JHSS (Journal of Humanities and Social Studies)
https://journal.unpak.ac.id/index.php/jhss
Volume 09, Number 02, Page 1588-1593
e-ISSN: 2598-120X; p-ISSN: 2598-117X

AN EXAMINATION OF ISLAMIC CRIMINAL LAW AND POSITIVE LAW IN RELATION TO FALSE INFORMATION IN GIFT DEEDS
(A STUDY OF MEDAN DISTRICT COURT DECISION NO. 737/PID.B/2024)

Ardiansyah [a)], Imam Yazid [a)]

[a)] *Universitas Islam Negeri Sumatera Utara, Medan, Indonesia*

[*)]*Corresponding Author: ardiansyahdaw0101@gmail.com*

Article history: *received 21 August 2025; revised 02 September 2025; accepted 04 October 2025* *DOI: https://doi.org/10.33751/jhss.v9i2.12903*

Abstract. This study examines the tindak pidana keterangan palsu in current affairs from the perspectives of positive and Islamic law, with a focus on Putusan Pengadilan Negeri Medan Nomor 737/Pid.B/2024. This is important because, as an otentik act, hibah has a high degree of purity, but rentan is used in conjunction with palsu keterangan that implies the kerugian of law and the public's lack of trust in the government. The study employs a normative legal approach that includes undang-undang, kasus, conceptual, and perbandingan analysis. According to the study's findings, hakim menerapkan Pasal 266 jo. Pasal 55 KUHP by promoting the use of niat (mens rea) and tindakan to fully encase the keterangan palsu (actus reus). From the perspective of jinayah fiqh, this perbuatan is related to syahādah az-zūr (kesaksian palsu), which includes large dosa and can be explained by sanksi ta'zir demi kemaslahatan. Comparative analysis highlights the similarities between Islamic and positive law, despite their differences in sanksi orientation: Islamic law emphasizes morality and substantiation, whereas positive law emphasizes adherence to the law. This study recommends strengthening notary integrity, raising the bar for active verification, and incorporating Islamic legal principles into positive legal practice to prevent corruption and improve legal performance.

Keywords: criminal law, deed of gift, false testimony, criminal liability, Article 266 of the Criminal Code

I. INTRODUCTION

A deed of gift is one of the legal instruments widely used in the transfer of rights over both movable and immovable property, particularly in the context of ownership transfer without compensation. De deeds made by a notary are categorized as authentic deeds, which have perfect evidentiary force in civil law (Law No. 30 of 2004; Law No. 2 of 2014). However, despite having formal legitimacy, the deed of grant still has the potential to be misused. The inclusion of false information by the appearing party can lead to legal losses and damage public trust in the notarial profession (Pramono, 2015). The probative force of authentic deeds, which is supposed to guaranty legal certainty, in practice presents a paradox. On the one hand, formal legality facilitates the transfer of rights; on the other hand, these loopholes are often exploited by certain parties for their own benefit. Empirical studies in Indonesia show that forgery of deeds and insertion of false information are often the root causes of land disputes, fraudulent transfers of ownership, and even criminalization of notaries and parties involved (Hanan & Anwary, 2020; Efrianto & Rahaman, 2024; Anuddin & Siswanto, 2024). Statistical data released by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) shows that between 2020 and 2023, there were over 1,500 reports of land disputes related to alleged deed forgery, with a trend of increasing cases each year. Meanwhile, the Indonesian Notary Association (INI) recorded that at least 200 notaries have been involved in criminal cases related to the inclusion of false information in deeds (INI, 2023). This fact confirms that the issue of deed forgery is not just an individual phenomenon, but also a systemic problem with far-reaching impacts on legal certainty and public trust in notary institutions. Criminally, the practice of including false information in authentic deeds is regulated in the Criminal Code (KUHP), specifically regarding forgery of letters and the criminal act of ordering the inclusion of false information (Sa'it, 2022). The elements of mens rea (intent) and actus reus (action) are key to proving guilt. However, if the interpretation of these elements is incorrect, it can lead to an expansion of criminalization that is detrimental to the notary profession (Tangkau, 2012). The responsibilities of a notary as a public official are clearly regulated in the Notary Position Act. This regulation governs the authority, procedures, and professional ethics aimed at preventing the creation of deeds with false information thru strict verification (Satya Wibowo et al., 2022). However, weak identity verification and social pressure from the person appearing often create an unavoidable loophole (Dani & Hafidh, 2025). A legal study of document forgery in judicial practice also

