

**LAW ENFORCEMENT AGAINST THE PRACTICE OF MUTILATION
OF RUPIAH PAPER MONEY PERSPECTIVE OF LAW NUMBER 7 OF
2011 CONCERNING CURRENCY AND *JARIMAH TA'ZIR*
(Study at the Representative Office of Bank Indonesia in Malang)**

THESIS

By:

YUANGGI NUR WIRIA TARITA

SIN 200202110076



SHARIA ECONOMIC LAW

FACULTY OF SHARIA

STATE ISLAMIC UNIVERSITY OF MAULANA MALIK IBRAHIM

MALANG

2024

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2024

STATEMENT OF THE AUTHENTICITY

In the name of Allah,

With consciousness and responsibility toward the development of science, the writer declares that the thesis entitled:

**LAW ENFORCEMENT AGAINST THE PRACTICE OF MUTILATION
OF RUPIAH PAPER MONEY PERSPECTIVE OF LAW NUMBER 7 OF
2011 CONCERNING CURRENCY AND *JARIMAH TA'ZIR*
(Study at the Representative Office of Bank Indonesia in Malang)**

Is truly the writer's original work that can be legally justified. If this thesis is proven to result from duplication or plagiarism from another scientific work, it as a precondition of degree will be stated as legally invalid.

Malang, 1st of April 2024
Writer,



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**LAW ENFORCEMENT AGAINST THE PRACTICE OF MUTILATION
OF RUPIAH PAPER MONEY PERSPECTIVE OF LAW NUMBER 7 OF
2011 CONCERNING CURRENCY AND *JARIMAH TA'ZIR*
(Study at the Representative Office of Bank Indonesia in Malang)**

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OF RUPIAH PAPER MONEY PERSPECTIVE OF LAW NUMBER 7 OF
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(Study at the Representative Office of Bank Indonesia in Malang)**


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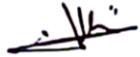
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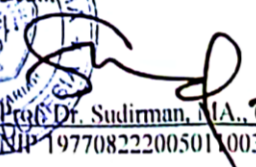
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MOTTO

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

وَيَقُومُوا أَوْفُوا الْمِكْيَالَ وَالْمِيزَانَ بِالْقِسْطِ وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْتُوا فِي الْأَرْضِ

مُفْسِدِينَ ﴿٨٥﴾

“O my people, fill the measure and the balance justly! Do not deprive people of their rights and do not cause evil on earth by being destructive!”

(Q.S. Hud [11]:85)

ACKNOWLEDGMENT

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Bismillahirrahmaanirrahiim. Assalamu'alaikum Warahmatullahi Wabarakatuh.

Alhamdulillahirabbil'alamiin, all praise and gratitude to the presence of Allah SWT who has poured out mercy and *hidayah* so that the writer can be at this point. The culmination of getting a bachelor's degree, as well as being the first step for the next journey. Peace be upon into The Rasulullah Prophet Muhammad SAW, who has taught us guidance (*uswatun hasanah*) to do activity correctly in our life. By following him, may we belong to those who believe and get their intercession on the last day of the end, *aamiin*, and as a form of encouragement to the writer to dare to step up and persevere, accompanied by the grace and gifts of Allah SWT in the form of faith and health, so that the writer can complete this thesis entitled:

**LAW ENFORCEMENT AGAINST THE PRACTICE OF
MUTILATION OF RUPIAH PAPER MONEY PERSPECTIVE OF LAW
NUMBER 7 OF 2011 CONCERNING CURRENCY AND *JARIMAH TA'ZIR*
(Study at the Representative Office of Bank Indonesia in Malang)**

From all the teaching, advice, guidance, and help of services for us to finish this thesis. Then with all humility, the writer will express the gratitude that is unequalled to:

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2. Prof. Dr. Sudirman, M.A., CAHRM, as Dean of Sharia faculty of the State Islamic University Maulana Malik Ibrahim of Malang.
3. Dr. Fakhrudin, M.HI., as Head of Sharia Economic Law Department of Sharia Faculty of the State Islamic University Maulana Malik Ibrahim of Malang.
4. Dr. Khoirul Hidayah, M.H, as Guardian Lecturer of the writer during her study at Sharia Economic Law Department of Sharia Faculty of the State Islamic University Maulana Malik Ibrahim of Malang.
5. H. Faishal Agil Al Munawar, Lc., M.Hum., as my Thesis Supervisor. The writer would like to thank you profusely for spending time to guide, direct, and motivate to finish writing this thesis. The writer hopes that he and his family will be blessed by Allah SWT.
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7. Employee staff of Sharia Faculty of the State Islamic University Maulana Malik Ibrahim of Malang. The writer would like to thank you for all participation and all assistance in completing this thesis.
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10. The writer's junior high school friends whose group name is "The Somvlax Family." My dear friends, Nuur Rifdah Qurrotu'ainii, Rindy Mauliddina, and Ananda Vidya Chairun Nisya who always accompany the writer from junior high school to the present, always provide enthusiasm, positive energy, motivation, prayers, support, and show the beauty of friendship in all aspects of the writer's life. Hopefully we can maintain a good relationship until the future;
11. All friends who have accompanied the writer from beginning of lecture to end, who have become a home and a place to share the writer's complaints during her education at Maulana Malik Ibrahim State Islamic University Malang, the writer would like to thank you for the sincere support and affection that has been given during the lecture period. Hopefully we can maintain a good relationship until the future;
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This thesis was prepared as much as possible to get good and optimal results. However, no ivory does not crack, that is how the saying implies that nothing is perfect. The writer realizes that this thesis is far from perfect and needs further deepening. Therefore, constructive criticism and suggestions will be accepted by the writer for the sake of the perfection of this paper.

Malang, 18th of April 2024



Yuanggi Nur Wiria Tarita
SIN 200202110076

TRANSLITERATION GUIDE

In writing scientific papers, the use of foreign terms is often unavoidable. In general, following the General Guidelines for Indonesian Spelling, foreign words are written (printed) in italics. In the context of Arabic, there are special transliteration guidelines that apply internationally. The following table presents the transliteration guidelines as a reference for writing scientific papers. Arabic-Indonesian transliteration of the Faculty of Sharia UIN Maulana Malik Ibrahim Malang is guided by the Library of Congress (LC) model of the United States as follows:

Arabic	Indonesian	Arabic	Indonesian
ا	'	ط	ṭ
ب	B	ظ	ẓ
ت	T	ع	'
ث	Th	غ	Gh
ج	J	ف	F
ح	H	ق	Q
خ	Kh	ك	K
د	D	ل	L
ذ	Dh	م	M
ر	R	ن	N
ز	Z	و	W
س	S	ه	H
ش	Sh	ء	'
ص	S	ي	Y
ض	ḍ		

Table 1. Transliteration Guide

To indicate a long vowel sound (madd), the method is to write a horizontal stroke above the letter, such as ā, ī, and ū. (أ, ي, و). Arabic double vowel sounds are transliterated by combining the two letters “ay” and “aw”, such as layyinah, lawwā mah. Words ending in tā' marbūṭah and functioning as an adjective or muḍ ā f ilayh are transliterated with “ah”, while those functioning as muḍ ā f are transliterated with “at”.

TABLE OF CONTENTS

OUTSIDE COVER	
INSIDE COVER	
STATEMENT OF THE AUTHENTICITY	iii
APPROVAL SHEET	iv
CONSULTATION PROOF	v
LEGITIMATION SHEET	vi
MOTTO	vii
ACKNOWLEDGMENT.....	viii
TRANSLITERATION GUIDE	xii
TABLE OF CONTENTS	xiii
LIST OF TABLES	xvi
LIST OF PICTURES	xvii
CHART	xviii
APPENDIXES	xix
ABSTRAK	xx
ABSTRACT.....	xxi
ملخص البحث.....	xxii
CHAPTER I INTRODUCTION	1

A. Background	1
B. Problem Formulation	10
C. Research Objectives	10
D. Research Benefits.....	11
E. Operational Definition	12
F. Systematization of Discussion	12
CHAPTER II LITERATURE REVIEW	15
A. Previous Research	15
B. Literature Review	22
CHAPTER III RESEARCH METHODS	48
A. Type of Research.....	48
B. Research Approach	49
C. Research Location.....	50
D. Subject Determination Method	51
E. Data Type and Source	52
F. Collection Method Data	53
G. Data Processing Method	54
CHAPTER IV RESEARCH RESULTS AND DISCUSSION	56
A. Description of Research Objects	56

B. Law Enforcement Efforts Conducted by the Representative Office of Bank Indonesia Malang against the Practice of Paper Rupiah Mutilation	63
C. The Practice of Paper Rupiah Mutilation According to Law No. 7/2011 on Currency and <i>Jarimah Ta'zir</i>	79
1. Law No. 7/2011 on Currency	80
2. <i>Jarimah Ta'zir</i>	90
CHAPTER V CLOSING	101
A. Conclusion	101
B. Suggestion	102
BIBLIOGRAPHY	104
APPENDIXES	113
CURRICULUM VITAE (CV)	116

LIST OF TABLES

Table 1. Transliteration Guide

Table 2. Originality of Research

LIST OF PICTURES

Picture 1. Rp20.000 paper money connected or patched with Rp2.000 paper money and vice versa

Picture 2. Example of mutilated money that has different serial numbers

CHART

Chart 1. Organization Structure

APPENDIXES

Appendix 1. Pre-Research Letter

Appendix 2. Pre-Research Interview with Informant

Appendix 3. In-depth research Interviews with Informant

Appendix 4. Interview Question

ABSTRAK

Yuanggi Nur Wiria Tarita, 200202110076, **Law Enforcement Against The Practice of Mutilation of Rupiah Paper Money Perspective of Law Number 7 of 2011 Concerning Currency and *Jarimah Ta'zir* (Study at The Representative Office of Bank Indonesia in Malang)**, Hukum Ekonomi Syariah, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang, Dosen Pembimbing H. Faishal Agil Al Munawar, Lc., M.Hum.

Kata Kunci: Penegakan Hukum; Praktik Mutilasi Uang Rupiah Kertas; Undang-Undang Nomor 7 Tahun 2011 Tentang Mata Uang; *Jarimah Ta'zir* .

Praktik mutilasi uang rupiah kertas merupakan ancaman serius terhadap integritas mata uang sebuah negara. Praktik ini tak hanya berupa merusak mata uang, namun juga berupaya untuk memalsukannya. Kemunculan praktik ini tidak hanya mengguncang stabilitas ekonomi, tetapi juga mencerminkan kelemahan dalam penegakan hukum. Meskipun Undang-Undang Nomor 7 Tahun 2011 Tentang Mata Uang telah memberikan landasan hukum, penegakan hukum terhadap praktik ini masih terbilang lemah.

Penelitian ini bertujuan untuk mendalami aspek penegakan hukum terhadap praktik mutilasi uang rupiah kertas yang dapat dilakukan oleh Kantor Perwakilan Bank Indonesia di Malang sebagai KPwDN Bank Indonesia yang memiliki peranan penting dalam upaya penegakan hukum terhadap praktik mutilasi uang rupiah kertas terutama di wilayah Malang, serta tinjauan terhadap Undang-Undang Mata Uang dan hukum Islam, yaitu *jarimah ta'zir* , guna memberikan pemahaman yang lebih mendalam tentang bagaimana menanggapi dan menyelesaikan isu tersebut.

Penelitian ini menggunakan metode yuridis empiris dan pendekatan kualitatif. Lokasi penelitian adalah Kantor Perwakilan Bank Indonesia Malang, dipilih karena peranannya dalam mengatur pasokan uang dan stabilitas mata uang di wilayah tersebut. Subjek penelitian dipilih dengan metode *purposive sampling*, dan data primer diperoleh melalui wawancara mendalam dengan pihak berwenang di Bank Indonesia Malang. Data sekunder berupa bahan hukum primer dan bahan hukum sekunder. Metode pengumpulan data meliputi wawancara langsung dan dokumentasi. Pengolahan data dilakukan secara kualitatif, dengan analisis deduktif untuk bahan hukum dan deskriptif untuk data wawancara, guna menjawab permasalahan yang diteliti.

Berdasarkan hasil penelitian, diketahui bahwa Kantor Perwakilan Bank Indonesia Malang selalu proaktif dan gencar melakukan edukasi, sosialisasi, imbauan penggunaan sistem pembayaran non-tunai terutama untuk nominal transaksi yang besar, mengumpulkan informasi terkait dengan praktik, maupun melakukan penyelidikan internal dan bekerja sama dengan pihak penegak hukum lainnya. Praktik ini menurut Undang-Undang Nomor 7 Tahun 2011 Tentang Mata Uang telah melanggar beberapa pasal, yaitu Pasal 25 Ayat 1, Pasal 26 Ayat 1, Pasal 35 Ayat 1, Pasal 36 Ayat 1, Pasal 38 ayat 1 dan 2, Pasal 40 Ayat 1, serta Pasal 41 Ayat 2 dan jika menurut *jarimah ta'zir* pemerintah Indonesia menerapkan hukuman *ta'zir* yang berkaitan dengan kemerdekaan seseorang, yaitu hukuman penjara dan hukuman yang berkaitan dengan harta, yaitu denda.

ABSTRACT

Yuanggi Nur Wiria Tarita, 200202110076, **Law Enforcement Against The Practice of Mutilation of Rupiah Paper Money Perspective of Law Number 7 of 2011 Concerning Currency and *Jarimah Ta'zir* (Study at The Representative Office of Bank Indonesia in Malang)**, Sharia Economic Law, Sharia Faculty, State Islamic University of Maulana Malik Ibrahim Malang, Thesis Supervisor H. Faishal Agil Al Munawar, Lc., M.Hum.

Keyword: Law Enforcement; Practice of Mutilation of Rupiah Paper Money; Law Number 7 of 2011 concerning Currency; *Jarimah Ta'zir* .

The practice of mutilation of rupiah paper money is a serious threat to the integrity of a country's currency. This practice not only involves tampering with currency, but also attempts to counterfeit it. The emergence of this practice not only destabilizes the economy, but also reflects weaknesses in law enforcement. Although Law No. 7/2011 on Currency has provided a legal basis, law enforcement against this practice is still relatively weak.

This research aims to explore the aspects of law enforcement against the practice of mutilation of paper rupiah that can be carried out by the Representative Office of Bank Indonesia in Malang as KPwDN Bank Indonesia which has an important role in law enforcement efforts against the practice of mutilation of paper rupiah, especially in the Malang area, as well as a review of the Currency Act and Islamic law, namely *jarimah ta'zir* , in order to provide a deeper understanding of how to respond and resolve the issue.

This research uses empirical juridical method and qualitative approach. The research location was the Representative Office of Bank Indonesia Malang, chosen for its role in regulating money supply and currency stability in the region. The research subjects were selected using purposive sampling method, and primary data was obtained through in-depth interviews with the writerities at Bank Indonesia Malang. Secondary data consisted of primary and secondary legal materials. Data collection methods included direct interviews and documentation. Data processing was carried out qualitatively, with deductive analysis for legal materials and descriptive for interview data, in order to answer the problems studied.

Based on the research results, it is known that the Representative Office of Bank Indonesia Malang is always proactive and aggressively conducts education, socialization, appeals for the use of non-cash payment systems, especially for large nominal transactions, collects information related to the practice, as well as conducts internal investigations and cooperates with other law enforcement agencies. This practice according to Law Number 7 Year 2011 on Currency has violated several articles, namely Article 25 Paragraph 1, Article 26 Paragraph 1, Article 35 Paragraph 1, Article 36 Paragraph 1, Article 38 paragraphs 1 and 2, Article 40 Paragraph 1, and Article 41 Paragraph 2 and if according to *jarimah ta'zir* the Indonesian government applies *ta'zir* penalties in the form of relating to a person's freedom, namely imprisonment and penalties relating to property, namely fines.

