide benefits to society. The criminal law enforcement process involves various stages that are rationally designed to achieve certain goals. This process is a series of activities that are rooted in values and culminate in the implementation of criminal and sentencing.

¹¹Mr. Syamsudin, *New Construction of Legal Culture of Judges Based on Progressive Law*, Golden, Jakarta, 2012. p. 27

¹²Former Chief Justice of the Constitutional Court of the Republic of Indonesia, Professor of Constitutional Law, University of Indonesia, Chairman of the Advisory Board of the Indonesian Constitutional Law and State Administration Association. http://jimly.com/makalah/namafile/56/Penegakan_Hukum.pdf (accessed on January 5, 2025, at 15.19 WIB)

In the case of Nurdin Ahmad bin Ahmad, the defendant who was charged with using a fake diploma to fulfill the registration requirements as a candidate for Head of Lhok Kulam Village, Jeunieb District, Bireuen Regency, the panel of judges at the *judex facti* level stated that the defendant was proven to have intentionally used a fake or falsified diploma as if it were genuine, if its use could cause harm.¹³

The judge's conviction was based on the testimony of witnesses and the confession of the defendant, Nurdin Ahmad bin Ahmad. Based on the results of the examination, the judge decided that the defendant legally and convincingly fulfilled the elements of Article 263 Paragraph (2) of the Criminal Code. In his considerations, the judge noted that although Nurdin Ahmad had attended the Ashhabul Yamin Islamic Boarding School, Bakongan, South Aceh, he did not complete his education. In addition, the Islamic boarding school was a Salafi Islamic boarding school that only taught religious knowledge, while the defendant himself admitted that he had never studied general subjects or taken a final exam (graduated from school). The defendant had only taken a regular exam, so the legal advisor's argument that the defendant was not proven guilty must be set aside.

The panel of judges also considered that there was no reason that could eliminate the defendant's criminal responsibility, either a justification or a forgiving reason. Therefore, the defendant must be held accountable for his actions in accordance with applicable law. The judge sentenced Nurdin Ahmad to 6 months in prison and the diploma was confiscated to be destroyed. This verdict is a month lighter than the prosecutor's demand of 7 months in prison.

Gustav Radbruch, as quoted by Satjipto Rahardjo, stated that law must fulfill various functions as basic values. The basic values of law include justice, certainty, and utility.¹⁴

a) Justice

The concept of justice is actually very difficult to find a benchmark. This is because justice for one party is not necessarily felt the same by the other party. The word "justice" comes from the word "fair," which means it can be accepted objectively.¹⁵

According to LJ Van Apeldoorn, "Justice should not be seen as synonymous with equality. Justice does not mean that everyone gets the same share."¹⁶ This

¹³Excerpt from Bireuen District Court Decision

¹⁴Satjipto Rahardjo, *Legal studies*, PT. Citra Aditya Bakti, 1996, Bandung, p. 19

¹⁵Algra, et al., *Beginning of Law*, Binacipta, 1983, Jakarta, p. 7

¹⁶LJ Van Apeldoorn, *Introduction to Legal Science*, translated by Oetarid Sadino, Pradnya Paramita, 1993, Jakarta, p. 11.

statement implies that justice demands that each case be weighed individually. Thus, something that is considered fair for one person is not necessarily fair for another. The purpose of law is to regulate social interaction peacefully. This can only be achieved if the law leads to fair regulations. Fair regulations are regulations that create a balance between protected interests, so that everyone can obtain their share of the rights proportionally.¹⁷

b) Legal Certainty

The community longs for legal certainty, because through legal certainty, they can understand actions that are permitted or prohibited so that order is created in community life. However, in judicial practice, people often complain about the process that takes a long time and is complicated. In fact, the main purpose of the law is to provide certainty that is simple and easy to understand, not to create complexity.

Therefore, legal certainty has a very important role for society. Legal certainty as stated in the judge's decision should be a result based on legally relevant trial facts and considered with full moral awareness. Judges are required to be able to interpret the meaning of laws and other regulations which form the basis for wise application of the law.¹⁸

c) Benefits

The public expects real benefits in the implementation or enforcement of the law. Because the law was created for humans, its implementation must be able to provide significant benefits to the community. Law enforcement should not cause unrest or uncertainty in the community.¹⁹

The judge's decision should reflect the principle of benefit. This is achieved when the judge does not only apply the law textually or solely oriented towards justice, but also considers its impact on the interests of the parties to the case and society in general. In other words, in every application of the law, the judge must consider whether the decision taken will bring benefits and usefulness to all parties involved.²⁰

If we look at the decision of the panel of judges in the Nurdin Ahmad case, then the panel of judges at both the district and district levels...factual evidence or at

¹⁷Ibid.

