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Forging Vaccine Certificates: A Comparative Study of Criminal Sanctions in Indonesian Law and Islamic Criminal Law

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Abstract: *Document forgery remains a prevalent offense within society, and one notable example that gained prominence during the COVID-19 pandemic is the falsification of vaccine certificates. Such actions are often driven by the perpetrator's desire to gain personal or economic advantage, whether to meet material needs or for self-serving motives. This study seeks to comparatively examine the legal sanctions imposed on the forgery of vaccine documents through the lens of Indonesia's positive legal system and Islamic criminal law. The research is guided by two central questions: (1) How does Indonesian law regulate and sanction the falsification of vaccine certificates? and (2) What is the Islamic criminal law perspective on this type of offense? This research adopts a normative juridical method, employing a comparative legal approach to analyze statutory provisions and doctrinal principles. The findings indicate that under Indonesia's Penal Code (Article 263), vaccine certificate forgery is classified as a criminal offense punishable by imprisonment. In contrast, Islamic criminal law categorizes this act under jarīmah taʿzīr, which refers to offenses whose punishments are discretionary and determined by state authorities in light of public interest and societal welfare. While the two legal frameworks differ in their foundational basis and sanctioning mechanisms, both acknowledge that forging vaccine certificates constitutes a harmful act that disrupts social order and contravenes the principles of justice and public ethics.*

***Keywords**: Document forgery; Jarīmah taʿzīr; Islamic criminal law.*

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INTRODUCTION

COVID-19 vaccination was implemented by the Indonesian government as a strategic response to address the challenges posed by the pandemic. The primary goal of the vaccination program was to build immunity within the population, thereby enabling individuals to resume their daily activities with greater safety and reduced risk of transmission.[1] The primary benefit of vaccination is to build and strengthen the immune system, providing protection against infection or severe illness caused by COVID-19. This is achieved by stimulating the body's immune response through the administration of the vaccine. Receiving a complete vaccination regimen as scheduled, along with consistent application of the 3M health protocols such as wearing masks, washing hands, and maintaining physical distance, remains crucial in preventing transmission.

In practice, public responses to the COVID-19 vaccination program have varied. Some individuals supported and complied with the vaccination efforts, while others hesitated or refused due to concerns about potential adverse effects. This reluctance often stemmed from fear of undesirable outcomes following vaccination. Common side effects

[1] Eunice Margarini, "Masyarakat Indonesia Sambut Baik Vaksinasi Covid-19," *Kemenkes*, last modified 2021, accessed March 30, 2022, https://ayosehat.kemkes.go.id/masyarakat-indonesia-sambut-baik-vaksinasi-covid-19.

reported include localized pain at the injection site, headaches or muscle aches, joint discomfort, chills, nausea or vomiting, fatigue, and fever.[2]

The development of a nation and the foundation of its governance are closely tied to the application of law, which serves to ensure the safety and order of its citizens. Law functions as a system that governs all members of society. In Indonesia, legal norms exist both in written form, such as the 1945 Constitution and the Indonesian Penal Code, and in unwritten forms such as customary law. Written laws are established by the executive branch in collaboration with the legislative body, the House of Representatives. Meanwhile, unwritten legal norms emerge from the values and traditions of local communities.

In recent years, the increasing incidence of document forgery has become a growing concern. One alarming trend that surfaced during the COVID-19 pandemic is the forgery of vaccination certificates. This type of criminal act is typically driven by the perpetrator's intent to gain personal or financial advantage. Some individuals seek to avoid vaccination requirements by presenting false documents for convenience or pleasure, while others are motivated by economic necessity. One illustrative case of vaccine certificate forgery in Indonesia occurred in Sorong City, West Papua. In this instance, certain irresponsible individuals exploited the pandemic by offering illicit services to falsify vaccine and COVID-19 test documents. Their operations targeted those reluctant to get vaccinated due to widespread concerns about post-vaccination health effects reported by members of the public.[3]

The illegal service of producing forged vaccination and swab test certificates was offered by perpetrators for financial gain, with prices reportedly reaching up to IDR 800,000. This illicit practice emerged in response to government regulations that required individuals to present vaccination certificates for various purposes, including the use of public transportation, access to healthcare services, and other essential public facilities. The existence of such regulations created opportunities for certain individuals to exploit public anxieties and regulatory gaps for personal profit.