Volume 09, Number 02, Page 1588-1593
e-ISSN: 2598-120X; p-ISSN: 2598-117X

reveals variations in judges' interpretation of the criminal element. Decisions from district courts to the Supreme Court show that proving intent and the role of the person appearing are the main considerations (Supreme Court of the Republic of Indonesia, 2019; Rahmawati & Zuhdi, 2024). In this context, Medan District Court Decision No. 737/Pid.B/2024 becomes relevant because it highlights the application of Article 266 of the Criminal Code regarding the proof of intent and the role of the party who ordered the false information to be entered (Medan District Court, 2024). Beside the perspective of positive law, Islamic criminal law (fiqh jināyah) also provides an important viewpoint. The concept of false testimony (shahadah az-zur) is categorized as a major sin subject to ta'zir sanctions to protect the public interest (al-Zuhayli, 2011). Islamic criminal law places more emphasis on the moral dimension and substantive justice, unlike positive law which focuses more on formal legal certainty (Junaidy et al., 2020). Therefore, a comparative analysis between the two can enrich our understanding of the common ground and differences in handling false information.

Previous research in Indonesia has focused more on civil aspects or criminal enforcement against document forgery (Pramono, 2015; Efrianto, 2024). There are still limited studies that specifically combine court decision analysis with the perspective of fiqh jināyah, even tho integrating the two has the potential to strengthen recommendations for reforming notarial practices (Rahmawati & Zuhdi, 2024). The novelty of this research lies in its comparative approach, which integrates the normative analysis of positive law with the perspective of fiqh jināyah, while simultaneously using the case study of Medan District Court Decision No. 737/Pid.B/2024 as the point of analysis. This approach not only offers a theoretical overview but also presents practical ideas on how the integration of formal legal certainty and substantive justice can serve as the basis for reforming notarial practices in Indonesia. Thus, this research contributes to the development of comparative legal studies while also providing relevant policy input. Based on this description, this study formulates the main question: how is the construction of the criminal act of false testimony in a deed of gift viewed from the perspective of positive law and Islamic criminal law? This question covers the aspect of proof in Medan District Court Decision No. 737/Pid.B/2024, the differences in sanction orientation between the two legal systems, and policy recommendations to prevent misuse of deed of gift without excessive criminalization of notaries. The purpose of this research is to analyze the application of criminal law in cases of false statements on deeds of donation, map sanctions according to Islamic criminal law, and formulate policy recommendations based on the integration of legal certainty and substantive justice. Theoretically, this research contributes to the development of comparative studies of positive law and Islamic law; practically, this research is expected to provide input for policymakers, notary institutions, and judicial apparatus in strengthening the mechanisms for verifying deeds and professional ethics (Putri, Hutomo, & Mau, 2025). The scope of the research is limited to a normative analysis of laws and regulations, secondary literature, and a case study of Medan District Court Decision No. 737/Pid.B/2024 using a document study approach and legal comparison (Medan District Court, 2024; Supreme Court of the Republic of Indonesia, 2019). The conceptual framework combines three aspects: the crime of forgery in the Criminal Code, the principle of proving authentic deeds, and the concept of false testimony (shahadah az-zur) in criminal jurisprudence. This approach allows for comparative analysis that highlights differences in sanction orientation while also seeking common ground between formal legal certainty and substantive justice.