ملخص البحث

يوانجي نور ويريا تاريتا، ٢٠٠٦.١١.٢٠، إنفاذ القانون ضد ممارسة تشويه العملات الورقية بالروبية، منظور القانون رقم ٧ لعام ٢٠١١ فيما يتعلق بالعملية والجرامة تعزير (دراسة في المكتب التمثيلي لبنك إندونيسيا في مالانج)، قانون الشريعة الاقتصادي، الكلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية مالانج، المشرف H. فيصل عقيل المنور، .Lc، M.Hum

الكلمات المفتاحية: تطبيق القانون؛ ممارسة تشويه النقود الورقية بالروبية؛ وعلى القانون رقم ٧ لسنة ٢٠١١ في شأن العملة؛ جارية تعزير.

تشكل ممارسة تشويه الأوراق النقدية بالروبية تهديداً خطيراً لسلامة عملة الدولة. ولا تقتصر هذه الممارسة على تدمير العملة فحسب، بل تشمل أيضاً محاولات تزيفها. إن ظهور هذه الممارسة لا يؤدي إلى زعزعة الاستقرار الاقتصادي فحسب، بل يعكس أيضاً نقاط الضعف في إنفاذ القانون. على الرغم من أن القانون رقم ٧ لعام ٢٠١١ بشأن العملة قد وفر الأساس القانوني، إلا أن التنفيذ القانوني لهذه الممارسة لا يزال ضعيفاً نسبياً.

يهدف هذا البحث إلى استكشاف جوانب إنفاذ القانون فيما يتعلق بممارسة تشويه الأوراق النقدية بالروبية والتي يمكن تنفيذها من قبل المكتب التمثيلي لبنك إندونيسيا في مالانج باسم KPwDN بنك إندونيسيا الذي له دور مهم في جهود إنفاذ القانون فيما يتعلق بممارسة تشويه الأوراق النقدية بالروبية. ، وخاصة في منطقة مالانج، بالإضافة إلى مراجعة قانون العملة والشريعة الإسلامية، وبالتحديد جاريمان تعزير، لتوفير فهم أعمق لكيفية الاستجابة لهذه القضايا وحلها.

يستخدم هذا البحث الأسلوب القانوني التحريبي والمنهج الكيفي. وكان موقع البحث هو المكتب التمثيلي لبنك إندونيسيا مالانج الذي تم اختياره لدوره في تنظيم عرض النقود واستقرار العملة في المنطقة. تم اختيار مواضيع البحث باستخدام طريقة أخذ العينات الانتقائية، وتم الحصول على البيانات الأولية من خلال مقابلات متعمقة مع السلطات في بنك إندونيسيا مالانج. وتألفت البيانات الثانوية من مواد قانونية أولية وثانوية. وشملت أساليب جمع البيانات المقابلات المباشرة

والتوثيق. وتمت معالجة البيانات بطريقة نوعية، مع إجراء تحليل استنتاجي للمواد القانونية وتحليل وصفي لبيانات المقابلات، من أجل الإجابة عن المشاكل المدروسة.

بناءً على نتائج البحث، من المعروف أن المكتب التمثيلي لبنك إندونيسيا مالانج دائماً ما يكون استباقياً وينفذ التعليم والتنشئة الاجتماعية بشكل مكثف، ويدعو إلى استخدام أنظمة الدفع غير النقدية، خاصة بالنسبة لمبالغ المعاملات الكبيرة، ويجمع المعلومات المتعلقة بالممارسات، وكذلك إجراء تحقيقات داخلية والتعاون مع سلطات إنفاذ القوانين الأخرى. وفقاً للقانون رقم ٧ لسنة ٢٠١١ بشأن العملة، فإن هذه الممارسة تخالف عدة مواد، وهي المادة ٢٥ فقرة ١، المادة ٢٦ فقرة ١، المادة ٣٥ فقرة ١، المادة ٣٦ فقرة ١، المادة ٣٨ فقرة ١ و ٢، المادة ٤٠ فقرة ١، كما وكذلك المادة ٤١ الفقرة ٢، وإذا طبقت الحكومة الإندونيسية، وفقاً لنطاق التعزير، عقوبات تعزيرية تتعلق باستقلال الشخص، أي أحكام السجن والعقوبات المتعلقة بالأصول، أي الغرامات.

CHAPTER I

INTRODUCTION

A. Background

Money is generally accepted in payments for the purchase of goods and services, as well as for the payment of debts. Money is also often viewed as wealth that can be used to pay certain debts with certainty and without delay. Typically, money has the characteristics of acceptability and cognizability, stability of value, elasticity of supply, portability, durability, and legibility.¹

To fulfill the need for money, the government of the country concerned through the central bank has the right to create money. Similarly, the amount of money in circulation needs to be maintained so that the value of money remains stable. Bank Indonesia as the central bank has the monopoly right to print money and the right of charter or patent to circulate money. In matters relating to money, the role of financial institutions, especially banks is very large, this is in accordance with the function of financial institutions, namely as financial intermediaries in society.²

One of the benchmarks of a country's economic prosperity is seen from how successful the processing of money is both for infrastructure development, cultural preservation, to regulating the circulation of money itself. In fact, money is an important item in life, especially in fulfilling daily needs. Such is the importance of

¹ Fikry Latukau, Deassy J.A. Hehanussa, dan Erwin Ubwarin, "Penerapan Pasal 33 Ayat (2) Undang-Undang Nomor 7 Tahun 2011 Tentang Mata Uang di Maluku," *de Jure Jurnal Ilmiah Ilmu Hukum* 2, no. 1 (April 20, 2021): 57, <https://doi.org/10.33387/dejure.v2i1.2955>.

² Latukau, J.A. Hehanussa, and Ubwarin, 60.

money, causing some people to try to have as much money as possible, even if it is against the law. This is also increasingly relevant with the development of this sophisticated science and technology. Any information can be obtained easily. However, unfortunately, this convenience is often misused by unscrupulous people to commit crimes. The cleverness and convenience are not done with good ethics and morals, but are done by committing crimes so that humans can easily do things that violate state regulations, such as counterfeiting practices, destroying the identity of currency, and spreading counterfeit money. These actions are considered serious crimes.

The rule of law governing currency and currency crimes in Indonesia is not new. During the Dutch East Indies government in 1912, a regulation called *Indische Muntwet* was in effect, which was a law governing currency in the early days of Indonesian independence. The *Indische Muntwet* was then discontinued and replaced by Law Number 27 of 1953 concerning Currency which has now been updated again to Law Number 7 of 2011 concerning Currency. The existence of the law is a form of effort from the government in order to create order and comfort in society and the state.³

The crime of counterfeiting and tampering with currency is an act that is very detrimental to others. Generally, counterfeit or damaged currency is circulated at gas stations, stalls, markets, or grocery stores. The money is usually circulated a

³ Ahmad Hasan, *Mata uang Islami: telaah komprehensif sistem keuangan Islami* (Jakarta: PT RajaGrafindo Persada, 2005), 37.

change and is usually circulated at night in dimly lit conditions or given in a ratio of 1:3 (one genuine bill gets three counterfeit bills).

The perpetrators use the counterfeit money that they know about secretly, and then use it to conduct transactions. Even people who indirectly or unconsciously receive counterfeit or tampered money will still use it to conduct transactions in order not to harm themselves.⁴

Bank Indonesia (BI) reported that the number of counterfeit bills in circulation in Indonesia reached 575.327 pieces from January to October 2022. The number increased by 154,38% compared to the 2021 period of 226.170 pieces, which also included records obtained from the *Mapping Data of the Counterfeit Rupiah Eradication Coordination Agency (Botasupal)* in several regions of Indonesia in August 2021, cases of making and circulating counterfeit rupiahs increased when compared to July 2021, namely 14,484 pieces or an increase of 10,729%.⁵ The number of counterfeit notes so far this year is the largest in the last seven years. In general, they use methods that are no less sophisticated, and the tools they use are very modern and can be used by certain people who have special skills. They can create or produce counterfeit money in a short period of time with the amount of billions of rupiah, and the results also almost match the real money.

The mode of counterfeiting and destroying currency is growing, but at the same time the frequency of this crime tends to fluctuate. In the middle of 2021, for

⁴ Eko Nurisman dan Stella Monica, "TINJAUAN YURIDIS TERHADAP PELAKU TINDAK PIDANA PENYEBARAN UANG PALSU," no. 1 (2018): 124.

⁵ Vitto Andhika Putra et al., "Perkembangan Hukum Menanggapi Ancaman Perkembangan Teknologi Pada Pembuatan dan Peredaran Rupiah Palsu di Indonesia," *Jurnal Lemhannas RI* 10, no. 3 (October 9, 2022): 199, <https://doi.org/10.55960/jlri.v10i3.297>

example, case findings were still relatively few, but tended to increase at the end of the year. In November, 37.371 counterfeit IDR 100.000 (one hundred thousand rupiah) banknotes or paper money were caught, equivalent to IDR 3,7 billion, using the mode of operation in the form of printing mode and circulation mode.⁶

According to Botasupal, the manufacture and circulation of counterfeit rupiah occurs in Indonesia because the security features contained in the rupiah are very easy to imitate using the current development of digital printing technology, so that parties who counterfeit rupiah can make fake rupiahs that resemble the original rupiah.

The manufacture and circulation of counterfeit rupiahs and their destruction are part of the crimes that still exist and are real in the midst of society. This is evident from the number of public reports relating to the finding of counterfeit rupiahs and rupiahs that have been damaged or unfit for use in the midst of their transactions either intentionally or unintentionally. The crime of counterfeiting, destruction of money, and its circulation can destroy public confidence in the currency itself. This is very troubling, where the most important impact caused by this crime is that it can threaten monetary conditions and the national economy.⁷

The crime of counterfeiting currency today is increasingly rampant on a large scale and with the latest types. Cases of rupiah counterfeiting in Indonesia have increased accompanied by an increasingly sophisticated mode of operation and the quality of the counterfeited money is increasingly similar to the original

⁶ Vitto Andhika Putra et al, 204.

⁷ H. M. Ikhwan Rays, "KAJIAN NORMATIF TERHADAP KEJAHATAN PEMALSUAN UANG DI INDONESIA," *Jurnal Yustisiabel* 3, no. 1 (April 30, 2019): 25, <https://doi.org/10.32529/yustisiabel.v3i1.292>.

rupiah. The development of these crimes and criminal offenses, especially assisted by the rapid development of graphics and printing technology, has led to the creation of the latest modes of crime of counterfeiting and currency destruction, one of which is the practice of mutilation of paper rupiah.

The term rupiah mutilation is used to describe the practice of counterfeiting money by partially connecting genuine and counterfeit notes. Currency is a symbol of a country's economic stability and financial integrity. However, the emergence of the practice of mutilating rupiah notes can threaten the integrity of the currency exchange rate, as well as violate applicable legal principles both in the context of positive law and Islamic law.

The factors that have led to the emergence of new modes of crime such as the mutilation of paper rupiah notes are generally motivated by economic factors that are still low, the lack of public knowledge about the authenticity of money, the rapid development of printing technology with the availability of goods and affordable prices among the public, as well as the low penalties for perpetrators of counterfeiting crimes that do not provide a deterrent effect.

Reporting from detik.com, the appearance of this mutilated rupiah note became viral in the community sourced from a video post circulating on social media. The viral video shows a number of rupiah bills of Rp100.000,00 (one hundred thousand rupiah) that have different serial numbers on both sides.⁸ The money has been tampered with by connecting the original rupiah with the fake

⁸ Retno Ayuningrum, "Awas Uang Mutilasi Beredar! Ini Tips Agar Tak Tertipu," detikjatim, accessed on February 5, 2024, <https://www.detik.com/jatim/bisnis/d-6921672/awas-uang-mutilasi-beredar-ini-tips-agar-tak-tertipu>.

rupiah. The existence of this issue then made Bank Indonesia (BI) as the central bank that has full writerity in terms of making and distributing currency to be alert to provide counseling to the public by posting a video about the practice of mutilating rupiah bills on BI's official Instagram account. The video explains BI's response to the rupiah mutilation issue. BI emphasized that the act of splicing genuine rupiah notes and counterfeit rupiah notes is an act that violates the law.⁹

Based on the results of the Hoax Clinic team of Diskominfo SP Tuban, the appeal in the video upload regarding the circulation of mutilated or half-original rupiah bills spliced with half-fake money is a fact or true.¹⁰ Responding to this issue, the Head of the Communication Department of Bank Indonesia, Erwin Haryono, also commented that such actions can be categorized as criminal acts that are considered as a process for counterfeiting money or destroying money and can be punished. The government also appealed to the public to be careful and to continue to protect the rupiah as a symbol of state sovereignty.

Many television stations and other internet news sites have also reported on the practice of mutilating rupiah notes. One of them is a video uploaded by KompasTV on its YouTube channel uploaded on September 8, 2023 and has been watched 28.778 times. In the reply to the video entitled *Awas, Beredar Uang Mutilasi yang Sedang Viral, Begini Ciri-cirinya!* It presents informative news so that the public is more aware and aware of the rampant practice of mutilating this

⁹ "Jaga Rupiah Kita, Sobat," *Instagram*, September 11, 2023, <https://www.instagram.com/reel/CxDJCSjNMLA/>.

¹⁰ "DISKOMINFOSP | Fakta: Beredar Imbauan Mengenai Fenomena Uang Rupiah Mutilasi," accessed on February 5, 2024, <https://diskominfo.tubankab.go.id/entry/fakta-beredar-imbauan-mengenai-fenomena-uang-rupiah-mutilasi>.

paper rupiah. The video states that there is a connection of different serial numbers on a sheet of money with different textures on one sheet of money, because the perpetrator connects the original money with counterfeit money. From the information presented, it is hoped that the public can better understand the characteristics of this mutilated money.¹¹

Not only that, the official website of the state institution of the House of Representatives of the Republic of Indonesia (DPR RI) also actively shared news as well as appeals related to the rupiah mutilation case. The news was uploaded on September 11, 2023, entitled *Ramai Isu Uang Mutilasi, Puan Encourages Government to Massively Educate the Public*. The news stated that the chairperson of the Indonesian House of Representatives, Puan Maharani, highlighted the rampant issues circulating about mutilated money which caused public concern. Puan Maharani encouraged the government to massively educate the public in distinguishing between real and fake money. Furthermore, Puan encouraged BI to increase socialization to the public regarding the circulation of mutilated money. Bank Indonesia and other writerities can launch a more aggressive information campaign to raise public awareness. Not only that, in the news presentation also appealed to the public to be proactive in playing a role in combating the circulation of mutilated money. The public is also urged to report any suspected mutilated currency to the nearest Bank Indonesia office or the police. With the cooperation of

¹¹ *Awas! Rupiah 'Mutilasi', Wajib Kenali Cirinya*, 2023, <https://www.youtube.com/watch?v=EM-LiGdEiWw>.

the writerities, it can eradicate the circulation of counterfeit money in the community.¹²

The mechanism of the practice of mutilation of rupiah banknotes or paper money is relevant to the development of increasingly sophisticated printer and computer technology. The existence of these developments certainly makes it very easy for the perpetrators to counterfeit money as in the practice of mutilation of rupiah banknotes. With the increasingly sophisticated development of technology, Color Multifunction Machines (MMFB), Color Photocopiers (MFB), Color Printers (MPB) and Other Color Multiplying Machines (MPBL) that can be used as tools to reproduce color printed materials that have similarities with the original, thus providing opportunities for misuse to create counterfeit rupiah banknotes that are similar to the original rupiah.