Another notable case involved a contract employee at the West Kalimantan Provincial Health Office, identified by the initials HA. The suspect was found to have issued vaccination certificates without administering the actual injection. As a result of this act, HA was charged under Article 35 in conjunction with Article 51 Paragraph 1 or Article 37 Paragraph 2 in conjunction with Article 46 Paragraph 2 of Law No. 19 of 2016 concerning amendments to Law No. 11 of 2008 on Electronic Information and Transactions (ITE), or alternatively under Article 263 of the Indonesian Penal Code. The offense carries a maximum sentence of 12 years' imprisonment. Crimes involving document forgery, especially related to official health records, carry serious implications not only for the direct victims but also for the broader public. Such actions may lead to both material and non-material losses and can severely undermine public trust. In today's

[2] Dina Kholidiyah, Ns Sutomo, and Nuris Kushayati, "Hubungan Persepsi Masyarakat Tentang Vaksin Covid-19 Dengan Kecemasan Saat Akan Menjalani Vaksinasi Covid-19," *Jurnal Keperawatan* 14, no. 2 (2021): 13; Kirana Eka Putri et al., "Kecemasan Masyarakat Akan Vaksinasi Covid-19," *Jurnal Keperawatan Jiwa (JKJ): Persatuan Perawat Nasional Indonesia* 9, no. 3 (2021): 539–548.

[3] Maichel and Pythag Kurniati, "Sertifikat Vaksin Dan Surat Swab Palsu Dijual Rp 800.000 Di Sorong, Pelaku Ditangkap," *Kompas.Com*, last modified 2021, https://regional.kompas.com/read/2021/07/22/194535678/sertifikat-vaksin-dan-surat-swab-palsu-dijual-rp-800000-di-sorong-pelaku?page=all.

increasingly structured and modern society, there is a strong expectation that official documents are genuine and reliably reflect the identity or entitlement of the bearer.[4]

One of the consequences of technological advancement in modern life is the shift in lifestyle patterns, moving from simplicity to increasingly consumer-oriented behavior. As individuals gain access to broader opportunities and complex needs through technology, the potential for conflicting interests and unlawful behavior also grows. In this context, the desire to equally enjoy the outcomes of technological progress can sometimes lead people to act in ways that violate established legal norms and social conventions. This dynamic reflects how technological developments, while offering significant benefits, can also challenge societal structures and prompt deviations from legal and ethical standards.

Based on the provisions of the Indonesian Penal Code (KUHP), it can be concluded that forgery is classified as a criminal offense, for which perpetrators are subject to punishment as stipulated in the relevant articles. This affirms that the act of document forgery is strictly prohibited under national law. Therefore, any individual who engages in such an act is automatically liable to legal sanctions. From this explanation, it can also be inferred that document forgery constitutes a form of dishonesty or falsehood. In Islamic teachings, lying or deception is explicitly forbidden. Numerous verses in the Qur'an strongly prohibit deceitful behavior. One of them is found in Surah al-Nahl, verse 116, where Allah states:

وَلَا تَقُولُوا۟ لِمَا تَصِفُ أَلْسِنَتُكُمُ ٱلْكَذِبَ هَٰذَا حَلَٰلٌ وَهَٰذَا حَرَامٌ لِّتَفْتَرُوا۟ عَلَى ٱللَّهِ ٱلْكَذِبَ ۚ
إِنَّ ٱلَّذِينَ يَفْتَرُونَ عَلَى ٱللَّهِ ٱلْكَذِبَ لَا يُفْلِحُونَ

"And do not say about what your tongues falsely describe, 'This is lawful and this is forbidden,' to fabricate lies against Allah. Indeed, those who fabricate lies against Allah will never succeed."

METHOD

This study adopts a normative legal research approach in order to address the formulated research questions and objectives. Normative legal research focuses on examining legal norms through a doctrinal or library-based method. In this approach, data are primarily obtained from secondary sources such as legal literature, academic books, and scholarly journals relevant to the topic under investigation.[5] The research process involves collecting, analyzing, and interpreting these materials to construct a legal argument grounded in existing doctrines and statutory regulations.[6]

This study relies on secondary data sources, which consist of both primary legal materials and secondary legal materials.[7] Data analysis serves as a tool for transforming raw data into meaningful information, enabling researchers to better understand the characteristics and significance of the data in relation to the research problem being

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[4] Eko Adi Susanto and Gunarto Gunarto, "Pertanggungjawaban PidanaYang Memakai Surat Palsu DitinjauDari Pasal 263 Ayat (2) KUHP," *Jurnal Daulat Hukum* 1, no. 1 (March 15, 2018): 1–12, http://jurnal.unissula.ac.id/index.php/RH/article/view/2558.