II. RESEARCH METHODS

This research uses a normative-juridical research method (doctrinal legal research) with a legislative approach, case law study, conceptual, and comparative. This approach was chosen because the study focuses on analyzing norms, interpreting court decisions, and comparing positive legal constructions with Islamic criminal law principles related to false statements in grant deeds. The normative approach allows for a systematic examination of legal texts (laws, the Criminal Code), court decisions, and legal jurisprudence and doctrine literature to build a cohesive legal argument. The research data sources consist of primary and secondary sources. Primary sources include relevant laws and regulations (including the Criminal Code and the Notary Office Law and its amendments), as well as Medan District Court Decision Number 737/Pid.B/2024 as the main case study. Secondary sources include legal textbooks, national and international journal articles, relevant popular legal articles, theses/undergraduate theses, and Fiqh Jināyah literature (classical books and contemporary works). For the purpose of comparative analysis, the literature and reference search will focus on the 30 references previously recommended as theoretical and comparative study materials. The data collection technique involved gathering legal documents and literature. Regulations and decisions were obtained from official databases (e.g., the Supreme Court's decision portal and related court websites), the law faculty library collection, university repositories, and leading journal databases and legal portals. During the collection phase, each document's authenticity is verified by recording metadata: download source, access date, case number, parties involved, and relevant pages/paragraphs containing important legal reasoning. For the source of jurisprudence, the edition and translation are recorded so that the interpretation of the text can be traced.

The data extraction procedure is carried out systematically. From the Medan District Court decision No. 737/Pid.B/2024, the following factual elements were extracted: the background of the case, the chronology of events, the positions of the parties, the construction of the criminal charges and the applicable articles, the presentation of evidence by the prosecutor and the defense, the judge's considerations regarding the elements of mens rea and actus reus, and the decision regarding criminal and/or civil penalties. From the legislation, normative provisions (article

Volume 09, Number 02, Page 1588-1593
e-ISSN: 2598-120X; p-ISSN: 2598-117X

formulations, required elements, sanctions) and supplementary provisions relevant to notarial practice are extracted. From the fiqh literature, definitions and classifications related to false testimony (shahadah az-zur), the status of ta'zir crimes, and relevant maqasid al-shariah arguments were extracted to assess the orientation of sanctions and the purpose of the law.

Data analysis was conducted using several layered techniques. First, a doctrinal analysis was conducted to map positive legal norms: interpreting the texts of the Criminal Code and the Notary Public Office Law using a grammatical (textual) and teleological (purpose of the norm) approach. Second, the decision analysis was conducted using the case law analysis method, which emphasizes the identification of legal issues, the evidentiary framework used by the judge, and the coherence between facts, norms, and legal considerations. Third, the fiqh analysis was carried out textually and contextually on fiqh sources: interpreting the definition of false testimony, categorizing punishments (hudud, qisas, ta'zir), and the normative basis justifying ta'zir sanctions in the context of false statements in public documents. Fourth, a comparative analysis was conducted by mapping the similarities and differences in the elements of criminal acts, standards of proof, orientation of sanctions, and normative goals between positive law and Islamic criminal law. The comparison results are presented in the form of analytical narratives and synthesis tables that highlight normative convergences and divergences.

To ensure the reliability of the interpretation, the study employed document triangulation. Triangulation was conducted by comparing the findings from the decision (judicial practice) against the text of the law and interpretations in secondary literature, as well as by comparing classical and contemporary fiqh interpretations. Additionally, substantive validation is conducted thru internal peer review: draft key analyzes (particularly interpretations of the mens rea/actus reus elements and the application of fiqh) will be consulted with at least one criminal law expert and one fiqh jināyah expert to test the accuracy of the interpretation and the strength of the argumentation. If significant differences in interpretation are found, the study will note the alternative interpretations and their supporting arguments.