The original rupiah banknote is partially cut and then the other side is connected to the fake rupiah paper. The process of counterfeiting some of this currency is done by scanning the original banknotes, for example the nominal value of Rp100.000, with a color Multifunction Machine that generally uses the Epson brand, then editing with a laptop or computer on certain features, especially on the serial number and watermark to be printed manually with the help of screen printing equipment to produce fluorescent colors when exposed to ultraviolet (UV) light.¹³

The practice of mutilating paper rupiahs is inseparable from the seeds of the crime of counterfeiting as well as currency destruction. In this case, law

¹² Setjen DPR RI, "Ramai Isu Uang Mutilasi, Puan Dorong Pemerintah Masifkan Edukasi ke Masyarakat," accessed on March 16, 2024, <http://www.dpr.go.id/berita/detail/id/46409>.

¹³ Vitto Andhika Putra et al, "Perkembangan Hukum Menanggapi Ancaman Perkembangan Teknologi Pada Pembuatan dan Peredaran Rupiah Palsu di Indonesia," 204.

enforcement against it is still relatively weak. Weak law enforcement against the crime of counterfeiting money can be seen from the investigation process conducted by the police in uncovering the crime of counterfeiting money. Efforts to gather sufficient evidence and find suspects tend to be very difficult. This is because the crime of counterfeiting money and its circulation is carried out in an organized manner and is often committed by people who have capital, education, and good social status.¹⁴

Based on these matters, it is necessary for all law enforcers to improve their performance. In addition, cooperation between interrelated institutions must also be improved in handling cases of crimes such as the practice of mutilation of rupiah currency. The need for further understanding by the Indonesian people is also very important in order to minimize and even eliminate the crime of rupiah mutilation practices or crimes that have similar substance such as counterfeiting and destruction of currency. Exploring the issue is also very important to be reviewed from the realm of positive law, such as in terms of how law enforcement efforts are carried out by Bank Indonesia (BI) as the central bank that has full writerity over the currency, as well as how Islamic law views this mutilation crime practice. It is hoped that by understanding the legal views of these two perspectives, it can provide a deeper understanding of how these two points of view address and respond to the issue of the practice of mutilation of paper rupiah bills.

¹⁴ Rays, "KAJIAN NORMATIF TERHADAP KEJAHATAN PEMALSUAN UANG DI INDONESIA," 28.

Therefore, departing from the explanation described above, the writer is interested in examining in more depth the practice of mutilation of paper rupiah notes and how law enforcement against it in the form of scientific work packaged under the title **Law Enforcement Against the Practice of Mutilation of Paper Rupiah Notes in the Perspective of Law Number 7 of 2011 concerning Currency and *Jarimah Ta'zir* (Study at Bank Indonesia Representative Office Malang)**.

B. Problem Formulation

From the explanation of the background of the problem above, the problem formulation in this study is as follows:

1. How are law enforcement efforts carried out by the Representative Office of Bank Indonesia in Malang against the practice of mutilation of paper rupiah bills?
2. How is the practice of mutilation of rupiah notes according to Law Number 7 of 2011 concerning Currency and *Jarimah Ta'zir* ?

C. Research Objectives

From the formulation of the problem above, the objectives of this study are as follows:

1. To find out about law enforcement efforts made by the Representative Office of Bank Indonesia in Malang against the practice of mutilation of paper rupiah bills;

2. To examine the practice of mutilation of paper rupiah bills when viewed according to Law Number 7 of 2011 concerning Currency and *Jarimah Ta'zir*.

D. Research Benefits

The benefits to be achieved through this research are as follows:

1. Theoretical Benefits

With this research, it is hoped that the writer will be able to provide benefits and theoretical contributions regarding the importance of developing and improving knowledge in the realm of Sharia economic law, especially those related to the implementation of Law Number 7 of 2011 concerning Currency in relation to current technological developments, as well as in terms of improving the quality of Sharia economic law towards legal enforcement and protection, such as in the emergence of the practice of mutilation of paper rupiah bills in Indonesia.

2. Practical Benefits

In the context of globalization and the complexity of financial markets, it is important to understand the laws that govern currency and maintain its value and integrity. Through an understanding of positive and Islamic law on the practice of mutilating rupiah notes, a more holistic solution or guidance in dealing with this issue can be expected.

With this research, it is hoped that the writer will also be able to provide practical benefits in the form of information and input so as to provide an understanding of broader insights related to legal arrangements in this context to readers and the public in dealing with the emergence of criminal crimes of

counterfeiting as well as destruction of rupiah money in the current era of technological development, such as the emergence of the practice of mutilation of paper rupiah money. This research is also expected to be able to make a meaningful contribution in protecting the integrity of the rupiah currency, and the community is able to respond well, wisely to respond, and be more vigilant against the emergence of the practice of counterfeiting and destruction of new types of rupiah bills.

E. Operational Definition

To clarify the scope of the discussion, operational definitions will be presented, among others:

1. Mutilation of paper rupiah currency is a practice that can tarnish the image of currency due to the practice of damaging rupiah currency made of paper material as well as counterfeiting currency made by connecting part of the original money and part of the counterfeit money.
2. *Jarimah Ta'zir* is a term in Islamic law that refers to offenses or misdeeds that do not have a specifically prescribed punishment in Islamic sharia whose punishment is determined by the competent writerities based on their discretion, taking into account various factors such as the circumstances of the offense, the intention of the offender, and the consequences of his actions.

F. Systematization of Discussion

In order for the discussion of this research to be directed in describing and describing the contents of the presentation in the research in an organized manner,

the systematic discussion is made in the form of an arrangement consisting of five chapters with the scope of responsibility, namely as follows:

- CHAPTER I This chapter contains an introduction that includes the background of the problem, problem formulation, research objectives, research benefits, operational definitions, and the last is systematization of discussion;
- CHAPTER II In this chapter contains a literature review which contains subchapters on previous research and literature review. Previous research contains information that has been carried out by previous researchers, either in the form of books, journal articles, or theses either substantially or that have a relationship with the problem under study. Meanwhile, the literature review contains juridical thoughts or concepts as a literature review for the study and analysis of the issues raised in the study;
- CHAPTER III Examines research methods that contain the type of research, the approach used in the research, the research location, the method of determining the subject, the type and source of data, data collection method, and data processing method;
- CHAPTER IV This chapter examines the results of research and discussion that will describe the data that has been obtained to answer the formulation of research problems, namely regarding how law enforcement efforts made by the Representative Office of Bank

Indonesia in Malang against the practice of mutilation of paper rupiah bills, as well as its views according to positive law, namely Law Number 7 of 2011 concerning Currency and according to Islamic law, namely *Jarimah Ta'zir* ;

CHAPTER V A closing that contains conclusions and suggestions. The conclusion summarizes all research findings in accordance with the formulation of the problem under study. Conclusions are based on the results of data analysis and interpretation described in the previous chapters. Suggestions are formulated based on the results of the research, containing a description of what steps need to be taken by parties related to the results of the research concerned.

CHAPTER II

LITERATURE REVIEW

A. Previous Research

This research discusses the case of damaging currency as well as counterfeiting it, which occurs in the practice of mutilating paper rupiah bills. In this case, previous research that has similarities both in terms of research objects and theories can be used as a reference or basis for research conducted by the writer. As for some studies that have been reviewed and researched related to the theme in the discussion of this research, first, in research in the form of a thesis written by Kurnia Alfiana Maghfiroh in 2018 entitled *Pidana Pemalsuan Uang (Studi Perbandingan Menurut Undang-Undang Nomor 7 Tahun 2011 Tentang Mata Uang dan Hukum Pidana Islam)*. This research study discusses a comparison of the similarities and differences in the sanctions imposed by Law Number 7 of 2011 and Islamic criminal law.¹⁵

Second, Panca Gunawan Harefa, Idham, and Erniyanti who wrote their research work in a scientific journal of law and human rights entitled *Analisis Teori Hukum terhadap Penegakan Tindak Pidana Pemalsuan Uang: Analisis Teori Hukum Positif dan teori Hukum Responsif*. This journal of law and human rights written in 2023 reviews the first problem, how is the legal regulation of the crime

¹⁵ KURNIA MAGHFIROH, "PIDANA PEMALSUAN UANG (STUDI PERBANDINGAN MENURUT UNDANG-UNDANG NOMOR 7 TAHUN 2011 TENTANG MATA UANG DAN HUKUM PIDANA ISLAM)" (YOGYAKARTA, UNIVERSITAS ISLAM NEGERI SUNAN KALIJAGA YOGYAKARTA, 2018).

of counterfeiting money and second, how to analyze the implementation of law enforcement against the crime of counterfeiting money. The conclusion obtained from this research shows that the legal regulation of the crime of counterfeiting money is regulated in the Currency Act and the Criminal Code which explains that every person, either individually or in groups, who counterfeits rupiah money will be punished with a maximum imprisonment of 10 years and a maximum fine of ten billion rupiah. In addition, based on the provisions of Article 244 of the Criminal Code, it is explained that anyone who, either individually or jointly, makes counterfeit money with the intention to circulate it, shall be punished with a maximum imprisonment of 15 years. Analysis of the implementation of law enforcement against the crime of counterfeiting money is still not optimal, especially related to the imposition of criminal sanctions that are still very low, so that the crime of counterfeiting money is considered not a serious crime. This is possible because the proof is relatively easy. There has been a paradigm shift regarding currency, not just a means of payment, but money can be used as a political tool, economic colonization and so on.¹⁶

Third, Efrita Amalia Assa, Johnny Lembong and Harly Stanly Muaja in 2021 wrote a legal science research work in the form of a journal entitled *Tindak Pidana Pemalsuan Uang Oleh Korporasi Menurut Undang-Undang Nomor 7 Tahun 2011 Tentang Mata Uang*. The study examined refers to the issue of how the forms of prohibition for corporations regarding counterfeiting rupiah currency

¹⁶ Panca Gunawan Harefa, Idham Idham, dan Erniyanti Erniyanti, "Analisis Teori Hukum Terhadap Penegakan Tindak Pidana Pemalsuan Uang: Analisis Teori Hukum Positif Dan Teori Hukum Responsif," *Jurnal Ilmiah Hukum Dan Hak Asasi Manusia* 2, no. 2 (March 1, 2023): 118, <https://doi.org/10.35912/jihham.v2i2.1923>.

according to Law Number 7 of 2011 and how criminal sanctions against corporations when counterfeiting rupiah currency according to Law Number 7 of 2011. With the results that can be concluded, namely the forms of prohibition for corporations and individuals to prevent counterfeiting of rupiah in addition to prohibiting counterfeiting rupiah, it is prohibited to physically store in any way known as counterfeit rupiah or circulate and/or spend rupiah known to be counterfeit rupiah. Meanwhile, criminal sanctions against corporations in counterfeiting rupiah currency are imposed on corporations in the form of fines with the provision of a maximum fine plus 1/3 (one-third). In the event that the convicted corporation is unable to pay the fine, the court decision shall include an order for confiscation of the corporation's property and/or the property of the corporation's management.¹⁷

Fourth, a legal science journal written by Rendy Kusrahmanda and Achmad Sulchan in 2019 with the title *Penegakan Hukum Terhadap Kejahatan Pemalsuan Uang Kertas Rupiah di Kota Semarang (Studi Kasus di Pengadilan Negeri Semarang)*. This research discusses money which has a very large role at this time. Money is now a necessity, even now money has become a determinant of the stability and progress of a country's economy. The high need for money encourages people to take action to obtain as much money as possible. These actions are often contrary or against the law, for example by committing the crime of counterfeiting money. Therefore, the problem studied is how the regulation of

¹⁷ Efrita Amalia Assa, "TINDAK PIDANA PEMALSUAN UANG OLEH KORPORASI MENURUT UNDANG-UNDANG NOMOR 7 TAHUN 2011 TENTANG MATA UANG," *LEX CRIMEN* 10, no. 3 (April 1, 2021): 16, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/33116>.

the criminal act of counterfeiting money is regulated in the Criminal Code and Law Number 7 of 2011 concerning Currency, as well as how the legal considerations of judges in imposing sanctions on the criminal act of counterfeiting money. From the study conducted by the researcher, it was found that the object of currency protected from counterfeiting in the Criminal Code is banknotes and coins from all countries, both local currency (rupiah) and foreign currency. Meanwhile, the Law of the Republic of Indonesia No. 7 Year 2011 on Currency specializes the protection of counterfeiting acts only for rupiah currency. The prohibitions and criminal provisions in the Currency Law are actually almost the same as those in the Criminal Code, except that several articles in the Currency Law impose life imprisonment as the maximum penalty, in contrast to the Criminal Code regulation on counterfeiting money where the maximum penalty is 15 years imprisonment (Articles 244 and 245). Based on research conducted on one decision on the crime of counterfeiting money (Study of Decision No. 300/Pid.Sus/2014/PN.Smg), to impose a sentence on the defendant the judge has had various considerations, and on a conviction states that the defendant's actions fulfill the elements as stated in Article 36 paragraph (2) of Law No. 7 of 2011 concerning Currency. Based on these considerations, the defendant was sentenced to imprisonment for 1 year and 6 months as well as a fine of Rp. 60.000.000, - by the Panel of Judges.¹⁸

¹⁸ Rendy Kusrahmanda dan Ahmad Sulchan, "PENEGAKAN HUKUM TERHADAP KEJAHATAN PEMALSUAN UANG KERTAS RUPIAH DI KOTA SEMARANG (STUDI KASUS DI PENGADILAN NEGRI SEMARANG)," *Prosiding Konstelasi Ilmiah Mahasiswa Unissula (KIMU) Klaster Hukum*, no. 0 (17 Desember 2021): 164, <http://jurnal.unissula.ac.id/index.php/kimuh/article/view/8798>.

Fifth, a legal journal by Hendra Aringking written in 2015 with the title *Pemalsuan Uang Rupiah Sebagai Tindak Pidana Menurut UU No. 7 Tahun 2011 Tentang Mata Uang*. The problems examined in the journal are related to how the regulation of criminal acts of counterfeiting rupiah currency and how the legal implications of criminal acts of counterfeiting currency with other crimes. The study results of this research state that first, the rupiah currency is a symbol of the state that states the existence of independence and sovereignty of the state with a monopoly on its manufacture, circulation, withdrawal and destruction, which is carried out as a legal tender in the territory of Indonesia. Secondly, the currency and its development, which began with currency, chiral money, and then digital money, caused the criminal offense to also shift. If the criminal offense under Article 244 and Article 245 of the Criminal Code and Law No. 7 Year 2011 only covers the criminal offense of counterfeiting currency, then the digital currency shifted to the criminal offense of breaking into computer access.¹⁹

According to the explanation above, this research has similarities and differences with previous research conducted by the writer. The following table shows the similarities and differences between previous research and the writer's research.

No.	Name of Previous Researcher	Title Research	Problem Formulation	Equation	The difference
1.	Kurnia Alfiana Maghfiroh	Pidana Pemalsuan Uang (Studi	1) What are the sanctions for counterfeiting money	The research has in common that both	The writer examines a comparative study or

¹⁹ Hendra Aringking, "PEMALSUAN UANG RUPIAH SEBAGAI TINDAK PIDANA MENURUT UU NO. 7 TAHUN 2011 TENTANG MATA UANG," *LEX CRIMEN* 4, no. 6 (3 November 2015): 96, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/9795>.