[5] Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum Normatif Dan Empris* (Depok: Prenada Media Group, 2018).

[6] G. R. Raco, *Metode Penelitian Kualitatif, Jenis,Karakter Dan Keunggulan* (Jakarta: Grasindo, 2010).

[7] Zainudin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2017).

examined.[8] In general, data analysis techniques can be categorized into inductive and deductive methods. Inductive analysis involves examining library-based sources related to the subject of study and is characterized by reasoning from specific findings toward more general conclusions.[9] In contrast, this research applies a deductive reasoning technique, which draws conclusions from general legal principles and applies them to specific issues identified in the study. This logical approach allows the researcher to assess concrete problems through the lens of established legal norms.[10]

RESULTS AND DISCUSSION

Sanctions for Vaccine Certificate Forgery under Indonesian Law

At the end of 2019, the world was alarmed by the emergence of a highly infectious and potentially fatal virus known as COVID-19, short for Coronavirus Disease 2019. This disease was caused by a novel virus named SARS-CoV-2, which had not previously been identified in humans.[11]

In Indonesia, the COVID-19 outbreak was first officially recorded in February 2020. The spread of the virus had a profound impact on nearly every aspect of daily life, significantly affecting the social, religious, cultural, political, and economic spheres of the country.[12] Social and cultural activities, in particular, became heavily restricted as the Indonesian government imposed health regulations requiring physical distancing, the wearing of face masks, and vaccination, all aimed at preventing the transmission of the virus among the population.

As COVID-19 infections continued to rise, the government introduced more structured measures to curb the virus's spread. One significant step was the issuance of specific travel regulations, especially concerning the use of public transportation and travel across regions. To minimize transmission risks, the Ministry of Transportation and related government bodies issued Circular Letter No. 21 of 2022, concerning domestic travelers (Pelaku Perjalanan Dalam Negeri or PPDN), and Circular Letter No. 22 of 2022, concerning international travelers (*Pelaku Perjalanan Luar Negeri* or PPLN). These circulars introduced vaccination certificate requirements for travelers, making it mandatory to present valid proof of vaccination to undertake both domestic and international journeys. Circular Letter No. 21 of 2022, in particular, sets forth health protocols for domestic travel during the COVID-19 pandemic, including the following provision:

1. All individuals undertaking travel must comply with the following health protocols:
   a. Wearing a three-layer cloth mask or a medical-grade mask that covers the nose, mouth, and chin while indoors or in crowded settings.

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[8] Saifudin Azwar, *Metode Penelitian* (Yogyakarta: Pustaka Pelajar, 1998).

[9] Umar Sidiq, *Metode Penelitian Kualitatif Di Bidang Pendidikan* (Ponorogo: CV. Nata Karya, 2019).

[10] Pandu Yunadi, "Kajian Hukum Transfer Pricing (Penentuan Harga Transfer) Pajak Penghasilan Perusahaan Multinasional Di Indonesia" (Universitas Muhammadiyah Purwokerto, 2017).

[11] Paaclain Indonesia, *Buku Pedoman Pencegah Covid-19 Bagi Fasilitas Daerah,Forum Anak Dan Mitra Jarak* (Jakarta: Alfabeta, 2020).

[12] Nurlela, *Buku Ajar PAI Era New Normal Covid-19 Untuk Perguruan Tinggi Perspektif Sosiologis Dan Nilai-Nilai Kearifan Lokal* (Bantul: Yogyakarta Express, 2020).

b. Changing masks regularly every four hours and disposing of used masks in designated waste bins.
c. Washing hands regularly with soap and water or using hand sanitizer, especially after touching objects that may have been handled by others.
d. Maintaining a minimum distance of 1.5 meters from others and avoiding crowds
e. Refraining from one-way or two-way conversations, whether by phone or in person, throughout the journey when using land, rail, sea, river, ferry, or air transportation.