Ethical considerations in research are covered by the use of public documents and respect for copyright. Because the research only uses accessible legal documents, public rulings, and literature, no human subjects were interviewed, so subject consent was not required. However, the research ensures accurate citations, proper attribution to the copyright holder, and fair treatment of all legal interpretations. If there are citations from documents that have not been widely published (e.g., unpublished manuscripts), the researcher will seek the owner's permission before quoting substantially. The research also acknowledges methodological limitations. Because it is normative and based on a single case study, the research results are descriptive-analytical and aim to clarify the construction of norms and variations in interpretation, rather than measure the frequency of practices or generate broad empirical generalizations. Reliance on written documents makes research dependent on the quality of the judgments' editorial work and the literature; for this reason, consistency in source verification and expert consultation is used to minimize interpretive bias.
With these systematic steps – from verified primary and secondary document collection, structured data extraction, layered doctrinal and comparative analysis, to validation thru triangulation and expert consultation – this research is designed to produce a credible, thorough, and applicable study in formulating policy recommendations related to preventing false information in grant deeds.

III. RESULT AND DISCUSSION

The Status of a Deed of Gift in Positive Law A deed of gift made by a notary has the status of an authentic deed as regulated in Law No. 30 of 2004 concerning the Position of Notary and its amendment in Law No. 2 of 2014. As an authentic deed, a deed of gift has perfect evidentiary force, so the contents of the deed are considered true until proven otherwise by a final and binding court decision (Afif & Ihsan, 2024; Putra, 2024). This character makes the deed of gift an important instrument in the transfer of rights because of its speed, administrative nature, and finality (Pramono, 2015; Ramadhan, 2019). However, empirical findings show that authentic power does not always guaranty material truth. In practice, notaries only record the statements of the parties without conducting a substantive investigation (Putra, 2024; Ariyanto, 2024). This opens up opportunities for abuse, such as the inclusion of false identities, the use of deeds for fictitious transactions, and the emergence of civil or criminal disputes (Appel, 2024; Efrianto, 2023; Dani & Hafidh, 2025). This abuse is often associated with Article 266 of the Criminal Code regarding forgery of documents, which allows both the notary and other parties involved to be held criminally liable (MPA Notaris, 2011; Phonna, 2021). From a criminal law perspective, the status of a deed of gift is determined not only by its authentic form, but also by the substance of the information it contains. Acts containing false information can still be used as a basis for proving criminal acts, with legal consequences for the parties involved (Zulfa, 2019; Afif & Ihsan, 2024). In this context, a dilemma arises: should notaries be held criminally liable? Literature states that notaries can only be held liable if they are proven to have been negligent or intentionally disregarded their verification obligations (Darsi & Husairi, 2018; Phonna, 2021).

Furthermore, this problem indicates a regulatory gap. The Notary Office Law does emphasize the obligation to verify identity, but it does not provide detailed technical standards, so its implementation is highly dependent on the notary's professional judgment (Zulfa, 2019; Ariyanto, 2024). This lack of uniformity has the potential to weaken legal protection for the public. From an Islamic legal perspective, the value of ṣidq (honesty) and the prohibition of syahādah az-zūr (false testimony) can serve as a moral foundation for notarial practices. Islam emphasizes that making false statements that harm others is a reprehensible act and can be

Volume 09, Number 02, Page 1588-1593
e-ISSN: 2598-120X; p-ISSN: 2598-117X

subject to ta'zir sanctions that are educational and preventive (Syarbaini, 2023). With this integration of moral values, the deed of grant is not only administratively valid but also aligns with the principle of substantive justice. Thus, the position of a deed of gift in positive law has two sides: on the one hand, it provides legal certainty as an authentic deed, but on the other hand, it carries the potential for abuse. Therefore, it is necessary to strengthen verification standards, ensure consistent supervision, and internalize the value of substantive justice so that the deed of donation maintains its legitimacy and validity as a reliable legal instrument. 2. Medan District Court Decision No. 737/Pid.B/2024 In case No. 737/Pid.B/2024, the panel of judges constructed the act of inserting false information into the deed of donation as the crime of forgery of documents under Article 266 of the Criminal Code, with participation according to Article 55 of the Criminal Code. The legal considerations of the judge outlined that there are two main elements that must be proven: actus reus (the actual act of inserting false information) and mens rea (the intent or awareness to cause legal consequences for others) (Medan District Court, 2024).