		Perbandingan Menurut Undang-Undang Nomor 7 Tahun 2011 Tentang Mata Uang dan Hukum Pidana Islam	<p>according to Law Number 7 Year 2011 and Islamic criminal law?</p> <p>2) What are the similarities and differences in sanctions for counterfeiters according to Law Number 7 Year 2011 and Islamic criminal law?</p>	examine crimes in terms of counterfeit money, where the activity of counterfeit money is one of the scopes or categories of the practice of mutilation of paper rupiah bills which are reviewed from Law Number 7 of 2011 concerning Currency and Islamic Criminal Law.	comparison of sanctions on both legal bases, namely from Law Number 7 of 2011 and Islamic criminal law.
2.	Panca Gunawan Harefa, Idham, and Erniyanti	Analisis Teori Hukum terhadap Penegakan Tindak Pidana Pemalsuan Uang: Analisis Teori Hukum Positif dan teori Hukum Responsif	<p>1) How is the law regulated against the crime of counterfeiting money?</p> <p>2) How is the analysis of the implementation of law enforcement against the crime of counterfeiting money?</p>	Both discuss the counterfeit money which is also an important area of the practice of mutilation of paper rupiah notes and also discuss the same thing regarding its views in terms of positive law.	The writer only examines the counterfeit money in terms of positive law and responsive law without reviewing it in terms of Islamic law.
3.	Efrita Amalia Assa, Johnny Lembong and Harly	Tindak Pidana Pemalsuan Uang Oleh Korporasi	1) How are the forms of prohibition for corporations on	Discusses the criminal act of counterfeit money which is one	The difference is that researchers only discuss

	Stanly Muaja	Menurut Undang-Undang Nomor 7 Tahun 2011 Tentang Mata Uang	counterfeitin g rupiah money according to Law Number 7 Year 2011? 2) What are the criminal sanctions against corporations when counterfeitin g rupiah currency according to Law Number 7 Year 2011?	form or concept of the practice of mutilation of paper rupiah notes which researchers also discuss based on a review of positive law, specifically Law Number 7 of 2011 concerning Currency.	counterfeiti ng of money committed by corporations according to the review of Law Number 7 of 2011 concerning Currency and not based on Islamic law as well.
4.	Rendy Kusrahmanda and Achmad Sulcha	Penegakan Hukum Terhadap Kejahatan Pemalsuan Uang Kertas Rupiah di Kota Semarang (Studi Kasus di Pengadilan Negeri Semarang)	1) How are the criminal offenses of counterfeitin g money regulated in the Criminal Code and Law Number 7 Year 2011 on Currency? 2) How are the judges' legal considerations in imposing sanctions on the crime of counterfeitin g money (study of decision number 300/Pid.Sus/2014/PN.Sm g)?	Both discuss the substance of counterfeitin g money which is one form of effort caused by the practice of mutilation of rupiah paper money.	The writer did not conduct research in terms of Islamic law.
5.	Hendra Aringking	Pemalsuan Uang	1) How is the criminal	Both examined	Researchers only discuss

		Rupiah Sebagai Tindak Pidana Menurut UU No. 7 Tahun 2011 Tentang Mata Uang	<p>offense of counterfeiting rupiah currency regulated?</p> <p>2) What are the legal implications of the crime of counterfeiting currency with other crimes?</p>	<p>the counterfeiting of rupiah as a criminal offense which is also the substance of this rupiah mutilsasi practice which is also equally discussed in accordance with the review of Law Number 7 of 2011 concerning Currencies.</p>	<p>counterfeiting of money in terms of positive law without further explanation of Islamic law.</p>
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Table 2. Originality of Research

B. Literature Review

The literature review in this study is an initial study of the basic things that will be studied in this research analysis. The literature review in this study discusses the following:

1. Currency Counterfeiting Practices

Money is a legal tender used by the public to meet their daily needs, so it has a very important task. In Article 2 paragraph 2 of Law Number 23 of 1999 concerning Bank Indonesia, it is stated that the rupiah currency is accepted as

legal tender throughout the territory of the Unitary State of the Republic of Indonesia (NKRI).²⁰

As a means of payment, trust in the authenticity and correctness of money must of course get legal protection. Only with such trust that an object such as money can be used as a means of payment. If trust in the object in the form of money is lost, then no matter how much the amount or value of the money does not have any meaning.²¹

Counterfeiting is an act of imitating money that is already in circulation, so that it resembles real or official money, used for transactions or as a means of payment and as if it were legitimate. In the criminal law system, counterfeiting money is included in the category of serious crimes, because it deceives or cheats people and can harm the country's economy. Counterfeiting occurs anytime and anywhere.

This crime is actually not a new crime, because several cases have been revealed, even counterfeit money has reached the hands of the public. However, today, along with technological developments, the practice of counterfeiting money is increasingly widespread and diverse, so it can be said that this practice or action is increasingly serious and troubling. Especially considering that ahead of the general elections or massive democratic parties held in early 2024,

²⁰ Pasal 2 Ayat 2 Undang-Undang Nomor 23 Tahun 1999 Tentang Bank Indonesia.

²¹ Adami Chazawi dan Ardi Ferdian, *Tindak pidana pemalsuan: tindak pidana menyerang kepentingan hukum terhadap kepercayaan masyarakat mengenai kebenaran isi tulisan dan berita yang disampaikan*, Cetakan ke-1 (Jakarta: PT. RajaGrafindo Persada, 2014), 45.

counterfeit money will often be used for the practice of money politics so that people who often make cash transactions are still the main target.²²

Indonesia as a state of law has long compiled regulations on currency, starting with the enactment of the *Indische Muntwet*, a law that is a product of the Netherlands adopted since the colonial era.²³ The existence of this law is one of the efforts of the government to create order and comfort in society and the state.

In Indonesia, the practice of counterfeiting money is currently regulated in Law Number 7 Year 2011 Article 36 paragraph (1), which is punishable by a maximum imprisonment of 10 (ten) years and a maximum fine of Rp10.000.000.000,00, - (ten billion rupiah).

Law No. 7/2011, which addresses the crime of making currency that is not genuine, contains two articles. The first article deals with counterfeit currency, and the second with counterfeit currency. Counterfeit money and counterfeit money are different. Counterfeit money is an object whose material, size, color, image and design resemble money that is made, formed, printed, duplicated, or circulated, but does not function as a means of payment by degrading the honor of the money. This counterfeit money is actually allowed but is only allowed in the academic or promotional realm by giving the word specimen.

²² YOSEPHA DEBRINA RATIH PUSPARISA, "Bank Indonesia Pastikan Uang Palsu Mudah Diidentifikasi Awam," *kompas.id*, 8 September 2023, <https://www.kompas.id/baca/ekonomi/2023/09/07/bank-indonesia-pastikan-uang-palsu-mudah-diidentifikasi-awam>.

²³ Tim Peneliti Fakultas Hukum UGM, "Pengaturan Mata Uang Republik Indonesia," *Buletin Hukum Perbankan dan Kebanksentralan*, No. 1, Vol. 4 (April 2006), hlm. 29.

Meanwhile, counterfeit money is money whose material, size, color, image and design resemble money that is formed, printed, duplicated and circulated, or used as a means of payment against the law. The existence of counterfeit money is certainly against ethics and applicable regulations. The act must be processed seriously because it has reached the stage of a serious crime.

According to Moch. Anwar, counterfeiting of money in its broad scope includes offenses against two basic norms, namely:

- a. Truth (trust), the violation of which may fall under the crime of fraud.
- b. Public order, the offense of which is classified as a crime against the state or public order.²⁴

The existence of counterfeit money in circulation can be obtained by way of:

- a. Imitated or created using something similar to the original.
- b. Counterfeiting or substituting raw materials with those of a lower weight value, or by changing the seal, face value, or color.
- c. Obtained from another person, either the manufacturer or forger himself, or from another dealer.
- d. Keep or have inventory.
- e. Entering or importing from other countries.

Wirjono Prodjodikoro also argues that the crime of counterfeiting money can include:

²⁴ Mochamad Anwar, *Hukum pidana bagian khusus (K.U.H.P. buku II)* (Bandung: Alumni, 1979), 155.

- a. Changes the number indicating the price of a currency to a higher or lower number.
- b. Counterfeiting banknotes when genuine banknotes are given a different color.
- c. Counterfeiting coinage means altering the body of the coin by replacing it with another coin, and it does not matter whether the price of the coin is thereby increased or decreased.²⁵

2. Currency Destructive Practices

Currency tampering falls into a category of crimes that refer to acts or practices aimed at reducing the value or integrity of a country's currency. Such crimes can include a wide range of actions that harm economic stability and public confidence in the currency.

The parameters of the intention to reduce the value of this currency can be measured by the actions of someone who deliberately damages, cuts, destroys, or changes the rupiah with the aim of degrading the honor of the rupiah as a symbol of the state.²⁶

The act of reducing value is abstract and not concrete. Therefore, the act of reducing value in its concrete form can vary, for example cutting, filing, perforating, then adding with metal or other materials that have a lower value, and so on. Actions that can be said to constitute currency tampering practices

²⁵ Wirjono Prodjodikoro, *Tindak-tindakan pidana tertentu di Indonesia*, Cet. 1., ed. 3 (Bandung: Refika Aditama, 2003), 177.

²⁶ "Menghargai Kedaulatan Negara: Perlindungan Atas Uang Rupiah Menurut Undang-Undang – Pemerintah Kota Surakarta," diakses 13 Mei 2024, <https://surakarta.go.id/?p=30379>.

that reduce the value of the rupiah include various forms of actions that can result in physical damage, alteration or destruction of rupiah banknotes. These actions are detailed in more detail, such as:

- a. Scribbling on the rupiah with ink or other materials that can cause damage to the image or text printed on the money and can interfere with the clarity and authenticity of the rupiah;
- b. Tearing rupiah notes, either partially or completely, which can result in the cutting off of parts of the money and make it unusable as a whole;
- c. Excessive or improper folding of rupiah notes can cause wrinkles, permanent creases, or even tears in the notes;
- d. Burning or wetting rupiah notes that can damage the texture and color of the money, making it difficult to identify or recognize as legitimate;
- e. Intentionally tearing or cutting rupiah notes that may cause significant physical damage to the notes;
- f. Changing the color or washing the rupiah which can remove the signs of authenticity and make it difficult to be recognized as valid money;
- g. Attaching additional materials, such as stickers or others to rupiah notes that can change or damage the physical condition of the money;
- h. Making physical modifications to rupiah money, such as cutting or changing its shape, so that it can change or damage the authenticity and ease of use of the money.

The benchmark for assessing acts that reduce the value of currency in the practice of destroying money can be caused by several factors and the measure of their effects, namely:

- a. Counterfeiting currency. The practice of making or imitating money illegally can undermine public confidence in legitimate currency and can also destabilize the economy.
- b. Manipulating the foreign exchange market. When a person or entity deliberately manipulates the foreign exchange market with the aim of influencing the exchange rate of a currency, this can damage the economy and the value of the currency in question.
- c. Dissemination of false information. These actions can lead to instability and currency devaluation.
- d. Other legal offenses that affect the currency. Other illegal acts such as money laundering, investment fraud, or other illegal activities that indirectly undermine confidence in the currency may be considered as crimes of currency tampering.

The general benchmark in assessing whether or not an act can be considered as currency destruction is the impact it has on the stability and public confidence in the currency. If an act results in a decrease in the value or confidence in the currency, then it can be considered a crime that destroys the currency.

If the act of reducing the value of the currency results in a reduction in its intrinsic value and the intention is to circulate or cause to circulate the

reduced currency as legal tender, the act of reducing the value is complete and punishable.²⁷

In Law No. 7/2011 on Currency, the practice of tampering with currency is stipulated in Article 25, which carries a maximum imprisonment of 5 (five) years and a maximum fine of Rp1.000.000.000,00 (one billion rupiah).

The act of destroying the money can also be categorized as a type of mistake or *dolus*. *Dolus* in Dutch is called *opzet* and in English is called *intention*, which can be interpreted as intentional or deliberate.²⁸ As long as the element of *culpa* (negligence) is not included in the formulation, the act is *dolus*. Meanwhile, every *dolus* crime always contains the element of intentionality even though this element is not included in the formulation.

The element of *dolus* or intent is hidden in the act of destroying money to reduce its value. The perpetrators of destroying money to practice this crime must be motivated by the element of intent and willed by the perpetrators. This can be proven by the act of reducing the value of the currency, with the proof of this act, it is considered to have proven that the act was committed intentionally.²⁹

Currency tampering crimes can have serious consequences such as decreased public confidence in the financial system, inflation, or economic instability. Therefore, governments, financial institutions and law enforcement

²⁷ Chazawi dan Ferdian, *Tindak pidana pemalsuan*, 77.

²⁸ *Hukum pidana / Teguh Prasetyo* (Depok: Rajawali Pers, 2018), 96, http://opac.library.um.ac.id/oaipmh/./index.php?s_data=bp_buku&s_field=0&mod=b&cat=3&id=66234.

²⁹ Chazawi dan Ferdian, *Tindak pidana pemalsuan*, 78.

must work hard to prevent and crack down on such crimes to keep the currency stable and trustworthy.

3. Paper Rupiah Mutilation Practice

The more money-related crimes that occur, the more important and necessary money becomes.³⁰ For example, as happened recently, there is a video circulating in the community that shows a fraction of Rp100.000,00 (one hundred thousand rupiah) that is damaged and called mutilated money. Reporting from Bank Indonesia's Instagram account @bank_indonesia, mutilated money is money that is tampered with and then connected between the original money and counterfeit money. BI also responded by emphasizing that this action was against the law. Executive Director of the BI Communication Department, Erwin Haryono, said that the actions contained in the video can be categorized as criminal acts and are considered a process for counterfeiting money.

The practice of mutilating rupiah notes applies methods and techniques of counterfeiting banknotes that use a more advanced technological approach. This crime is a crime in the era of technological development. Not only in the form of forgery, but also the practice of this crime can be said to damage the currency itself. It is said to damage because this practice occurs by connecting some of the original money and some of the fake money. This crime can tarnish

³⁰ Riana Hera Saputri, Islamul Haq, and Wahidin, "Legal Responsibility for the Circulation of Counterfeit Money in Fiqhi Jinayah Perspective," *DELICTUM: Jurnal Hukum Pidana Islam*, August 1, 2023, 45, <https://doi.org/10.35905/delictum.vi0.6402>.

the image of currency and can threaten monetary conditions and the national economy.

The mechanism for the creation of mutilated rupiah notes is relevant to the development of increasingly sophisticated printer and computer technology. This development certainly makes it very easy for the perpetrators to counterfeit and destroy money as in the practice of mutilation of rupiah banknotes. Money that has been counterfeited and damaged is made in such a way that it looks the same as the original, without any suspicion of counterfeit money. The original rupiah banknote is partially cut and then the other part is connected to the fake rupiah paper.

The process of counterfeiting some of these currencies is carried out by scanning the original banknotes with a color multifunction machine, generally an Epson brand, then editing with a laptop or computer on certain features, especially on the serial number and watermark, to be printed manually with the help of screen printing equipment to produce fluorescent colors when exposed to ultra violet (UV) light.³¹

The characteristics that can be noticed in looking at mutilated money are:

- a. By checking the serial number. If the serial number is different on the money, then the money is most likely mutilated.

³¹ Vitto Andhika Putra et al, "Perkembangan Hukum Menanggapi Ancaman Perkembangan Teknologi Pada Pembuatan dan Peredaran Rupiah Palsu di Indonesia," 204.