¹⁸Wantu, Fence, Realizing Legal Certainty, Justice and Benefit in Judges' Decisions in Civil Courts, *Journal of Legal Dynamics*, (Gorontalo) Vol. 12 Number 3, September 2012, <http://www.academia.edu.com>, Accessed January 10, 2025. At 16.00 WIB

¹⁹Ibid.,

²⁰English: Dr. Sudikno Mertokusumo, *Getting to Know the Law An Introduction*, Liberty, 2005, Yogyakarta, Pg. 160

the level Judgment of lawThe author is of the opinion that the elements of legal certainty have been fulfilled, where the defendant Nurdin Ahmad's actions in using a fake diploma in his candidacy as village head constitute a criminal act that violates the provisions of Article 263 paragraph (2) of the Criminal Code, so that with this decision it is hoped that no more Indonesian citizens will use fake diplomas even though the person concerned did not know that this action violated the law.

Then, this decision also provides benefits for both the state and the local community. Especially, competitors who are running as village heads feel the benefits of the law, after their reports were followed up by the Bireuen District Attorney and Nurdin Ahmad was proven guilty after this case was examined and tried by the court at the district level. factual evidenceand alsojudicial law.

However, regarding justice as conveyed, of course its fulfillment is proportional and will be viewed subjectively by each party. Nevertheless, with this legal decision it provides justice that every document that is contrary to the provisions of the law is an act of violation of the law, and the perpetrator must be given criminal sanctions in accordance with legal certainty.

In criminal law, responsibility can be interpreted as responsibility for a criminal act. In Dutch it is called the safety of the earth, while in English it is known as criminal responsibility or criminal liability. Criminal liability means imposing punishment on the perpetrator for an act that violates the law or causes a prohibited condition. In other words, criminal liability refers to the process of transferring punishment from a criminal act to the perpetrator.

According to Simons' formulation, strafbaarfeit must meet several requirements:

1. It is a human act.
2. Is against the law (legal).
3. Carried out by someone who can be held accountable (account balance).
4. The perpetrator can be prosecuted for his actions.

2. Theory of Criminal Responsibility

In legal science, especially criminal law, there are two types of reasons that can eliminate the punishment for an unlawful act, namely justification and excusing reasons. The first reason, which is called a justification, is related to the objectivity of an act that is against the law. With the existence of justification, a criminal act loses its unlawful element, so that anyone who does it cannot be subject to criminal penalties because the unlawful element is no longer there. Meanwhile, in excusing reasons, the perpetrator of the crime is in a certain condition that affects his soul in such a way that he is driven to commit an act

that is included in the criminal act.²¹

Criminal liability means applying punishment that is objectively attached to a crime to the perpetrator subjectively. This liability is based on the perpetrator's fault, not just the fulfillment of the elements of a crime. Therefore, fault is an important element in determining criminal liability and is not only considered a mental element in a crime.²² Determining a person's guilt is directly related to the aspect of criminal responsibility.²³

In the decision of the Bireuen District Court Number: 154/Pid.B/2020/PN Bir, and the Banda Aceh High Court Number: 348/PID/2020/PT BNA which was confirmed by the Supreme Court Decision Number 431 K/Pid/2021 for the defendant Nurdin Ahmad bin Ahmad proved that the panel of judges handling this case succeeded in proving that Nurdin Ahmad's actions fulfilled the elements of Article 263 paragraph (2) of the Criminal Code regarding the use of fake diplomas to participate in the Village Head Election (Pilkades) in Lhok Kulam Village, Jeunieb District, Bireuen Regency, Aceh Province.