2. Domestic travelers (PPDN) are required to comply with the following provisions:
   a. All individuals traveling by private or public transportation are responsible for their own health and must comply with applicable regulations.
   b. Every domestic traveler must use the PeduliLindungi application when undertaking domestic travel.
   c. For domestic travelers using air, sea, land transportation, whether by private or public vehicles, ferry services, or intercity trains, the following rules apply:
      1) Domestic travelers who have received a third vaccine dose (booster) are not required to present a negative result from an RT-PCR or rapid antigen test.
      2) Those who have received a second dose of the vaccine must present a negative result from a rapid antigen test taken within 24 hours prior to departure, or a negative RT-PCR test taken within 72 hours before departure. Travelers in this category may also receive the booster dose on-site at the point of departure.
      3) Individuals who have only received the first dose of the vaccine must present a negative RT-PCR test result taken within 72 hours before departure as a travel requirement.
      4) Travelers with specific health conditions or comorbidities that prevent them from receiving the COVID-19 vaccine are exempt from vaccination requirements. However, they must present a negative RT-PCR test taken within 72 hours prior to departure, along with an official medical certificate issued by a government hospital stating that the individual is not eligible to receive the COVID-19 vaccine.
      5) Domestic travelers aged 6 to 17 years must show proof of having received the second dose of the vaccine and are not required to present negative results from RT-PCR or rapid antigen tests.
      6) Children under the age of six are exempt from both the vaccination requirement and the obligation to present negative COVID-19 test results. However, they must be accompanied by an adult who has fulfilled the vaccination and COVID-19 testing requirements and adheres strictly to health protocols.

Criminal sanctions are essentially a cause-and-effect form of punishment, where the cause refers to the offense committed, and the effect refers to the penalty imposed. The individual who receives the punishment is subjected to legal consequences by an authorized institution. Criminal sanctions are a form of penal consequence that carry a burden or hardship, applied to acts or individuals whose actions violate the law and pose a threat or harm to legally protected interests. At its core, criminal punishment serves as a mechanism to rehabilitate the behavior of offenders. However, in practice, it often functions not only as a tool for correction but also as a deterrent that restricts an individual's freedom. Thus, criminal sanctions are both a means of enforcing justice and a reflection of society's effort to protect public order and uphold legal norms.[13]

The imposition of criminal sanctions is influenced by the underlying rationale for both threatening and delivering punishment. In this context, the justification for punishment may be based on retribution, utility, or a combination of both, in which punishment is not merely a response to wrongdoing but also serves a specific purpose or intended outcome. In the criminal justice system, there are two categories of sanctions with equal legal standing: criminal sanctions and corrective measures. Criminal sanctions are the most commonly applied form of punishment against individuals found guilty of committing a criminal offense. These sanctions serve as the primary mechanism for upholding legal accountability and maintaining social order through formal penal consequences.[14]

The criminal act of document forgery falls under the category of falsification offenses as regulated in Chapter XII, Book Two of the Indonesian Penal Code (KUHP), specifically Articles 266 to 276. These offenses are classified into seven distinct types of forgery-related crimes, which include:

1 General forgery of documents as outlined in Article 263
2 Aggravated forgery as regulated in Article 264
3 Instigating the inclusion of false information into an authentic deed as stated in Article 266
4 Forgery of medical certificates, covered under Articles 267 and 268
5 Forgery of specific types of documents, referred to in Articles 269, 270, and 271
6 Forgery of official statements concerning property rights as stated in Article 275
7 Possession of materials or tools intended for document forgery as stipulated in Article 275

The general form of document forgery is regulated under Article 263 paragraphs (1) and (2) of the Indonesian Penal Code (KUHP), and can be summarized as follows: Paragraph (1): "*Any person who creates a false document or falsifies a document that may give rise to a right, an obligation, or the discharge of a debt, or that is intended as evidence of a legal matter, with the intent to use it or to have another person use it as if it were genuine and not falsified, shall be punished if such use could result in harm. The act of document forgery is punishable by a maximum imprisonment of six years*."

Paragraph (2): "*The same penalty applies to anyone who intentionally uses a falsified or forged document as if it were genuine, provided that the use of such document may result in harm*."

In Indonesian criminal law, the primary purpose of imposing sanctions is to create a deterrent effect for those who commit criminal acts. The underlying theories behind criminal punishment are generally divided into two main schools of thought:

1 The Classical School emphasizes limiting judicial discretion in determining the type and severity of punishment. Under this view, penalties are imposed strictly according to the provisions of the law, without considering the personal background or characteristics of the offender. As a result, sentencing tends to be rigid and predetermined.

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[13] Tri Andrisman, *Asas-Asas Dan Dasar Aturan Hukum Pidana Indonesia* (Bandar Lampung: Unila, 2009).

[14] Ibid.