- b. By looking at whether there is a pattern of damage on the surface of the money or not. Mutilated money has a pattern of damage on the money sheet, such as cuts with sharp tools or other tools.
- c. Checking the security thread on money. The security thread on a banknote is a mark on the original banknote that is embedded in the middle of the banknote's thickness or appears to be woven into the banknote so that it appears as a line running from top to bottom, and can be made non-fluorescent or fluorescent under ultraviolet light in one or more colors. If the security thread on the banknote is not clearly visible or not present at all, then the banknote is most likely a mutilated banknote.
- d. Look at the BI logo on the money. The logo is made with the *rectoverso* method or the interlocking images that can be seen as a whole when exposed to light. Its use aims as a security element of rupiah banknotes to protect money from counterfeiting. If the BI logo on the money does not change color when rotated or viewed from a certain angle, then the money is most likely mutilated money.³²

This mutilated money cannot be used as a means of transaction or payment, because the money is classified as half-original money.

4. Law No. 7/2011 on Currency

³² Liputan6.com, "4 Ciri-Ciri Uang Mutilasi yang Wajib Dikenali, Lengkap Cara Penukarannya ke Bank Indonesia," liputan6.com, September 12, 2023, <https://www.liputan6.com/hot/read/5395722/4-ciri-ciri-uang-mutilasi-yang-wajib-dikenali-lengkap-cara-penukarannya-ke-bank-indonesia>.

Law No. 7/2011 on Currency is a legal regulation governing currency in Indonesia. This law is an important legal foundation in regulating the financial and monetary system in the country. The soul of this law is the legal protection of the rupiah currency. Law Number 7 Year 2011 on Currency regulates:

- a. Establishes the position of the rupiah currency as the only legal tender in Indonesia. This confirms the validity and use of the rupiah in domestic transactions, and prohibits the use of foreign currencies as a means of payment in domestic transactions.
- b. Regulates Bank Indonesia as the monetary writerity in Indonesia responsible for policies and regulations related to currency, monetary policy, and rupiah stability.
- c. Regulates the process of printing, circulating, and destroying rupiah money, as well as making policies related to the management of physical money in Indonesia.
- d. Have rules governing the use of foreign currency in transactions and special provisions related to this, such as permission to use foreign currency in certain cases.
- e. Establish sanctions and legal protection against acts of counterfeiting, misuse, or other violations related to the rupiah currency.

This law regulates the destruction of money, namely in article 25 of Law Number 7 Year 2011 concerning Currency, precisely in paragraph 1 which states that:

- (1) Everyone is prohibited from damaging, cutting, destroying, and/or changing the rupiah with the intention of degrading the honor of the rupiah as a symbol of the state.³³

If the provisions of the article are violated, a criminal penalty will be imposed in accordance with Article 35 Paragraph 1 of Law Number 7 Year 2011 on Currency which reads:

- (1) Any person who intentionally damages, cuts, destroys, and/or alters the Rupiah with the intention of degrading the honor of the Rupiah as a symbol of the state as referred to in Article 25 paragraph (1) shall be punished with a maximum imprisonment of 5 (five) years and a maximum fine of Rp1.000.000.000,00 (one billion rupiah).³⁴

Furthermore, Article 26 of Law Number 7 Year 2011 further explains the efforts to counterfeit money which is expressly contained in paragraph 1, which states:

- (1) Everyone is prohibited from counterfeiting the rupiah.³⁵

The implications of a violation of the prohibition in Article 26 Paragraph 1 will be punishable in accordance with the provisions contained in Article 36 Paragraph 1 of Law Number 7 Year 2011 Concerning Currency which reads:

- (1) Any person who counterfeits Rupiah as referred to in Article 26 paragraph (1) shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of Rp10.000.000.000,00 (ten billion rupiah).³⁶

³³ Article 25 of Law No. 7/2011 on Currency.

³⁴ Article 35 Paragraph 1 of Law Number 7 Year 2011 on Currency.

³⁵ Article 26 of Law No. 7/2011 on Currency.

³⁶ Article 36 Paragraph 1 of Law Number 7 Year 2011 on Currency.

In Law No. 7/2011 on Currency, it is also mentioned about several articles that are classified as crimes against currency, namely in Article 41 Paragraph 2 of Law No. 7/2011 on Currency, which states that:

(2) The offenses referred to in Article 35, Article 36, and Article 37 are crimes.³⁷

In addition to being contained and regulated in Law Number 7 Year 2011 on Currency, crimes against currency such as the practice of counterfeiting money is a criminal offense that has also been regulated in the Criminal Code in Article 244, which is then specialized into Law Number 7 Year 2011 on Currency. This is based on the *lex specialis derogate legi generali* as stipulated in Article 63 Paragraph 2 of the Criminal Code which reads:

(2) If an act falls under a general criminal rule, and is also regulated in a special criminal rule, then only the special one is applied.³⁸

Thus, the regulations regarding crimes against currency contained in the Criminal Code can be replaced by the regulations in Law No. 7/2011 on Currency. The specialization from the Criminal Code to Law No. 7/2011 on Currency is due to several reasons, namely:³⁹

a. Philosophical aspects, where currency is one of the symbols of the country and currency has an important role in the country's economy as a medium

³⁷ Article 41 Paragraph 2 of Law Number 7 Year 2011 on Currency.

³⁸ Article 63 paragraph 2 of the Criminal Code (KUHP).

³⁹ MAGHFIROH, "PIDANA PEMALSUAN UANG (STUDI PERBANDINGAN MENURUT UNDANG-UNDANG NOMOR 7 TAHUN 2011 TENTANG MATA UANG DAN HUKUM PIDANA ISLAM)," 3–4.

of exchange, store of value, unit of calculation and measure of pending payments (calculating the amount of loan payments).

- b. The sociological aspect, where a country's money must be accepted by the public as a legal tender so as to create public trust in the money in question.
- c. The juridical aspect, where counterfeit money is not just a crime within the scope of the state but globally, even in the international realm there has been a convention to eradicate counterfeit money, namely the International Convention for the Suppression of Counterfeiting Currency and Protocol.
- d. The political aspect is that the sixth president of Indonesia, Mr. Susilo Bambang Yudhoyono, when he was president, asked the police and other law enforcers to process counterfeit currency crimes seriously. The president's statement shows that currency crime has reached a serious stage.
- e. Security aspects, which in addition to the need for clear sanctions, each country also continues to improve the security of money by creating sophisticated security features to avoid the possibility of counterfeiting.

Currency objects that are protected from counterfeiting in the Criminal Code are banknotes and coins from all countries, both local currencies (rupiah) and foreign currencies. Meanwhile, Law No. 7/2011 on Currency specializes protection from counterfeiting only for rupiah currency.⁴⁰

Law No. 7/2011 on Currency is enacted in accordance with the theory of punishment in positive law which contains absolute, relative, and combined

⁴⁰ Aringking, "PEMALSUAN UANG RUPIAH SEBAGAI TINDAK PIDANA MENURUT UU NO. 7 TAHUN 2011 TENTANG MATA UANG," 4.

theories. These theories are theories of criminal law that can be explained more fully, namely:

- a. Absolute theory (retribution). This theory was initiated by Immanuel Kant, Hegel, Herbart, and Stahl. Absolute theory, which is a theory that emphasizes that punishment is a retribution for crime.
- b. Relative theory (goal). The figures who initiated this theory are Franz Von Litz, Van Hommel, and D. Simmons. According to this theory, the existence of punishment is to prevent crime.
- c. Combined theory. This theory is a combination of absolute theory and relative theory, so that according to this theory the presence of criminal law is with the intention of providing retribution to the perpetrators of crime as well as to prevent new crimes.⁴¹

5. Law Enforcement

Law is a driving force in organizing human behavior or as a rule that must be obeyed by humans. The position of law as the highest supremacy in the order of state society is not something that just happens. A long process has taken place until people around the world agree to place the law as one of the written guidelines that must be obeyed. However, in its implementation, various problems occur so that it cannot be simply enforced.

Law as social engineering or social planning means that law as a tool used by agents of change or pioneers of change who are given trust by the

⁴¹ MAGHFIROH, "PIDANA PEMALSUAN UANG (STUDI PERBANDINGAN MENURUT UNDANG-UNDANG NOMOR 7 TAHUN 2011 TENTANG MATA UANG DAN HUKUM PIDANA ISLAM)," 13–14.

community as leaders to change society as desired or planned. Law as an order of behavior that regulates humans and is a coercive order.

Sudikno Mertokusumo said that the law functions as a protection of human interests, so that the law must be implemented normally and peacefully, but in its implementation there are often violations of the law, so the law must be enforced so that the law becomes a reality.⁴² With the law and the law enforcement process, a situation where everyone's interests do not clash and are protected can be fulfilled.

Law enforcement in Dutch it is called *rechtshandhaving* or *rechts teopassing*. Law enforcement when viewed from a conceptual level is a series of efforts to harmonize the values contained in regulatory rules or norms to maintain and maintain peace in life between people. Law enforcement is carried out before and after the occurrence of acts committed by people who violate the law.

Law enforcement according to Satjipto Rahardjo is the concrete implementation of law in people's lives. After law making is carried out, concrete implementation must be carried out in everyday life, this is law enforcement. Law enforcement is part of a series of legal processes that include law making, law enforcement, justice and administration of justice.⁴³

Law enforcement according to Satjipto Rahardjo is an effort to realize legal ideas and legal concepts to become reality. For Satjipto Rahardjo, law

⁴² *Mengenal hukum (suatu pengantar) / Sudikno Mertokusumo* (Yogyakarta: Liberty, 2008), 161.

⁴³ RAHARDJO SATJIPTO, *Masalah penegakan hukum: suatu tinjauan sosiologis / oleh Satjipto Rahardjo* (Sinar Baru, t.t.), 175.

enforcement is not the work of applying laws to concrete events, but is a human activity with all its characteristics to realize the expectations desired by the law. Overall, law enforcement according to Satjipto Rahardjo is based on the principles of justice, compliance, openness, accountability, and protection of human rights.⁴⁴

Law enforcement can include both repressive and preventive law enforcement. Preventive means taking action before an event occurs while repressive takes action after an event is carried out by law enforcement. Preventive law enforcement means that supervision is always carried out on the community to see their compliance with regulations directly concerning concrete events. Meanwhile, repressive law enforcement imposes sanctions on violators of the law, namely sanctions that create a deterrent effect.⁴⁵

There are three elements that become benchmarks in the law enforcement process, namely:⁴⁶

- a. Legal certainty (*rechtssicherheit*), which means how the law is that must apply and must not deviate, or in the saying even if the world collapses the law must be enforced (*fiat justitia et pereat mundus*). The law must be able to create legal certainty because the law aims for public order.

⁴⁴ SATJIPTO, 12.

⁴⁵ "PENEGAKAN HUKUM DI INDONESIA," *Jurnal Dinamika Hukum* 8, no. 3 (September 25, 2008): 9, <https://doi.org/10.20884/1.jdh.2008.8.3.74>.

⁴⁶ *Mengenal hukum (suatu pengantar) / Sudikno Mertokusumo* (Yogyakarta: Liberty, 2008), 145, http://opac.library.um.ac.id/oaipmh/./index.php?s_data=bp_buku&s_field=0&mod=b&cat=3&id=38606.

- b. Benefit/*Utility* (*zweckmassigkeit*), because the law is for humans, the implementation of law or law enforcement must provide benefits or uses for the community, not because the law is applied to cause public unrest.
- c. Justice (*gerechtigkeit*), that in the implementation of law or law enforcement must be fair because the law is general and applies to everyone and is equalizing.

The essence of law enforcement lies in the activities imposed in the rules to create, maintain, and maintain peace in social life. However, in law enforcement efforts there are often obstacles or problems. Some of the problems that arise in law enforcement include:⁴⁷

- a. There is a gap between normative law and sociological law, between legal facts and existing legal rules.
- b. There is a gap between the legal behavior that exists in society that should not be in accordance with people's lives in reality.
- c. There is a difference between the existing law in society or the implementation of the law implemented in society.
- d. The main problem of law enforcement in developing countries, especially in Indonesia, is not the legal system itself, but the quality of the people who implement the law (law enforcement).

Not only law enforcement officials can enforce the law, the community also has the right to participate in law enforcement so that the law is obeyed by

⁴⁷ Eman Sulaiman, "PROBLEMATIKA PENEGAKAN HUKUM DI INDONESIA," *Ash-Shahabah : Jurnal Pendidikan Dan Studi Islam* 2, no. 1 (2016): 67, <https://doi.org/10.59638/ash.v2i1.49>.

the community. This requires an attitude of cooperation between law enforcement and the community in enforcing existing laws in society so that the law can be obeyed and obeyed and legal sovereignty is maintained. That way, it is hoped that in law enforcement between law enforcers and the community help each other and work hand in hand in enforcing existing laws so that the law can be enforced for the sake of certainty justice and benefits which will certainly provide prosperity for the community itself.

6. *Jarimah*

In Islamic criminal law, crime or criminal offense is usually defined by terms such as *al-jarimah*, *al-jinayah*, *al-janhah*, or *al-mukhalafah*. The four terms have something in common, namely as an act against the law.⁴⁸ The word *jarimah* comes from the word *ajrama - yajrima* which means doing something against the truth, justice, and deviating from the right action. So an act can be called a *jarimah* when it has committed behavior that deviates from what is determined by the Qur'an and Hadith. According to Al-Muwardi in his Islamic legal terminology, the word *jarimah* is doing prohibited behavior which, if done, results in the threat of certain legal sanctions.⁴⁹

In the view of Islamic criminal law, a crime can also be referred to as *jinayah*. As for *jinayah*, it is a term for actions that are prohibited by *Shara'*,

⁴⁸ FITRI Wahyuni, "Aktualisasi Nilai-Nilai Hukum Pidana Islam Dalam Pembaharuan Hukum Pidana Indonesia," t.t., 25.

⁴⁹ Beni Ahmad Saebani, *Hukum Pidana Islam Fiqh Jinayah : dilengkapi dengan kajian Hukum Pidana Islam* (Pustaka Setia, 2013), 84.

where the action affects a person's soul or limbs.⁵⁰ The difference between the two is not difficult to digest. Like a tree, *jinayah* is the branch, while *jarimah* is the branch. Islamic criminal law in fiqh science is called *jinayah*. Meanwhile, *jarimah* is the criminal act. So, *jinayah* revolves around criminal laws or rules.⁵¹

Meanwhile, according to *fiqh* terms, *jarimah* is a *Shara'a* prohibition that is threatened with punishment, either for doing a prohibited work or leaving a commanded action such as stealing, killing, adultery, and so on. The main purpose of *jarimah* is to change so that a person does not violate the commands and prohibitions of *shara'*.⁵²

An act can be considered a *jarimah* if it fulfills the following elements:⁵³

a. Formal Elements

The formal element, namely the existence of a *nash* or legal basis that designates it as a *jarimah*. This element is in accordance with the principle that states that *jarimah* is considered not to exist before it is stated in the *nash*. The reason that the *jarimah* must fulfill the formal element is the word of Allah in the Qur'an Surah al-Isra' verse 15, which reads:

مَنْ أَهْتَدَىٰ فَأِنَّمَا يَهْتَدِي لِنَفْسِهِ وَمَنْ ضَلَّٰ فَأِنَّمَا يَضِلُّ عَلَيْهَا وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ
وَمَا كُنَّا مُعَذِّبِينَ حَتَّىٰ نَبْعَثَ رَسُولًا

“Whoever acts in accordance with (Allah's) guidance, then indeed he acts for his own salvation; and whoever goes astray, then indeed he goes astray

⁵⁰ Ahmad Wardi Muslich, *Hukum pidana Islam*, Cet. 1 (Jakarta: Sinar Grafika, 2005), 1.