The judge emphasized that not every administrative error in the deed can be immediately categorized as a criminal act. There must be an element of intent proven legally and convincingly. This approach aligns with the principle of geen straf zonder schuld (no punishment without guilt), which is the foundation of modern criminal law (Putra, 2024; Ariyanto, 2024). Thus, an incorrectly written deed, if without malicious intent, should fall under civil or administrative law, not criminal law (Ramadhan, 2019). This decision shows how carefully judges interpret the notary's involvement. Notaries essentially only record the information provided by the parties, so criminal liability should be directed primarily toward the party who intentionally provided false data (Afif & Ihsan, 2024; Appel, 2024). This principle is also affirmed by the literature, which states that protecting notaries is important to prevent excessive criminalization, unless it is proven that the notary actively participated in the criminal act (Zulfa, 2019; MPA Notaris, 2011). From the perspective of Islamic criminal law, providing false information in official documents falls under the category of false testimony (shahadah az-zur), which is subject to ta'zir sanctions. Judges in the Islamic system are given the authority to determine the form and severity of punishment based on the public interest, with the aim of maintaining justice and preventing harm to others (Darsi & Husairi, 2018; Syarbaini, 2023). Thus, there is a value alignment between positive law and Islamic law, namely that both require malicious intent as the basis for punishment, not merely formal error. This decision by the Medan District Court sets an important precedent because it clearly distinguishes between administrative errors and criminal acts. The judge did not immediately criminalize the existence of a defective deed of gift, but thoroughly examined the chronology, the roles of the parties involved, and other evidence. This approach is consistent with the doctrine of criminal law and the values of substantive justice in Islam, thus providing a more equitable direction for notarial practices in Indonesia.

Perspective of Islamic Criminal Law In Islamic criminal law, the act of providing false information in a deed of gift is categorized as shahadah az-zur (false testimony). This action is considered a serious violation because it harms the rights of others and undermines the principle of social justice (Darsi & Husairi, 2018; Syarbaini, 2023). False testimony, whether oral or written in the form of documents, has the same moral and legal consequences because it equally causes harm and legal uncertainty (Appel, 2024; Ariyanto, 2024). Sanctions for perpetrators fall under the category of ta'zīr, which are punishments determined by the judge or ruler based on the level of danger and social context. Unlike hudūd, which are rigid, taʿzīr has a flexible and contextual character, allowing it to be oriented toward three aspects: preventive to prevent repetition, educational to provide lessons, and restorative to restore the rights of the injured party (Afif & Ihsan, 2024; Ramadhan, 2019). This orientation aligns with the concept of restorative justice in Indonesian positive law (Ariyanto, 2024; Zulfa, 2019). The main principle that distinguishes criminal acts from administrative errors is intent (qasd). In criminal jurisprudence, errors arising from negligence or administrative mistakes without an element of intent are not considered criminal offenses. This principle protects parties, including notaries, who act based on legitimate formal procedures, unless intentional manipulation is proven (MPA Notaris, 2011; Phonna, 2021). This view is consistent with Medan District Court Decision No. 737/Pid.B/2024, which distinguishes between administrative errors by notaries and criminal acts committed with malicious intent (Darsi & Husairi, 2018). From the perspective of the objectives of Islamic law (maqāṣid al-syarīʿah), the prohibition of forgery and false testimony is closely related to the protection of fundamental values: hifz al-māl (protection of property), hifz al-ʿaql (protection of intellect), and hifz al-nafs (protection of life). Thus, honesty in the creation of deeds is not merely an administrative formality, but a moral and social obligation to maintain legal legitimacy (Syarbaini, 2023; Afif & Ihsan, 2024). Contemporary literature also emphasizes that integrating Islamic legal principles into positive legal practice can strengthen the moral legitimacy of the legal system. For example, the application of educational administrative sanctions for negligent notaries can be seen as a form of modernizing the concept of taʿzīr (Putra, 2024; Appel, 2024). In fact, the values of transparency, accountability, and justice as practiced by Umar bin Khattab in the context of muamalah can serve as an inspiration to prevent the misuse of hibah deeds in the modern era (Yazid, 2024).