2 The Modern School takes a more individualized approach, focusing on the offender's personal traits and degree of culpability in determining criminal responsibility.

It is also important to note that not all documents can be classified as objects of forgery. Only documents that confer legal rights or create legal obligations are subject to such classification. Article 263 of the Indonesian Penal Code contains an element of intent, namely the intention to use or to instruct another person to use a forged document. This means that once a forged document has been created, whether it is used personally or by another party at the instruction of the forger, the offense has occurred.

Paragraph 2 of Article 263 refers to the criminal liability imposed on individuals who deliberately use forged documents as if they were authentic or legally valid. The Indonesian Penal Code establishes a clear legal basis for prohibiting document forgery, reflecting the principle that the law is created to protect every individual and to ensure public safety from acts that threaten or disturb that order. Document forgery constitutes a criminal offense that disrupts legal certainty and causes harm. Therefore, the enforcement of criminal sanctions plays a vital role in upholding justice and ensuring legal protection for all members of society, and these sanctions must be applied firmly and consistently.

Sanctions for Vaccine Certificate Forgery from the Perspective of Islamic Criminal Law

Law in Islam is designed to serve the purpose of achieving public welfare, ensuring benefit, and preventing harm for humanity. The essential objective of the implementation of Sharia is the realization of *maslahah* (public interest). This *maslahah* is believed to be fulfilled when five fundamental elements are protected and upheld. These include the preservation of religion, life, intellect, lineage, and property.

According to Islamic jurists, the protection of these five essentials is the cornerstone of any legal ruling aimed at achieving public benefit. As stated in one of the fundamental principles of Islamic jurisprudence, harm must be eliminated.[15] The importance of speaking truthfully and avoiding deception is emphasized. When a person fails to guard their speech and engages in falsehood, social and moral damage may follow. A legally accountable individual will achieve benefit if they protect these five elements. On the contrary, neglecting them may lead to harm and disorder.

Within Islamic criminal law, particularly in the field of fiqh jinayah, the crime of document forgery is not explicitly detailed in the classical texts as understood in modern law. However, this does not mean that Islamic law lacks guidance on the matter. Forgery is generally classified as an act of deception or falsehood, which is considered sinful and morally unacceptable. In Islamic history, document forgery was rare and often took the form of false testimony or misleading statements. In essence, forgery in Islamic criminal thought is understood as an act of dishonesty, where a person intentionally presents false information in place of truth. In Arabic, the term for lying is al-kidzb, which stands in direct contrast to al-sidq, meaning truthfulness. Therefore, forgery is not only a legal offense but also a serious moral violation.

Expressions of falsehood in the Qur'an are often directed toward disbelievers who reject divine revelation and attempt to discredit the truth. One of the verses that address this behavior is Surah An-Nisa, verse 50, in which Allah says:

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[15] Abdur Rahman, *Tindak Pidana Dalam Syari'at Islam* (Jakarta: PT Rineka Cipta, 2009).

ٱنظُرْ كَيْفَ يَفْتَرُونَ عَلَى ٱللَّهِ ٱلْكَذِبَ ۖ وَكَفَىٰ بِهِۦٓ إِثْمًا مُّبِينًا

"*See how they fabricate lies against Allah, and how that alone is a clear and manifest sin for them.*"

The objective of punishment in Islam is not solely centered on retribution. It also serves higher purposes such as deterrence and reformation, and encompasses an educational function known as al-tahzib for society at large. These objectives are integrated as a unified whole within the application of Islamic criminal law, aiming to realize the broader concept of human welfare and public interest.[16]

Types of ta'zir sanctions can be categorized into several forms. First, corporal ta'zir punishments which involve physical penalties such as execution, crucifixion, and flogging. Second, ta'zir punishments related to personal liberty, including detention or imprisonment, and exile. Third, ta'zir punishments involving property, such as destruction of assets (al-itlaf), modification (at-taghyir), or confiscation and transfer of ownership (at-tamlik). Fourth, other forms of ta'zir punishments which include verbal or social sanctions such as warnings, public reprimands, being summoned to court, receiving advice or rebuke, social isolation, threats of punishment, dismissal from a position, and public disclosure of wrongdoing through print or electronic media.[17]

Considering that the act of document forgery falls under a serious offense, the perpetrator may be subjected to detention or imprisonment. In Islamic criminal law, there are two types of imprisonment. The first is imprisonment with a fixed duration, and the second is imprisonment without a predetermined time limit. Imprisonment with a fixed duration refers to a sentence not exceeding six months. On the other hand, imprisonment without a time limit involves detaining the offender until they show sincere repentance or until they die. Scholars agree that such indefinite imprisonment is not constrained by a specific time frame. This type of punishment, although not explicitly mentioned in the primary texts of the Qur'an and Sunnah, is derived from human interpretation of those sources. It reflects the flexibility of Islamic legal principles in regulating human life in a way that is universally applicable and remains relevant across different times and social contexts.