⁵¹ Admin, “Perbedaan Jinayah Dan Jarimah Dalam Hukum Islam,” *PonPes Al-Mursi* (blog), May 19, 2018, <https://www.almursi.com/perbedaan-jinayah-dan-jarimah/>.

⁵² M. Abdul Mujjeb, *Kamus istilah fiqh* (Pustaka Firdaus, 1994), 157.

⁵³ Dr FITRI Wahyuni, “Aktualisasi Nilai-Nilai Hukum Pidana Islam Dalam Pembaharuan Hukum Pidana Indonesia,” t.t., 72–74.

to his own detriment. And a sinner cannot bear the sin of another, nor will We punish until We send a messenger.” (QS. Al-Isra’ (17): 15)

This teaching contains a provision that punishment will be imposed on those who disobey the teachings of the Rasul Allah. To assess that someone has disobeyed the teachings of the Rasul Allah, it must first be known that the teachings of the Rasul Allah are outlined in the text. In Criminal Law terminology, it is called the principle of legality.

b. Material Elements

The material element, namely the existence of unlawful acts that have actually been committed. The reason that the *jarimah* must fulfill the material element is based on the Prophet’s hadith narrated by Bukhari Muslim from Abu Hurairah who said that:

“Allah passes judgment on the Prophet Muhammad’s Ummah for something that remains in the heart while he does not say it out loud or do it out loud.”

According to Sa’id Hawwa, these material elements have three elements, namely:⁵⁴

- 1) The existence of a forbidden action by the perpetrator. This action is sometimes driven by a proactive attitude and sometimes driven by a passive attitude such as unwillingness to perform an obligation.
- 2) There are harmful consequences that arise from these acts. Thus, a crime is not considered a full-fledged crime as long as there are no harmful

⁵⁴ Saebani, *Hukum Pidana Islam Fiqh Jinayah*, 67.

consequences. It is these consequences that are principally targeted to prevent them from occurring by imposing punishment.

3) Causal relationship between the act committed and the result produced.

A person will not be sanctioned if it is not clearly proven that the harmful result is closely related to the act committed.

c. Moral Elements

The moral element, namely the intention or intent of the perpetrator to commit *jarimah*. This element concerns the responsibility that is only imposed on people who are mature or *baligh*, of sound mind, and are not forced to do so. In other words, this moral element relates to criminal responsibility which is only imposed on *mukallaf* people who are free from coercion. According to Islamic criminal law, a person is not responsible except for the *jarimah* that he has committed himself and in any case a person is not responsible for the *jarimah* actions of others. This principle is repeatedly based on the Qur'an Q.S. Fathir (35): 18 which reads:

وَلَا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَىٰ ۗ وَإِن تَدْعُ مُثْقَلَةٌ إِلَىٰ جَمِلِهَا لَا يَحْمِلُ مِنْهُ شَيْءٌ وَلَوْ كَانَ ذَا

قُرْبَىٰ ۗ إِنَّمَا تُنذِرُ الَّذِينَ يَخْشَوْنَ رَبَّهُم بِالْغَيْبِ وَأَقَامُوا الصَّلَاةَ ۗ وَمَنْ تَزَكَّىٰ فَإِنَّمَا يَتَزَكَّىٰ

لِنَفْسِهِ ۗ وَإِلَى اللَّهِ الْمَصِيرُ

“And a sinner shall not bear the sin of another, and if a man whose sins are heavy calls upon others to bear his sins, they shall not be borne by him in the least, though they be his kinsmen. Indeed, you can warn only those who fear the punishment of their Lord (even though) they do not see Him and they establish prayer. And whoever purifies himself, indeed he purifies himself for his own good. And to Allah is your return.” (Q.S.Fathir (35):18).

This element is based on the Prophetic Hadith narrated by Ibn Majjah and Abu Dharr which teaches that:

“Allah skipped the punishment of Prophet Muhammad’s people because of mistakes, forgetfulness, and something forced.”

Islamic criminal law is a law of Allah that contains benefits for human life both in this world and the hereafter. The Islamic Shari’a in question, materially contains a basic obligation for every human being to implement it.⁵⁵

The division of criminal law in Islam covers three main areas, namely:

- a. *Jarimah qisas*, namely imposing legal sanctions on the perpetrator of a crime exactly the same as the crime he committed; life for life and limb for limb.⁵⁶
- b. *Jarimah hudud*, namely all types of criminal offenses that have been determined by Allah SWT in the Koran and by the Prophet Muhammad SAW in the hadith.⁵⁷
- c. *Jarimah ta’zir*, namely all types of legal sanctions imposed by government writerities in an agency or country.

For the field of *qisas*, it is further divided into two types, namely *jarimah qisas* in criminal acts or *jarimah* murder and *jarimah* persecution. Meanwhile, *jarimah hudud* includes seven types, namely:

- a. Adultery (*jarimah al-zina*)
- b. Accusation of adultery (*jarimah al-qadzf*)

⁵⁵ *Hukum pidana Islam / H. Zainuddin Ali* (Jakarta: Sinar Grafika, 2012), 2.

⁵⁶ Ibrahim Madkur dkk., *Al-mu’jam al-wasith* (Teheran: Maktabah Al-Islamiyyah, 2008), 740.

⁵⁷ Muhammad Nurul Irfan, *Hukum pidana Islam*, First Printing (Jakarta: Amzah Publisher, 2016), 47.

- c. Theft (*jarimah al-sariqah*)
- d. Robbery (*jarimah al-hirabah*)
- e. Rebellion (*jarimah al-baghyu*)
- f. The act of drinking *khamr* or drug abuse (*jarimah syurb al-khamr*)
- g. The act of apostasy (*jarimah al-riddah*).

Furthermore, all types of criminal offenses that do not fall into the realm of *jarimah qisas* and *hudud* belong to the realm of *jarimah* punishable by *ta'zir*.⁵⁸

During the Khulafaur Rasyidin period, there was an eradication of counterfeiting that occurred during the Umayyah Dynasty, precisely during the reign of Yazid bin Abdul Malik and Hisham bin Abdul Malik. At that time, Hisham bin Abdul Malik once examined a dirham and found out that it was missing 1 *al-habbah* (grain). He as a leader then punished the maker with 1000 whips to the perpetrators of the forgery which amounted to 100 people, so that Hisham bin Abdul Malik punished in every one *al-habbah* (grain) with 100.000 whips.⁵⁹ From this event shows that any act that disrupts the stability of the state will be subject to sanctions or punishment. The sanction chosen to punish the perpetrators of the crime of counterfeiting currency is *ta'zir*.

Ta'zir means punishment or sanctions given and determined by the ruler (judge) in the form of teaching lessons, efforts to prevent the convicted from returning to criminal acts (*jarimah*) with the intention of making him deterrent.⁶⁰ This *ta'zir* penalty is a criminal offense that is not expressly

⁵⁸ Irfan, 24.

⁵⁹ Hasan, *Mata uang Islami*, 35.

⁶⁰ H. A. Djazuli, *Fiqh jinayah: upaya menanggulangi kejahatan dalam Islam* (Jakarta: Raja Grafindo Persada, 1996), 161.

regulated in the Qur'an and hadith,⁶¹ therefore the scope of *ta'zir* is very broad and even unlimited,⁶² both with regard to the rights of Allah SWT and human rights, so that there is no single text (verse or hadith) that indicates the number and limits of *jarimah ta'zir*. Therefore, the scope of *jarimah ta'zir* is defined by all forms of immoral acts committed outside *jarimah hudud* (hudud crimes) and *jarimah al-Qatl wa al-Jarh* (crimes of murder and wounding).⁶³ Even so, in deciding on a type and size of *ta'zir* sanctions, it must still pay attention to religious texts carefully, well, and deeply, because this concerns the public interest.

There are two types of *jarimah ta'zir*, namely:

- a. *Jarimah ta'zir* that offends the rights of Allah, meaning all actions related to the interests and public benefit. For example, causing damage to the earth, hoarding basic commodities, and smuggling.
- b. *Jarimah ta'zir* that offends individual rights, meaning any action that results in harm to a specific person, not a large number of people. For example, defamation, insult, fraud, and beating.⁶⁴

⁶¹ Irfan, *Hukum pidana Islam*, 29.

⁶² محمد أبو زهرة, and محمد, *الجريمة والعقوبة في الفقه الإسلام* (al-Qāhirah: 2013, (دار الفكر العربي), 4.

⁶³ H. Abdul Azis Dahlan, *Ensiklopedi hukum Islam*, Cet. 6 (Jakarta: Ichtiar Baru Van Hoeve, 2003), 48.

⁶⁴ Irfan, *Hukum pidana Islam*, 94.

CHAPTER III

RESEARCH METHODS

The way scientific work is characterized by the use of methods. Method in Latin means *methodus*, and what in Greek means *methodos* is a way or way done to achieve a goal. Meanwhile, research itself is a word translated from English called *research*, which means re-examining. According to KBBI, research is defined as an activity of collecting, processing, analyzing, and presenting data carried out systematically and objectively to solve a problem or test a hypothesis to develop general principles.⁶⁵

A method that is in accordance with the object being discussed is needed for every scientific activity to be more directed and rational, because the method itself functions as a way of doing something to achieve more satisfactory results. The research methods applied in this study are:

A. Type of Research

This type of research is empirical juridical legal research. Empirical juridical legal research, which is a legal research method that combines elements of the juridical method (positive law) and empirical method (data-based research and observation). These empirical facts are taken from human behavior, both verbal behavior obtained from interviews and real behavior carried out through direct observation. In this case, law is not only seen as a

⁶⁵ Nur Solikin, *Pengantar Metodologi Penelitian Hukum* (CV. Penerbit Qiara Media, 2021), 1.

prescriptive and applied discipline, but also empirical or legal reality.⁶⁶ This research aims to examine and analyze how the implementation or application of law in society.⁶⁷

In conducting the research analysis, the writer took the facts and behavior of the community regarding the existence of the practice of counterfeiting mode as well as the destruction of rupiah currency in the form of mutilation of paper rupiah bills that can damage the image and identity of the currency itself, eliminate public confidence in the currency, and can harm the country's economic stability. In this case, the writer examines the opinions and behavior of members of the public and the writerities in the relationship of social life. In other words, the writer reveals the implementation of living law in society through actions taken by the community relating to the practice of mutilation of rupiah paper currency.

B. Research Approach

An approach is a way of examining an issue. More broadly, the approach can be interpreted as a problem related to the way a person reviews and in what way he approaches the problem in accordance with his discipline.⁶⁸ The approach in this study, when viewed from the pattern of using the method, uses a qualitative research approach. The qualitative approach presents directly the nature of the relationship between researchers and respondents, so that

⁶⁶ Depri Liber Sonata, "METODE PENELITIAN HUKUM NORMATIF DAN EMPIRIS: KARAKTERISTIK KHAS DARI METODE MENELITI HUKUM," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 8, no. 1 (November 5, 2015): 29, <https://doi.org/10.25041/fiatjustisia.v8no1.283>.

⁶⁷ Solikin, *Pengantar Metodologi Penelitian Hukum*, 65.

⁶⁸ Bahder johan nasution, *Metode peneltiuan ilmu hukum* (CV. Mandar Maju, t.t.), 126–27.

researchers can more easily present descriptive data. In accordance with the data that the writer needs, it is appropriate if the writer uses a qualitative research approach, because the data needed here is in the form of words not in the form of numbers or counts.⁶⁹

Meanwhile, when viewed from the angle of study, this research uses a legal sociology approach. The sociology of law approach is an approach that analyzes how reactions and interactions occur when the system of norms or rules works in society.⁷⁰ The problems that occur in the field of law are social problems that require a sociological approach to analyze these legal problems.⁷¹

C. Research Location

The research location is the place where the researcher obtains information about the required data. The research location refers to the place where the research is conducted.⁷² The research location in this study on the practice of mutilation of paper rupiah bills was conducted at the Representative Office of Bank Indonesia in Malang, located at Jalan Merdeka Utara No.7, Kiduldalem, Kec. Klojen, Malang City, East Java, with Postal Code 65119. The reason for conducting research at the Representative Office of Bank Indonesia Malang is due to the position of Bank Indonesia itself which is the central bank of the Republic of Indonesia which is responsible for regulating and

⁶⁹ Burhan Ashshofa, *Metode penelitian hukum* (Jakarta: Rineka Cipta, 2004), 56.

⁷⁰ *Penerapan teori hukum pada penelitian disertasi dan tesis / Salim HS., Eriles Septiana Nurbani* (Depok : Rajawali Pers, 2019), 23,
http://opac.library.um.ac.id/oaipmh/./index.php?s_data=bp_buku&s_field=0&mod=b&cat=3&id=65884.

⁷¹ nasution, *Metode peneltiuan ilmu hukum*, 130.

⁷² *Penerapan teori hukum pada penelitian disertasi dan tesis / Salim HS., Eriles Septiana Nurbani*, 25.

implementing monetary policy in Indonesia. One of the main roles of Bank Indonesia is to control the money supply in the market in order to maintain the stability of the rupiah currency.

The selection of research at the Representative Office of Bank Indonesia in Malang is more focused on the role of Bank Indonesia itself and the legal efforts taken by Bank Indonesia in stopping or breaking the crime chain of the practice of mutilation of paper rupiah bills.

Although this practice occurred and was found in Tuban, East Java, the object of research at the Representative Office of Bank Indonesia Malang was chosen to observe and examine the application, implementation, as well as the implementation of the Representative Office of Bank Indonesia in Malang against the central Bank Indonesia policy regarding the practice of mutilation of rupiah notes in the Malang area.

In this case, the selection of the Malang area was influenced by the writer's position as a university student in the Malang area. In addition, the flow and control of money in the Malang area is under the direct supervision and jurisdiction of the Malang Representative Office of Bank Indonesia. These things further strengthen the writer's reasons and desire to conduct in-depth research and interviews with the writerities at the Representative Office of Bank Indonesia in Malang.

D. Subject Determination Method

In empirical research, determining research subjects is very important because research subjects are individuals, groups, or objects that are the focus

of the research itself. The determination of informants in this study is based on primary data obtained by conducting in-depth interviews. The method of determining the subject in this case uses non-random selection (non-random sampling). This selection is a selection method that involves selecting research subjects without regard to random factors. Selection using the non-random sampling method in this study was further narrowed down using purposive sampling techniques. Determination of informants or research subjects carried out by purposive sampling technique is a sampling technique based on certain criteria relevant to the research .⁷³

E. Data Type and Source

The types and sources of data in this study use two (2) types of data, namely:

1. Primary data, namely data obtained directly from the source.⁷⁴ Primary data sources in this study were obtained through interviews with the writerities at the Representative Office of Bank Indonesia in Malang.
2. Secondary data, namely data obtained from official documents, books related to the object of research, research results in the form of reports, theses, theses, dissertations, and laws and regulations. The secondary data can be divided into:
 - a. Primary legal materials, namely legal materials that are binding and have an writeritative nature, meaning they have writerity. Primary legal

⁷³ Ashshofa, Ashshofa, *Metode penelitian hukum*, 87.

⁷⁴ Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021), 106.

materials in this research are in the form of laws and regulations related to the object of research studied, namely Law Number 7 of 2011 concerning Currency.

- b. Secondary legal materials, namely legal sources derived from legal publications that do not come from official files or documents.⁷⁵ This secondary legal material includes textbooks, journals, theses, research reports, and other reading literature that still has something to do with the discussion in this study.