Nurdin Ahmad was charged by the Bireuen District Attorney's Office Public Prosecutor with the primary charge of Article 266 Paragraph (1) of the Criminal Code, subsidiary Article 263 Paragraph (1) of the Criminal Code, and more subsidiary Article 263 Paragraph (2) of the Criminal Code. However, in the trial it was revealed that:

- i. Nurdin Ahmad received his diploma from the Ashhabul Yamin Bakongan Islamic Boarding School, South Aceh on July 14, 2019.
- ii. The defendant requested the certificate from the head of the Islamic boarding school, Tgk. H. Baidawi Adnan, based on the defendant's study period at the Islamic boarding school (1993–1998).
- iii. The diploma is used as a condition for nomination for Keuchik of Lhok Kulam Village, Jeunieb District, Bireuen Regency.
- iv. The defendant never took the official Islamic boarding school exam, only daily exams during the learning process.
- v. The defendant acknowledged the grades on the diploma as the result of an assessment by the teaching staff.
- vi. The Islamic boarding school does not teach subjects such as Indonesian,

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²²Chairul Huda, *From No Crime Without Guilt To Nothing Criminal Liability Without Fault*, Kencana Prenada Media, Jakarta, 2006, p. 4

²³English: Dr. Admaja Priyatno, *Legislative Policy on Corporate Criminal Liability System in Indonesia*, CV. Utomo, Bandung, 2004, p. 15

English, Social Studies, PPKN, and Science, even though these subjects are listed on the defendant's diploma.

From the trial facts it is known that Nurdin Ahmad did not make, nor did he ask for a fake diploma to be made as the Public Prosecutor charged in the primary and subsidiary charges, but he only used the diploma issued by the Ashhabul Yamin Islamic Boarding School to fulfill the registration requirements as a candidate for village head in Lhok Kulam Village, Jeunieb District, Bireuen Regency, Aceh Province. Therefore the panel of judges concluded that the element of "intentionally using a fake or falsified letter as if it were genuine if its use can cause losses as referred to in Article 263 Paragraph (2) of the Criminal Code was proven and Nurdin Ahmad was declared legally and convincingly to have committed a crime according to the more subsidiary charges.

Referring to the theory of criminal responsibility, that there is an act that is against the law, and the perpetrator can be held criminally responsible, then Nurdin Ahmad can be said to have fulfilled these elements, although Nurdin Ahmad admitted that he did not intend to use a fake diploma because he himself did not know whether the diploma was fake or not. This is proven in the fact that Nurdin Ahmad once came to the Office of the Ministry of Religion of South Aceh Regency to ask for legalization of the diploma, but one of the staff there said that if it had been legalized by the head of the Islamic boarding school then it was considered valid.

On this basis, the author Nurdin Ahmad has no intention (means reality) to commit a crime using a fake diploma, as did the committee. The selection of candidate village head files has also reconfirmed to the Ashhabul Yamin Bakongan Islamic Boarding School about the truth of the diploma, but the factual verification carried out did not go into depth to the main content of the diploma. The selection committee should have verified to the main material, such as legal standing, subjects listed in the diploma, so that the use of the diploma document used does not cause a legal case and harm Nurdin Ahmad so that it must be canceled because he was found guilty after he won the contest for the election of the Head of Lhok Kulam Village, Jeunieb District, Bireuen Regency, Aceh Province.

Referring to the provisions of Article 13 of Aceh Qanun Number 4 of 2009 concerning Requirements for Keuchik Candidates, Nurdin Ahmad has been declared to have met all the requirements mentioned in the qanun so that the decision of the village head election committee is considered valid and has legal force after going through the verification process. However, if it later becomes a legal problem, then the election committee should also be responsible for the selection results they issue.

4. Conclusion

Supreme Court Judge through Supreme Court Decision Number. 431 K/PID/ 2021 which strengthens the decision of the district court factual evidence in the case of Nurdin Nurdin Ahmad was found guilty of violating Article 362 Paragraph (2) regarding the use of fake documents in the election of Lhok Kulam Village, Jeunieb District, Bireuen Regency. The panel of judges was of the view that although Nurdin Ahmad had attended the Ashhabul Yamin Islamic Boarding School in Bakongan, South Aceh, he did not complete his education. In addition, the Islamic boarding school was a Salafi Islamic boarding school that only taught religious knowledge, while the defendant himself admitted that he had never studied general subjects or taken a final exam (graduated from school). The case of the use of fake documents in the case of Nurdin Ahmad who ran for Lhok Kulam Village, Jeunieb District, Bireuen Regency should have been avoided if the village head election committee had been observant of each administrative file submitted by each village head candidate. Nurdin Ahmad should not have been punished because apart from him not having the intention (mens rea) to commit a crime, he has also been declared to have met the requirements by the organizing committee to become a candidate for village head, especially since this case was only reported after Nurdin Ahmad was elected and inaugurated as the elected village head

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