This view is also supported by a historical precedent from the time of Caliph Umar Ibn al-Khattab, which illustrates the alignment between the contemporary offense of forging a COVID-19 rapid test result and the classical offense of forging official seals. Caliph Umar once imposed punishment on Mu'an Ibn Aidah for the crime of forging the official seal of the Bayt al-Mal (public treasury). This case serves as a legitimate basis for penalizing the falsification of rapid test certificates. The punishment imposed by Caliph Umar demonstrates that any act of forgery is strictly prohibited, as it constitutes deception, fraud, and manipulation. Such actions are considered unjust because they mislead others and can potentially cause harm. Therefore, anyone who engages in forgery must be held legally accountable and sanctioned accordingly.

In general, the act of forging documents constitutes an act of falsehood (*kidzb*), as it inherently involves deception by withholding or altering the truth. In the case of falsifying a COVID-19 rapid test result certificate, the forgery may include falsified signatures of officials, fabricated writing or characters, and the use of paper materials that are manipulated to resemble an authentic document. The Qur'an contains numerous

[16] Junaidi Abdilah, *Filsafat Hukum Pidana Islam: Kajian Pidana Hudud Dan Aplikasinya Di Indonesia* (Semarang: Penerbit Mutiara Aksara, 2021).

[17] Nurul Irfan, *Hukum Pidana Islam*, 1st ed. (Jakarta: Amzah, 2016).

verses that strictly prohibit acts of falsehood (*al-kidzb*). Among them is a clear warning found in Surah An-Nahl, verse 116, in which Allah commands:

وَلَا تَقُولُواْ لِمَا تَصِفُ أَلْسِنَتُكُمُ ٱلْكَذِبَ هَٰذَا حَلَٰلٌ وَهَٰذَا حَرَامٌ لِّتَفْتَرُواْ عَلَى ٱللَّهِ ٱلْكَذِبَ ۚ إِنَّ ٱلَّذِينَ يَفْتَرُونَ عَلَى ٱللَّهِ ٱلْكَذِبَ لَا يُفْلِحُونَ

"And do not say about what your tongues falsely declare, 'This is lawful and this is unlawful,' in order to fabricate lies against Allah. Indeed, those who invent falsehood about Allah will never prosper." (Q.S. An-Nahl:116).[18]

It is thus evident that lying is a reprehensible and dangerous act, especially in the context of document forgery, which constitutes a deliberate misrepresentation of the truth. The falsification of documents, such as the COVID-19 rapid test result certificate, falls under the category of deceit and fraud. Islam explicitly prohibits deception in all aspects of life, including commercial transactions and interpersonal dealings. Fraud and manipulation are considered acts of injustice and dishonesty, as they involve placing things out of their rightful context. Moreover, such acts undermine the values of responsibility and trust, and they cultivate a tendency to seek unlawful gains. For this reason, deceit and fraud are considered among the attributes of hypocrites in Islamic teachings.

Under Islamic criminal law, the act of identity forgery, such as falsifying a vaccination certificate, is considered a violation of Shari'ah and is classified as a harmful offense that may result in widespread damage to society. This type of offense is referred to as *jarimah*. In Islamic jurisprudence, *jarimah* is categorized into three main types, namely *jarimah qisash*, *jarimah hudud*, and *jarimah ta'zir*. An act is regarded as a *jarimah*, and its perpetrator may be held criminally responsible if the following elements are fulfilled:

1. Formal element, which refers to the existence of a legal provision or textual evidence that explicitly prohibits the act and prescribes a punishment. In positive law, this is equivalent to the principle of legality. In the case of identity forgery, such as the falsification of vaccine certificates, this element is fulfilled as the act is clearly regulated under Article 226 and Article 263 of the Indonesian Penal Code.
2. Material element, which involves the actual conduct of an individual that constitutes the offense, whether through action or inaction. In positive criminal law, this corresponds to the element of unlawfulness, as seen in the act of forging COVID-19-related documents.
3. Moral element, which the perpetrator must be a *mukallaf*, a legally accountable individual who possesses reason, free will, and is not under coercion. The act must be committed with full awareness and intention, thereby making the person legally and morally responsible for the offense committed.[19]

In Islamic law, there is also the concept of criminal responsibility. Criminal responsibility in Islam refers to the imposition of liability on an individual for an act committed or omitted (objective element) based on their own free will and full awareness

[18] Kemenag RI, *Mushaf Al-Hadi* (Jakarta: Maktabah Al-Fatih, 2018).