F. Collection Method Data

The data collection method used in this study uses the method:

1. Direct and in-depth interviews. The interview method is often regarded as the most effective method of primary data collection in the field. Interviews are conducted by way of direct question and answer in which all questions are arranged systematically, clearly and directed in accordance with the legal issues raised in the research, namely regarding rupiah mutilation. This direct interview is intended to obtain true and accurate information from a predetermined source.⁷⁶ This direct and in-depth interview was conducted by interviewing Mr. Rizky Oktavia Privana as an informant in this study who served as Assistant Supervisor of the Rupiah Money Management Implementation Unit of the Representative Office of Bank Indonesia in Malang. In this case the researcher asked questions directly to the informant

⁷⁵ Ali, 48.

⁷⁶ nasution, *Metode penelitian ilmu hukum*, 167.

regarding the practice of mutilation of rupiah bills as the latest mode of currency crime, as well as related to law enforcement efforts undertaken by the Representative Office of Bank Indonesia Malang as KPwDN of Bank Indonesia. The information obtained was then carefully recorded. It is intended that the information conveyed can be received properly.

2. Documentation, which is a method used to obtain data and information in the form of books, archives, documents, written figures and images in the form of reports and information that can support research. Documentation is used to collect data and then reviewed.⁷⁷ After the direct and in-depth interviews with informants were completed, the writer then saved the moment in the form of photo documentation. In this case, the documentation is also carried out as official proof that an interview has been conducted with the informant, namely Mr. Rizky Oktavia Privana at the Representative Office of Bank Indonesia Malang.
3. Literature study. In this case, secondary data on the research is obtained through the study of various written sources that have relevance to the research.

G. Data Processing Method

Data processing is the activity of tidying up the data collected in the field so that it is ready for analysis. The data processing method in this research uses qualitative analysis. Steps related to the processing of data sources and legal

⁷⁷ Prof Dr A. Muri Yusuf M.Pd, *Metode Penelitian Kuantitatif, Kualitatif & Penelitian Gabungan* (Prenada Media, 2016), 73.

materials that have been collected to answer legal issues that have been formulated in the formulation of problems in this study are obtained in literature study research, laws and regulations, and supporting articles that are described and connected in such a way that they are presented in a more systematic writing to answer the problems that have been formulated. Processing of legal materials is done deductively, namely drawing conclusions from a general problem to the concrete problem at hand. Furthermore, data sources such as existing interviews will be analyzed⁷⁸ and presented descriptively by telling and describing what it is in accordance with the problems studied⁷⁹ to then draw conclusions from the problems studied in this study.

⁷⁸ M.Pd, 174.

⁷⁹ H. B. SUTOPO, *Metodologi penelitian kualitatif* (Sebelas Maret University Press, 2002), 47.

CHAPTER IV

RESEARCH RESULTS AND DISCUSSION

A. Description of Research Objects

The research object is a condition that describes or explains a situation of the object to be studied to get a clear picture of the research. The research object generally maps or describes the research area or research target comprehensively, which includes regional characteristics, development history, main tasks, and other functions in accordance with the mapping of the intended research area.⁸⁰

The research location in this study on the practice of mutilation of paper rupiah bills was conducted at the Representative Office of Bank Indonesia Malang, located at Jalan Merdeka Utara No.7, Kiduldalem, Kec. Klojen, Malang City, East Java, with Postal Code 65119. The reason for conducting research at the Representative Office of Bank Indonesia Malang is due to the position of Bank Indonesia itself which is the central bank of the Republic of Indonesia which is responsible for regulating and implementing monetary policy in Indonesia. One of the main roles of Bank Indonesia is to control the money supply in the market in order to maintain the stability of the rupiah currency.

The selection of research at the Representative Office of Bank Indonesia Malang is more focused on the role of Bank Indonesia itself and the legal efforts taken by Bank Indonesia in stopping or breaking the chain of crime in the practice of mutilation of paper rupiah bills, considering that Bank Indonesia has full

⁸⁰ Iwan Satibi, *Teknik Penulisan Skripsi, Tesis & Disertasi* (CEPLAS, 2011), 74.

writerity over the rupiah as the currency of Indonesia in accordance with the provisions contained in Article 11 of Law Number 7 of 2011 concerning Currencies which states that the only institution writerized to issue and circulate rupiah money within the Unitary State of the Republic of Indonesia is Bank Indonesia (BI).

Although this practice occurred and was found in Tuban, East Java, the object of research at the Representative Office of Bank Indonesia Malang was chosen to observe and examine the application, implementation, as well as the implementation of the Representative Office of Bank Indonesia Malang against the central Bank Indonesia policy regarding the practice of mutilation of rupiah notes in Malang. The selection of the Representative Office of Bank Indonesia Malang was also influenced by the flow and control of money in the Malang area which is under the direct supervision and jurisdiction of the Representative Office of Bank Indonesia Malang region. These matters further strengthen the writer's reasons and desire to conduct research and in-depth interviews with the writerities at the Representative Office of Bank Indonesia in Malang.

The history of the establishment of Bank Indonesia (BI) itself is inseparable from the establishment of De Javasche Bank (DJB) during the Dutch colonial period, which later became the forerunner of BI. At that time, the financial condition of the Dutch East Indies was uncertain. Not to mention, entrepreneurs also urged that a bank be formed immediately. This condition made the Dutch East Indies government establish DJB in Batavia in 1828.

De Javasche Bank (DJB) was the first circulating bank in Asia. The Royal Dutch Government granted octrooi or privileges to DJB to act as a circulating bank.

As a circulation bank, DJB had the writerity to print and circulate guilder money (Dutch state currency) in the Dutch East Indies.

In its development, De Javasche Bank (DJB) was also used by the colonial government to support the financial policies of the cultivation system (*cultuurstelsel*). In 1922, the Dutch government also issued the De Javasche Bank Wet law as the foundation or legal basis for the implementation of DJB.⁸¹

Entering the Japanese colonial rule, the duties and roles of De Javasche Bank (DJB) were liquidated as a circulation bank in Indonesia and replaced by Nanpo Kaihatsu Ginko (NKG). However, after independence, the Dutch through the Netherlands Indies Civil Administration (NICA) came to Indonesia and reactivated De Javasche Bank (DJB).

At the same time, the Indonesian government had also established a circulation bank, Bank Negara Indonesia (BNI), which was tasked with issuing *Oeang Republik Indonesia*. This condition triggered dualism of circulation banks and currency wars. Therefore, the Round Table Conference (RTC) was held to decide the dualism case. The result of this conference stated that De Javasche Bank (DJB) was the circulation bank of the Republic of Indonesia (RIS) in 1949.

In 1951 there was strong pressure from various parties to establish a central bank. The existence of this central bank was considered to be a manifestation of Indonesia's economic sovereignty. The central government decided to form the De Javasche Bank (DJB) Nationalization Committee. At this stage, the Indonesian

⁸¹ "Sejarah BI," accessed March 25, 2024, <https://www.bi.go.id/id/tentang-bi/sejarah-bi/Default.aspx>.

government carried out the nationalization process by buying 97% of De Javasche Bank (DJB) shares. The success of the nationalization process of De Javasche Bank (DJB), then led Indonesia on July 1, 1953 to issue Law Number 11 of 1953 concerning the Principles of Bank Indonesia which replaced De Javasche Bank Wet in 1922. Since the enactment of the law, on July 1, 1953 Bank Indonesia was officially established as the Central Bank of the Republic of Indonesia.⁸²

After Bank Indonesia (BI) was formed, BI then also formed Bank Indonesia representative offices spread across several cities in Indonesia, one of which was the Malang City Representative Office of Bank Indonesia. The Bank Indonesia Representative Office of Malang City is a Domestic Bank Indonesia Representative Office (KPwDN) which is directly coordinated and included in one of the working areas of the BI Representative Office (KPw) of East Java Province. The working area of the Representative Office of Bank Indonesia Malang itself, covers Malang City and Regency, Batu City, Pasuruan City and Regency, and Probolinggo City and Regency.⁸³

Bank Indonesia representative offices in cities in Indonesia, such as in Malang City, have several objectives and interests in carrying out their functions, such as maintaining the stability of the financial and economic systems at the local level and ensuring that the policies implemented are in accordance with the

⁸² "Sejarah Berdirinya Bank Indonesia pada 1 Juli," accessed March 25, 2024, <https://www.cnnindonesia.com/ekonomi/20210614105010-83-653986/sejarah-berdirinya-bank-indonesia-pada-1-juli>.

⁸³ publishermp2, "Malang-Post.Com - Head of Bank Indonesia Representative Office Malang, Inaugurated by Senior Deputy Governor of Bank Indonesia," *Malang-Post.Com* (blog), March 6, 2024, <https://malang-post.com/2024/03/06/kepala-kantor-perwakilan-bank-indonesia-malang-dikukuhkan-deputi-gubernur-senior-bank-indonesia/>.

conditions and needs of each region. In more detail, some of the reasons why Bank Indonesia representative offices are needed are:

1. Supervision and regulation. With representative offices in various cities, Bank Indonesia can more effectively supervise banking activities at the local level.
2. As a service and counseling. Bank Indonesia representative offices also function to provide services to the public related to banking and finance. They can provide information, counseling, and education to the public about banking products, monetary policy, and so on.
3. As regional economic monitoring. With the spread of Bank Indonesia representative offices in various cities, Bank Indonesia can better monitor regional economic conditions. This helps in making decisions related to monetary and fiscal policies that are in accordance with economic conditions in each region.
4. Through representative offices, Bank Indonesia can be more responsive to the needs and problems that arise at the local level.
5. Play a role in monitoring the payment system. With representative offices, Bank Indonesia can ensure that the payment system in each city runs smoothly and safely.

The organizational structure of the Bank Indonesia Representative Office in Malang is:

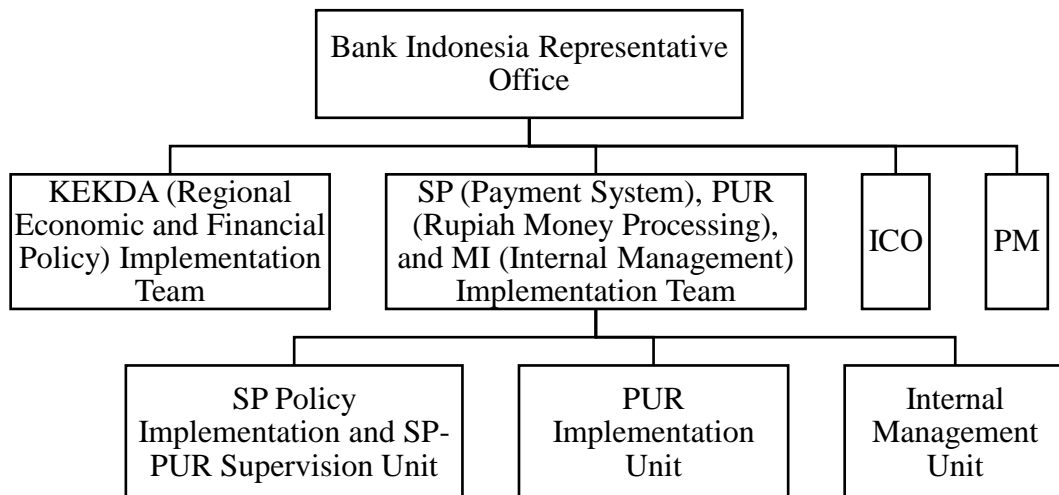


Chart 1. Organization Structure

The vision, mission, and main tasks of the Bank Indonesia Representative Office, as in this case at KPwDN Malang, are:

Vision:

Become a credible Regional Department (DR) in supporting the implementation of Bank Indonesia's duties as well as in supervising and improving the performance and governance of the Domestic Representative Office of Bank Indonesia (KPwDN) which contributes to regional and national economic development.

Mission:

1. Provide regional economic policy recommendations in order to:

- a. Bank Indonesia's policy decision-making in the areas of monetary, macroprudential, payment systems, and rupiah money management; and
 - b. Support long-term inclusive and sustainable regional and national economic development.
2. Supervise and provide strategic advisory and strategic solutions to KPwDN in carrying out its duties and functions.
 3. Improving performance and strengthening governance of Bank Indonesia's Domestic Representative Office (KPwDN).
 4. Managing KPwDN strategic resources in collaboration with related work units.

Main Duties:

1. Coordinate and prepare assessments of the regional economy and finance, inflation including recommendations and policy dissemination activities, as well as the implementation of follow-up directives and/or determination of SEZDA by KPwDN in its working area.
2. Conduct research in the region, either on the initiative of the DR (Regional Department) or other work units conducted by DR, together with KPwDN, and or with related work units.
3. Conduct monitoring, evaluation, and recommendations for regional inflation control.
4. Perform aggregation and analysis of regional economic and financial statistical data in the framework of Regional Financial Surveillance (RFS).
5. Strengthening coordination and monitoring the acceleration or improvement of the quality of completion of tasks and activities of 9 (Nine) KPwDN functions,

both internal KPwDN, between KPwDN, between KPwDN and related work units, and between KPwDN and external stakeholders.

6. Conduct analysis, recommendations, and coordination related to strategic issues to KPwDN that require cross-work unit resolution and or involve Members of the Board of Governors (ADG), and monitor their completion.
7. Improve the quality of performance management, as well as manage internal control and risk management of DR and KPwDN in its working area.
8. Recommend and manage KPwDN's strategic and organizational resources, in coordination with related work units that carry out HR (Human Resources) and organizational management functions.
9. Perform governance management in KPwDN in its working area.
10. Aligning and managing KPwDN tasks or activities with Bank Indonesia or Board of Governors policies including ad-hoc tasks from ADG or related work units involving DR and KPwDN.

B. Law Enforcement Efforts Conducted by the Representative Office of Bank Indonesia Malang against the Practice of Paper Rupiah Mutilation

The Unitary State of the Republic of Indonesia has its own currency called "Rupiah". The printing of rupiah is carried out by Bank Indonesia which is carried out domestically by appointing a State-Owned Enterprise (BUMN) as the executor of rupiah printing.⁸⁴ Bank Indonesia is also the only institution writerized to

⁸⁴ Article 14 Paragraph 2 of Law Number 7 Year 2011 on Currency.

circulate rupiah currency to the public in the amount needed and no other institution has the right to circulate money that has been printed other than Bank Indonesia.

Rupiah as the currency of Indonesia has a very important role. The use of rupiah must be used in every transaction that has the purpose of payment, settlement of other obligations that must be fulfilled with money, and/or other financial transactions.⁸⁵ The very important role of the rupiah causes the rupiah to be maintained and cared for as well as possible.

Heavy competition in the work environment and by seeing the importance of rupiah, makes every individual compete to try to have as much money as possible, even if in a way that is deviant, against the law, and categorized as a criminal act or crime.

These individuals can easily make counterfeit rupiah banknotes that are similar to the original rupiah banknotes. Coupled with the development and advancement of increasingly sophisticated technology, counterfeit money syndicates can print counterfeit money in a form that is increasingly similar to the original, so it can be said that this practice or action is increasingly serious and troubling. Especially considering that ahead of the general elections or massive democratic parties held in early 2024, counterfeit money will often be used for the practice of money politics so that people who often transact cash are still the main target.

This technological advancement has also made the perpetrators of counterfeiting and money tampering syndicates more adept at finding new

⁸⁵ Article 21 Paragraph 1 of Law Number 7 Year 2011 on Currency.

loopholes or modes of their crimes, such as the emergence of the practice of mutilating paper rupiah notes that had become a viral case and occurred today.