Thus, the perspective of Islamic criminal law rejects all forms of forgery because it contradicts the maqāṣid al-syarīʿah. The flexible nature of ta'zir, a morality that emphasizes intention, and the goal of social protection can complement positive law. These two legal systems ultimately have the same goal: to uphold justice, protect society from harm, and maintain the legitimacy of the law. Comparative Analysis of Positive Law and Islamic Law A comparative analysis between positive law and Islamic law is needed to identify common ground and differences in how the act of

Volume 09, Number 02, Page 1588-1593
e-ISSN: 2598-120X; p-ISSN: 2598-117X

providing false information in a deed of gift is viewed. Indonesian positive law emphasizes the legal-formal aspect based on laws and jurisprudence, while Islamic law relies on broader moral values and the maqāṣid al-syarīʿah. This comparison is important because it can show how both legal systems provide a framework for protection, both in terms of legal certainty and substantive justice.

Table 1. these comparative aspects can be seen:

Aspect	Positif Law	Islamic Law
Sources of law	Law, Jurisprudence.	The Quran, Hadith, Ijma', Qiyas,
Orientation of sanctions	Formal, measured according to legal provisions	Flexible (ta'zir) for many cases; emphasizes public interest and restoration.
Role of documents/deeds	Authentic deeds have perfect probative force until proven false.	A document is recognized if its creation process is trustworthy; proof focuses on substantial truth.
Standard of proof	Demanding proof of the elements of a criminal act (actus reus & mens rea) according to the Criminal Code; documentary evidence is very important but is often supplemented by other evidence.	Emphasizing witnesses/oaths; documentary evidence relevant to process verification; intent and benefit are considered.
Purpose of sanctions	Punitive and preventive, enforcing legal certainty	Educational, preventive, restorative; restoring social harmony.
Flexibility of application	Relatively rigid; judges are bound by the provisions of the law and jurisprudence..	More flexible; the judge/ruler has discretion in ta'zir.

From the table above, it can be concluded that positive law emphasizes legal certainty thru clear and formal written rules, while Islamic law focuses more on substantive justice by allowing judges discretion to adjust sanctions to the social context. Both legal systems have different orientations, but they are actually complementary: positive law provides a framework of certainty and formality, while Islamic law enriches with moral values, flexibility, and restorative goals. Thus, the integration of the two has the potential to create a legal model that is not only normatively certain but also just and socially relevant.

Practical Implications First, the notary's liability needs to be understood proportionally. Notaries are required to verify, but they cannot be immediately penalized if they only record the information provided by the parties without active involvement in the forgery (Sa'it, 2022). Second, the risk of excessive criminalization must be anticipated. The Medan District Court's decision affirms that data discrepancies do not automatically constitute a criminal element without proof of intent (Medan District Court, 2024). Third, the deed verification standards need to be strengthened. For example, thru the integration of national population data, the digitization of supporting documents, and the electronic recording of appearance statements. This standard increase can strengthen the integrity of authentic deeds (Pramono, 2015). Fourth, the integration of Islamic criminal law values can complement positive law. The ta'zir approach, which emphasizes educational, preventive, and restorative aspects, aligns with the spirit of restorative justice in Indonesian law (al-Zuhayli, 2011; Junaidy et al., 2020). Thus, strengthening regulations, preventing criminalization, and integrating the value of substantive justice are necessary for the legal system to not only uphold formal certainty but also moral justice that is responsive to societal needs.