[19] Asadulloh Al-Faruk, "Hukum Pidana Dalam Sistem Hukum Islam," *Bogor: Ghalia Indonesia* (2009).

of the nature and consequences of their actions (subjective element). This imposition arises because the act in question results in something that is contrary to the law, meaning that the act violates Shari'ah, whether by doing something that is explicitly prohibited or by neglecting something that is religiously mandated.

Liability is also imposed because the act was carried out based on the individual's own desire and will, not as a result of coercion or compulsion by others. Therefore, it can be concluded that under Islamic law, criminal responsibility is grounded on three main principles, namely: the act must be performed voluntarily, the individual must have full awareness and understanding of the nature and consequences of the act, and the act itself must constitute a violation of the Shari'ah:

1. The existence of a prohibited act.
2. The act is carried out voluntarily.
3. The perpetrator is aware of the consequences of the act.

If all three of the above elements are present, then criminal responsibility lies with the individual who committed the offense. Conversely, if these elements are not fulfilled, no act can be held accountable. Therefore, criminal liability cannot be imposed on someone who is mentally ill, a child who has not yet reached the age of maturity, or a person who is forced to commit a crime under threat to their life. In matters of criminal responsibility, Islamic law imposes punishment only on those who are alive and legally accountable (mukallaf). It also exempts children from penalties that would ordinarily be imposed on adults, except in cases where the child has reached the age of legal maturity (baligh).[20]

Thus, based on the explanation outlined above, it can be understood that the perspective of Islamic criminal law on the offense of forging a vaccination certificate is that it may be classified as a jarimah ta'zir. This is because such an act violates the principles of Shari'ah and has the potential to cause harm to many people. The offense of identity forgery, such as falsifying a vaccination certificate, is not specifically regulated in Islamic criminal law. Therefore, this type of action is categorized as a jarimah ta'zir.

In terminology, *ta'zir* is defined as a form of discipline or education delivered through a specific type of punishment. Some scholars interpret *ta'zir* as a penalty related to the violation of the rights of Allah and the rights of human beings that is not explicitly prescribed in the Qur'an or Hadith. The function of *ta'zir* is to provide moral instruction to the offender and at the same time to deter them from repeating the same offense in the future.[21] The objectives of implementing *taʿzīr* sanctions are as follows:

1. Preventive, intended to warn individuals of the consequences that may arise before committing a *jarimah*. These consequences may include imprisonment, fines, or other forms of punishment.
2. Repressive, aimed at discouraging the offender from repeating the *jarimah* and encouraging them to reform by avoiding such behavior in the future.
3. Curative, intended to improve the individual's behavior and lead them toward personal transformation over time.
4. Educative, intended to help reshape a person's way of life in a more positive direction.

[20] Irfan, *Hukum Pidana Islam*.

[21] Ibid.

The enforcement of *taʿzīr* punishment is entrusted to the ruling authority, which has the discretion to determine an appropriate sanction for offenses that are not explicitly mentioned in the Qur'an. In this context, the judge or authority has the freedom to impose *taʿzīr* punishments in accordance with the severity of the offense. This authority is granted in order to maintain social order and to anticipate possible harmful actions that may disrupt public welfare.[22]

CONCLUSION

Based on the findings of this study, it can be concluded that the act of forging a vaccination certificate is not only a violation of the law but also a threat to public order and safety. Under Indonesian positive law, such an act is regulated in Article 263 of the Penal Code and is subject to criminal sanctions in the form of imprisonment, serving as a means to protect the authenticity of official documents and the public interest. From the perspective of Islamic criminal law, the forgery of a vaccination certificate is classified as a *jarimah taʿzīr*, where the punishment is determined by the authority in accordance with the degree of harm caused. Although the two legal systems differ in terms of the form and legal foundation of the sanctions, they are aligned in their assessment that vaccine certificate forgery is a harmful act against society and must be punished to uphold justice, honesty, and the collective good.

