

RINGKASAN

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**ANALISIS YURIDIS TINDAK PIDANA
PEMALSUAN SURAT DOKUMEN ASURANSI
(Suatu Kajian Berdasarkan Pasal 263 KUHP
Tentang Pemalsuan Surat)
(Zulfan, S.H., M.H.dan Dr. Nurarafah, S.H., M.H)**

Tanggung Jawab Pihak Asuransi Permasalahan krusial adalah tanggung jawab hukum perusahaan asuransi atas polis yang dibuat dengan surat palsu, di mana mereka tetap wajib membayar klaim jika terbukti kelalaian verifikasi, meskipun pelaku pemalsuan dijerat pidana. Hal ini menimbulkan isu keadilan, karena Pasal 263 KUHP lama dikaitkan dengan pasal 391 KUHP terbaru tidak memuat denda yang memberatkan, sehingga sanksi pidana dirasa kurang bagi pelaku seperti agen asuransi. Kelemahan Pasal 263 dan dikaitkan pasal 391 KUHP terhadap pemalsuan dokumen asuransi sering dikritik karena sifatnya umum, tanpa regulasi khusus perasuransian yang lebih tegas.

Jenis penelitian ini adalah penelitian yuridis normatif atau lebih dikenal dengan penelitian hukum doktrinal. Jenis penelitian ini bertujuan untuk menentukan suatu aturan, prinsip-prinsip hukum, ataupun doktrin-doktrin hukum yang menjawab permasalahan hukum yang dihadapi untuk menghasilkan argument, teori, maupun konsep baru dalam menyelesaikan suatu permasalahan.

Berdasarkan Hasil Penelitian menunjukan pada Kelemahan Norma Hukum dalam Pasal 263 KUHP dan dikaitkan dengan Pasal 391 KUHP terbaru bersifat umum dan kurang spesifik, sehingga menyulitkan pembedaan pemalsuan autentik dari kasus abu-abu seperti privasi surat pribadi. Norma ini berpotensi menimbulkan dilema antara kepentingan umum dalam mencegah penipuan dan hak individu (kebebasan berekspresi atau privasi), terutama di era digital dengan risiko penyalahgunaan data. Penerapannya sering lemah karena kapasitas aparat penegak hukum terbatas, menyebabkan hak korban terabaikan dan konflik antara perlindungan masyarakat dan HAM individu.

Disarankan Majelis Hakim menerapkan Pasal 263KUHP dikaitkan dengan Pasal 391 KUHP terbaru untuk memberikan hukuman kepada terdakwa berdasarkan bukti yang ada. Dalam hal ini menegaskan pentingnya pengaturan hukum dan unsur-unsur tindak pidana pemalsuan surat dan dokumen, serta perlunya proses pembuktian yang cermat agar penegakan hukum berjalan adil dan sanksi yang tegas dapat memberikan efek jera serta menjaga keadilan bagi semua pihak.

Kata kunci : Analisis, Tindak Pidana, Pemalsuan Surat, Pasal 263, KUHP

SUMMARY

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LEGAL ANALYSIS OF CRIMINAL ACTS OF FORGERY OF INSURANCE DOCUMENTS (A Study Based on Article 263 of the Criminal Code Concerning Document Forgery))

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Insurance Liability A crucial issue is the legal liability of insurance companies for policies issued with forged documents, whereby they are still obliged to pay claims if negligence in verification is proven, even if the perpetrator of the forgery is charged with a criminal offense. This raises issues of fairness, because the old Article 263 of the Criminal Code, in conjunction with the new Article 391 of the Criminal Code, does not impose heavy fines, so that criminal sanctions are considered insufficient for perpetrators such as insurance agents. The weakness of Article 263 and its link to Article 391 of the Criminal Code regarding the falsification of insurance documents is often criticized for being general in nature, without more specific insurance regulations. Translated with DeepL.com (free version))

This type of research is normative legal research, better known as doctrinal legal research. This type of research aims to determine rules, legal principles, or legal doctrines that address legal issues encountered in order to produce arguments, theories, or new concepts for resolving issues.

Based on research findings, there are weaknesses in the legal norms in Article 263 of the Criminal Code and in relation to the latest Article 391 of the Criminal Code, which are general and lack specificity, making it difficult to distinguish authentic forgery from gray areas such as the privacy of personal correspondence. This norm has the potential to create a dilemma between the public interest in preventing fraud and individual rights (freedom of expression or privacy), especially in the digital age with the risk of data misuse. Its implementation is often weak due to the limited capacity of law enforcement officials, resulting in the neglect of victims' rights and conflicts between the protection of society and individual human rights. Translated with DeepL.com (free version)

It is recommended that the Panel of Judges apply Article 263 of the Criminal Code in conjunction with Article 391 of the latest Criminal Code to sentence the defendant based on the available evidence. In this case, it emphasizes the importance of legal regulations and the elements of criminal acts of forgery of letters and documents, as well as the need for a careful evidentiary process so that law enforcement is fair and strict sanctions can have a deterrent effect and maintain justice for all parties.

Keywords: Analysis, Criminal Offense, Document Forgery, Article 263, Criminal Code