IV. CONCLUSION

Based on the analysis of the position of the deed of gift in positive law, the Medan District Court decision No. 737/Pid.B/2024, and the perspective of Islamic criminal law, it can be concluded that this article makes a significant contribution both theoretically and practically. Theoretically, this research enriches the literature on the comparison of positive law and Islamic criminal law in the context of false statements in donation deeds, showing that although the terminology, evidentiary procedures, and sanction orientations differ, both legal systems share substantive similarities in values, namely emphasizing honesty, protection of third-party rights, and legal certainty. This research also provides a conceptual basis for integrating ta'zir principles and restorative justice into positive law practice, which can serve as a reference for further research related to notarial law reform and documentary criminal law. Practically, these findings provide guidance for law enforcement and notaries in distinguishing between administrative errors and criminal acts, thus minimizing the risk of excessive criminalization. Additionally, this article emphasizes the importance of improving deed verification standards, including identification procedures, document validation, and the recording of additional evidence, to prevent the misuse of grant deeds. Integrating the values of Islamic criminal law, particularly its educational, preventive, and restorative aspects, can be applied to positive legal practice to enhance moral legitimacy and substantive justice. Thus, this research not only provides a conceptual understanding of the interaction between positive law and Islamic law in addressing false testimony but also offers practical solutions capable of creating a legal system that is fairer, more comprehensive, and more responsive to societal needs.