BIBLIOGRAFI

Abdilah, Junaidi. *Filsafat Hukum Pidana Islam: Kajian Pidana Hudud Dan Aplikasinya Di Indonesia*. Semarang: Penerbit Mutiara Aksara, 2021.

Al-Faruk, Asadulloh. "Hukum Pidana Dalam Sistem Hukum Islam." *Bogor: Ghalia Indonesia* (2009).

Ali, Zainudin. *Metode Penelitian Hukum*. Jakarta: Sinar Grafika, 2017.

Andrisman, Tri. *Asas-Asas Dan Dasar Aturan Hukum Pidana Indonesia*. Bandar Lampung: Unila, 2009.

Azwar, Saifudin. *Metode Penelitian*. Yogyakarta: Pustaka Pelajar, 1998.

Efendi, Jonaedi, and Johnny Ibrahim. *Metode Penelitian Hukum Normatif Dan Empris*. Depok: Prenada Media Group, 2018.

Irfan, Nurul. *Hukum Pidana Islam*. 1st ed. Jakarta: Amzah, 2016.

Kemenag RI. *Mushaf Al-Hadi*. Jakarta: Maktabah Al-Fatih, 2018.

Kholidiyah, Dina, Ns Sutomo, and Nuris Kushayati. "Hubungan Persepsi Masyarakat Tentang Vaksin Covid-19 Dengan Kecemasan Saat Akan Menjalani Vaksinasi Covid-19." *Jurnal Keperawatan* 14, no. 2 (2021): 13.

Maichel, and Pythag Kurniati. "Sertifikat Vaksin Dan Surat Swab Palsu Dijual Rp 800.000 Di Sorong, Pelaku Ditangkap." *Kompas.Com*. Last modified 2021. https://regional.kompas.com/read/2021/07/22/194535678/sertifikat-vaksin-dan-surat-swab-palsu-dijual-rp-800000-di-sorong-pelaku?page=all.

Mardani. *Hukum Pidana Islam*. Jakarta: Prenada Media Group, 2019.

Margarini, Eunice. "Masyarakat Indonesia Sambut Baik Vaksinasi Covid-19." *Kemenkes*. Last modified 2021. Accessed March 30, 2022. https://ayosehat.kemkes.go.id/masyarakat-indonesia-sambut-baik-vaksinasi-

[22] Mardani, *Hukum Pidana Islam* (Jakarta: Prenada Media Group, 2019).

covid-19.

Nurlela. *Buku Ajar PAI Era New Normal Covid-19 Untuk Perguruan Tinggi Perspektif Sosiologis Dan Nilai-Nilai Kearifan Lokal*. Bantul: Yogyakarta Express, 2020.

Paaclain Indonesia. *Buku Pedoman Pencegah Covid-19 Bagi Fasilitas Daerah,Forum Anak Dan Mitra Jarak*. Jakarta: Alfabeta, 2020.

Putri, Kirana Eka, Kris Wiranti, Yosef Syukurman Ziliwu, Maria Elvita, Debora Yuliana Frare, Rotua Sari Purdani, and Susanti Niman. "Kecemasan Masyarakat Akan Vaksinasi Covid-19." *Jurnal Keperawatan Jiwa (JKJ): Persatuan Perawat Nasional Indonesia* 9, no. 3 (2021): 539–548.

Raco, G. R. *Metode Penelitian Kualitatif, Jenis,Karakter Dan Keunggulan*. Jakarta: Grasindo, 2010.

Rahman, Abdur. *Tindak Pidana Dalam Syari'at Islam*. Jakarta: PT Rineka Cipta, 2009.

Sidiq, Umar. *Metode Penelitian Kualitatif Di Bidang Pendidikan*. Ponorogo: CV. Nata Karya, 2019.

Susanto, Eko Adi, and Gunarto Gunarto. "Pertanggungjawaban PidanaYang Memakai Surat Palsu DitinjauDari Pasal 263 Ayat (2) KUHP." *Jurnal Daulat Hukum* 1, no. 1 (March 15, 2018): 1–12. http://jurnal.unissula.ac.id/index.php/RH/article/view/2558.

Yunadi, Pandu. "Kajian Hukum Transfer Pricing (Penentuan Harga Transfer) Pajak Penghasilan Perusahaan Multinasional Di Indonesia." Universitas Muhammadiyah Purwokerto, 2017.