REFERENCES

Volume 09, Number 02, Page 1588-1593
e-ISSN: 2598-120X; p-ISSN: 2598-117X

[1] Afif, R. N., & Ihsan, A. M. (2024). Akibat hukum bagi notaris terhadap penyalahgunaan keadaan dalam pembuatan akta autentik. Jurnal Ilmu Kenotariatan, 5(1), 45–60.
[2] Afriyanto, R., Ainur Gufron, Ahmad Syauqi Bawashir, & Rahmad Ready Kurniawan. (2024). Eksistensi Asas Kepastian Hukum, Kemanfaatan Hukum Dan Keadilan Hukum Sebagai Tujuan Hukum Di Indonesia Dalam Perspektif Para Filsuf. Unizar Law Review, 7(2), 203–211. https://doi.org/10.36679/ulr.v7i2.80
[3] al-Zuhayli, W. (2011). Al-Fiqh al-Islami wa Adillatuh (Vol. 6). Damaskus: Dar al-Fikr.
[4] Anuddin, I., & Siswanto, E. (2024). Analisis Yuridis Tanggung Jawab Notaris Dalam Pembuatan Akta Otentik Berdasarkan Undang-Undang Nomor 2 Tahun 2014. Future Academia : The Journal of Multidisciplinary Research on Scientific and Advanced, 2(4), 684–690.
[5] Appel. (2024). Pertanggungjawaban notaris terhadap akta autentik berdasarkan UUJN. Aliansi.
[6] Ariyanto, T. (2024). Pertanggungjawaban pidana notaris dalam praktek kenotariatan. Jurnal Ilmu & Legislasi (ILR).
[7] Asty Lestari Pratama Putri, Putra Hutomo, & Hedwig Adianto Mau. (2025). Perlindungan Hukum Bagi Notaris Akibat Pemalsuan Salinan Akta Notaris Yang Dilakukan Oleh Pihak Lain Yang Bukan Penghadap. Journal of Innovation Research and Knowledge, 4(11), 8625–8634.
[8] Dani, M., & Hafidh, M. (2025). Tanggung Jawab Notaris terhadap Keabsahan Identitas Penghadap dalam Pembuatan Akta Pengakuan Hutang dan Kuasa Jual. Jurnal Ilmu Hukum, Humaniora Dan Politik, 5(5), 3953–3959. https://doi.org/10.38035/jihhp.v5i5.4754
[9] Darsi, D., & Husairi, H. (2018). Ta'zir dalam perspektif fiqh jināyah. Jurnal Al-Qisthu / Neliti. https://media.neliti.com/media/publications/559785-tazir-dalam-perspektif-fiqh-jinayat-83a5f396.pdf
[10] Efrianto, G., & Rahaman, D. (2024). Tindak Pidana Pemalsuan dalam Akta Otentik (I). PT. Literasi Nusantara Abadi Grup.
[11] Hanaan, & Anwary, I. (2025). Kekuatan Pembuktian Akta Otentik yang Mengalami Penurunan Status Menjadi Akta di Bawah Tangan. Jurnal ISO: Jurnal Ilmu Sosial, Politik Dan Humaniora, 5(1), 9. https://doi.org/10.53697/iso.v5i1.2704
[12] Hans C. Tangkau, "Eksistensi Pasal 266 KUHP Dalam Mengatasi Pemalsuan Akta Notaris",
[13] Junaidy, A. B., Musyafa'ah, N., Syamsuri, & Mufidh, M. (2020). Hukum Pidana Islam Indonesia. PT Rajawali Buana Pusaka.
[14] Kitab Undang-Undang Hukum Pidana (KUHP). (n.d.). Pasal 263–266 tentang pemalsuan surat & keterangan palsu. Jakarta: Pemerintah Republik Indonesia.
[15] Mahkamah Agung RI. (2019). Putusan Mahkamah Agung terkait pemalsuan akta notaris. Jakarta: Direktori Putusan MA.
[16] MPA Notaris. (2011). Eksistensi Pasal 266 KUHP dalam mengatasi pemalsuan akta notaris [Analisis hukum]. Repository Unsrat.
[17] Pengadilan Negeri Medan. (2024). Putusan Nomor 737/Pid.B/2024.
[18] Phonna, R. P. (2021). Tindak pidana pemalsuan surat sebagai jaminan: Analisis pasal-pasal terkait pemalsuan akta. Jurnal Ilmu Pidana (JIM). https://jim.usk.ac.id/pidana/article/view/19636
[19] Pramono, D. (2015). Kekuatan pembuktian akta yang dibuat oleh notaris sebagai pejabat umum menurut hukum acara perdata di Indonesia. Lex Jurnalica. (analisis akademik tentang kekuatan pembuktian akta otentik). https://doi.org/10.47007/lj.v12i3.1225
[20] Putra, I. M. W. (2024). Asas kesalahan terkait pertanggungjawaban pidana notaris. Acta Law Review. https://jurnal.fh.unpad.ac.id/index.php/acta/article/view/1958
[21] Rahmawati, N. A. P., & Zuhdi, S. (2024). Keterangan Palsu Dalam Akta Otentik (Studi Putusan Nomor 81/PID.B/2023/PN.SKT Ditinjau Dari Hukum Positif Dan Hukum Islam).
[22] Ramadhan, E. D. (2019). Pertanggungjawaban pidana notaris dalam pembuatan akta berdasarkan keterangan pihak. Paramarta.
[23] S. Dzulqarnain, and M. H. Prasetyo, "Akibat Hukum Terhadap Akta Autentik Apabila Klien Menggunakan Identitas Palsu," Notarius, vol. 17, no. 2, pp. 1051-1068, Aug. 2024.
[24] Sa'It, Abu, et al. "Menyuruh Memasukkan Keterangan Palsu dalam Akta Autentik." Jurnal Education and Development, vol. 9, no. 4, 2021, pp. 773-776.
[25] Satya Wibowo, W., Najwan, J., & Abu Bakar, F. (2022). Integritas Notaris Sebagai Pejabat Pembuat Akta Autentik dalam Undang-Undang Jabatan Notaris. Recital Review, 4(2), 323–352.
[26] Syarbaini, A. (2023). Konsep ta'zir menurut perspektif hukum Islam dan implikasinya terhadap modernisasi sanksi. Tahqiqa Journal.
[27] Undang-Undang Republik Indonesia Nomor 2 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 30 Tahun 2004 tentang Jabatan Notaris. Lembaran Negara Republik Indonesia Tahun 2014 Nomor 3.
[28] Yazid, I., Nurlela, N., & Nasution, A. D. (2024). The relevance of Umar Bin Khattab's legal principles in e-commerce legal compliance: A case study of TikTok Shop and Tokopedia. Production Journal of Islamic Law Studies, 5(2), 113–126.
[29] Zulfa, E. (2019). Perkembangan tindak pidana pemalsuan surat/dokumen: aspek kualifikasi dan pembuktian. Jurnal Hukum Pidana, 48(2).