Counterfeiting and circulation of money is generally carried out jointly by the perpetrators of counterfeiting money with the help of intermediary couriers with certain goals and intentions.⁸⁶ The government has also moved and made maximum efforts to eradicate it, such as by forming a special body consisting of various synergy agencies that can work together in an effort to prevent the spread and production of counterfeit money and arrest the perpetrators. Counterfeit rupiah eradication is carried out by the government through a body that coordinates the eradication of counterfeit rupiah, namely the Counterfeit Money Eradication Coordination Agency (Botasupal).

Botasupal consists of the National Intelligence Agency, the Indonesian National Police, the Attorney General's Office, the Ministry of Finance, and Bank Indonesia.⁸⁷ The establishment of this body is regulated in Presidential Regulation of the Republic of Indonesia Number 123 of 2012 concerning the Coordinating Body for Counterfeit Rupiah Eradication. However, in this research the writer only focuses on one of the agencies engaged in finance, economy, and banking, as well as the central bank in Indonesia, namely Bank Indonesia.

In supporting counterfeit rupiah countermeasures, Bank Indonesia may cooperate with the agency coordinating the eradication of counterfeit rupiah and/or

⁸⁶ Margamu Desy Putri Dewi, "FAKTOR PENYEBAB PENGEDARAN RUPIAH PALSU DI INDONESIA" 4 (2021): 3792.

⁸⁷ Article 5 letter b of Presidential Regulation No. 123/2012 on Coordinating Body for Counterfeit Rupiah Eradication.

writerized agencies.⁸⁸ Bank Indonesia itself as one of the elements of Botasupal has duties and roles, namely:⁸⁹

1. To issue, circulate, revoke, and withdraw rupiah money.
2. Determine the authenticity of rupiah currency.
3. Provide information and knowledge about the authenticity of rupiah currency.
4. Establish a data base information system related to counterfeit rupiah notes.
5. Providing expert witnesses in counterfeit rupiah crime cases.

In relation to the practice of mutilation of rupiah notes, this practice has actually existed for a long time, but what is happening at this time has a different pattern of counterfeiting mode. Mr. Rizky Oktavia Privana, S.E. who serves as Assistant Supervisor of the Rupiah Money Management Implementation Unit of the Representative Office of Bank Indonesia Malang, as an informant in this study explained that:⁹⁰

“Actually, this mutilation case has been circulating for a long time, it’s just that at this time the pattern has developed even more. The first known cases of mutilation were first detected or found in banking lockers. Mutilated money at that time was in the form of money that was different in nominal value but had almost the same color, generally occurring in the nominal value of IDR 2.000,00 (two thousand rupiahs) with IDR 20.000,00 (twenty thousand rupiahs) on the 2016 emission rupiah currency. Both are cut and connected to each other with different nominal. Generally, the practice of mutilating money will be circulated at night with very minimal lighting conditions.”

⁸⁸ Article 66 of Bank Indonesia Regulation Number 21/10/PBI/2019 on Rupiah Money Management.

⁸⁹ “BANK INDONESIA – Badan Koordinasi Pemberantasan Rupiah Palsu,” accessed April 6, 2024, <https://botasupal.go.id/botasupal-bin/bank-indonesia/>.

⁹⁰ Rizky Privana, Interview 1, (Malang, February 13, 2024).



Picture 1. Rp20.000 paper money connected or patched with Rp2.000 paper money and vice versa.⁹¹

He added that:⁹²

“The current practice of mutilation as circulated in the video that went viral at the end of 2023 regarding the mutilation of rupiah bills is a practice with the latest style, not only in the form of counterfeiting efforts, but also this criminal practice can be said to damage the currency itself. If left without any solution and further handling, this practice will really be very dangerous, especially for people who do not understand rupiah, they will be very disadvantaged. This practice can also make people no longer trust the rupiah, which is the currency of our country Indonesia.”



Picture 2. Example of mutilated money that has different serial numbers⁹³

According to the informant, the basic thing that can be done to avoid being easily fooled by this mutilated money is to be more careful to check the serial number. If the money is cut, then it must be ensured that the serial number is still

⁹¹ Kompas Cyber Media, “Viral, Foto Uang Robek Rp 20.000 Disambung dengan Sobekan Rp 1.000, Ini Kata Bank Indonesia,” KOMPAS.com, December 25, 2022, <https://www.kompas.com/tren/read/2022/12/25/150300865/viral-foto-uang-robek-rp-20.000-disambung-dengan-sobekan-rp-1.000-ini-kata>.

⁹² Rizky Privana, Interview 1, (Malang, February 13, 2024).

⁹³ Dede Imran, “Waspada Beredar Uang Mutilasi: Setengah Asli Setengah Palsu, Kenali Cirinya - Sukabumi Update,” Waspada Beredar Uang Mutilasi: Setengah Asli Setengah Palsu, Kenali Cirinya - Sukabumi Update, accessed April 13, 2024, <https://www.sukabumiupdate.com/keuangan/126331/waspada-beredar-uang-mutilasi-setengah-asli-setengah-palsu-kenali-cirinya>.

intact and complete. To be able to distinguish between money that is taped or money that is glued with glue is torn money or money that has been mutilated can be noted from the serial number.

From the results of interviews with informants, the reasons why the perpetrators committed this crime were also obtained. In general, this practice occurs against the background of economic motives, namely to enrich themselves. This is relevant or in line with the number of counterfeits found in the nominal rupiah notes of Rp50.000 (fifty thousand rupiah) and Rp100.000 (one hundred thousand rupiah). This is not just a coincidence, the main reason for counterfeiting money with this nominal is because it has a higher intrinsic value than a smaller nominal. Counterfeiters tend to focus on money with a higher value.⁹⁴

The practice of mutilating rupiah notes applies methods and techniques of counterfeiting banknotes that use a more technologically advanced approach. The perpetrators are increasingly skillful in finding loopholes. The perpetrators are looking for and counterfeiting money that later cannot be exchanged or replaced by the Bank or Bank Indonesia. Bank Indonesia itself has a policy to manage rupiah money and receive and exchange money with new money or money that is still suitable for circulation. This is stipulated in Bank Indonesia Regulation Number 21/10/Pbi/2019 concerning Rupiah Money Management and Board of Governors Regulation Number 19/13/Padg/2017 concerning Rupiah Money Exchange.

The condition of mutilated money, where part of the original money is connected to counterfeit money, cannot be exchanged for new money or money that

⁹⁴ Rizky Privana, Interview 2, (Malang, March 27, 2024).

is still worth circulating. This is because the mutilated money in question is an attempt to counterfeit money. The money cannot be identified and its value recognized. Counterfeit money cannot be exchanged for legitimate money at banks or writerized financial institutions. Exchanging counterfeit money is illegal and against the law. Banks and financial institutions have strict procedures to ensure that the money exchanged is legitimate and legal.

There are several requirements that must be considered when exchanging or replacing damaged paper rupiah notes, namely:⁹⁵

1. In the event that the physical size of a paper rupiah bill is larger than 2/3 (two-thirds) of its original size and the characteristics of the rupiah bill can be recognized as authentic, a replacement of the nominal value is given with conditions:
 - a. Damaged paper rupiah notes are still a single unit with or without a complete serial number;
 - b. The damaged paper rupiah is not a single unit and both serial numbers on the damaged paper rupiah are complete and the same.
2. In the event that the physical size of the paper rupiah is equal to or less than 2/3 (two-thirds) of the original size, no replacement will be given.

The elements contained in this practice of mutilating rupiah notes are:

1. Performers

⁹⁵ Article 24 Paragraph 3 Letter a of Bank Indonesia Regulation Number 21/10/PBI/2019 concerning Rupiah Money Management.

The perpetrators in the practice of mutilation of rupiah notes can be carried out by ordinary people, but most of them are not from ordinary people, but are structured and organized or can be said to be white-collar crimes. This crime is generally committed by intellectual leaders or people who are experts in their fields. This practice is also carried out by corporations, and can even be carried out by Bank Indonesia employees and other government officials.

Sanctions for perpetrators in this practice will be sentenced to severe penalties, both imprisonment and fines and even termination of employment for Bank Indonesia employees or government officials who do so. However, apart from the penalty provisions contained in the laws and regulations, the determination of criminal sanctions in Indonesia also considers several factors, including the economic situation of the perpetrators. In cases where the perpetrators are poor or ordinary people, the court usually considers their financial capacity in determining criminal sanctions, including fines. In some cases, the court may decide to grant leniency or reduce the amount of fines that must be paid by offenders who are poor or ordinary people.

However, this can also depend on various factors, including the seriousness of the crime committed. So while leniency is possible in some cases, it cannot always be guaranteed that poorer offenders will have their fines automatically reduced.

2. Objective action

The objective acts in this practice of mutilating rupiah notes are:

- a. The act of falsifying (*vervalschen*)

- 1) Before this practice of mutilating rupiah notes, there was already original or official money.
- 2) On the original or official money, the act of adding something either writing, images, or colors, adding or reducing materials on the rupiah banknotes such as in the serial number. So that the money seems like real money when it is fake.
- b. The act of tampering with money. Damaging money in this practice is in terms of tearing the original rupiah bill in part which results in the cutting of part of the original money and then part of it is connected to the counterfeit rupiah bill. This practice also shows the practice of physical modification of the original rupiah currency, thus changing and damaging the authenticity of the rupiah currency.
- c. Circulate the mutilated money, which has been classified as counterfeit.
3. The subjective element, in the practice of mutilation of rupiah notes, has subjective elements, namely:
 - a. Deliberately forging part of the counterfeit banknotes and then connecting them with part of the original rupiah banknotes that have been deliberately tampered with.
 - b. There is an intention to circulate the mutilated rupiah paper.
4. The effect expected by the law.

The law expects serious consequences for currency crimes such as the mutilation of rupiah banknotes. This practice can be considered as an act of counterfeiting or manipulating money that can damage the integrity of a

country's currency. The following are some of the consequences expected by the law against the practice of mutilating rupiah banknotes:

a. Subject to criminal sanctions

Money mutilation by connecting parts of the original banknotes with counterfeit banknotes can be considered as counterfeiting. Not only is it counterfeiting, but it is also a crime because it damages paper currency. The legal consequences can be very serious, including severe criminal penalties such as imprisonment or large fines and can be charged with multiple articles.

b. Violation of the law

This practice clearly violates the laws governing currency security and prohibits counterfeiting and tampering with money. This practice can already be considered a crime. The perpetrator can be charged with a violation of the law in accordance with the applicable legislation, namely Law Number 7 of 2011 concerning Currency. The practice of mutilating rupiah banknotes has violated the provisions contained in Article 25 paragraph 1 and Article 26 paragraph 1.

c. Resulting in economic loss

The practice of mutilating paper rupiah notes results in economic losses for the public and the government. The latest mode of currency crime, the practice of currency mutilation, which went viral at the end of 2023, causes a decline in confidence in the currency, destabilizes the economy, and affects the purchasing power of money.

5. Causality

Causality is the relationship between action and effect. The causality that occurs from the practice of mutilation of this paper rupiah, namely:

a. Decreased confidence in the currency

The practice of mutilating rupiah notes can lead to a decline in trust in the rupiah currency. When people realize that some of the money in circulation and in their possession is counterfeit and has been partially tampered with, they will become skeptical of all money they receive or own, even if it is legitimate or official. This can destabilize the rupiah and the economy as a whole.

b. Losses for governments and central banks

Governments and central banks will incur losses as they have to replace these counterfeit notes with legitimate ones. This can disrupt monetary and fiscal policy and drain valuable government resources.

c. Financial crime

This practice can strengthen financial crime networks. Printing and distributing counterfeit money is a serious illegal activity and can be linked to larger criminal organizations. This can lead to an increase in organized crime and other illegal trade.

d. Social instability

If the practice of mutilating rupiah notes becomes more widespread, it could lead to social instability. Economic discontent and distrust of the

government could increase, which could lead to protests, riots or greater political tension.

Crimes of counterfeiting and destroying money such as the practice of mutilating paper rupiah notes are serious crimes and have consequences that can harm many parties, including the general public, financial institutions, and the government. Therefore, strong law enforcement efforts are needed to protect currency integrity and ensure financial system stability.

Law enforcement serves as the protection of human interests. In order for human interests to be protected, the law must be implemented. With law enforcement, it is hoped that the objectives of law, namely justice, legal certainty, and benefits will be felt by the community.

As part of its mandate to protect the integrity of currency, Bank Indonesia is actively involved in law enforcement efforts against counterfeiting and currency destruction. According to Mr. Rizky Oktavia Privana, S.E. explained that Bank Indonesia Malang is always active in various efforts that can be made to provide law enforcement against currency, especially considering the emergence of cases of crime against currency in the form of mutilation of rupiah bills.⁹⁶

Mr. Rizky Oktavia Privana, S.E. also explained that the Representative Office of Bank Indonesia in Malang made several law enforcement efforts in response to cases of counterfeiting and destruction of rupiah currency, especially to protect the rupiah from the risk of money mutilation practices, among others:⁹⁷

⁹⁶ Rizky Privana, Interview 1, (Malang, February 13, 2024).

⁹⁷ Rizky Privana, Interview 2, (Malang, March 27, 2024).

1. The Representative Office of Bank Indonesia Malang City invites the public in Malang and surrounding areas which are the jurisdiction of the Representative Office of Bank Indonesia Malang City to participate in the Love, Proud, Understand Rupiah campaign. This campaign is a manifestation of the community's ability to recognize the characteristics and design of the rupiah, treat the rupiah appropriately, and protect themselves from counterfeit money.
2. Conducting educational campaigns to the public, especially educating business actors, conducting routine socialization and education to each school in Malang and surrounding areas, to universities or to students to introduce rupiah more deeply as the country's currency, how to take care of rupiah properly and correctly, how to recognize counterfeit rupiah or ways to detect counterfeit rupiah in rupiah mutilation practices, educating and urging the public to always carefully pay attention to the number or serial code on both sides of paper rupiah bills, to provide education on the importance of fighting counterfeiting and currency destruction. These efforts aim to raise public awareness of the issue and reduce the potential spread of counterfeit notes and the threat of rupiah mutilation. These educational efforts are also deployed to all existing platforms, such as radio, Instagram, YouTube, Facebook, and others so that the entire community can easily access and understand rupiah more comfortably and easily.
3. Bank Indonesia continues to enhance the security and authenticity of the rupiah through improved technology and security features on new banknotes. Bank Indonesia realizes that in addition to the need to apply clear sanctions, it is also

necessary to improve the security of money by creating sophisticated security features to avoid the possibility of this criminal practice. In this case, the Representative Office of Bank Indonesia Malang also minimizes it by promoting the use of non-cash payment systems, such as Qris. It is hoped that in addition to increasing digital creativity and utilizing existing technological advances, it can also aim to reduce the incidence of counterfeiting, especially in the case of rupiah mutilation practices and can maintain public confidence in the rupiah currency.

4. The Representative Office of Bank Indonesia Malang collects information related to cases of counterfeiting and currency destruction from various sources, including reports from the public, reports from financial institutions, and the results of internal research.
5. Conduct internal investigations or cooperate with other law enforcement writerities, such as the police or prosecutors, to investigate cases of counterfeiting and currency tampering. This includes identifying the perpetrators, modus operandi, and transaction traces involved. In this case, the Representative Office of Bank Indonesia Malang City is also ready to synergize with the competent writerities if requested to appear as a witness or expert before the court to provide a complete and detailed explanation regarding the rupiah currency. Bank Indonesia, including the Representative Office of Bank Indonesia Malang City, will try to always guard and ensure that the sanctions or penalties received by the perpetrators leave a deterrent effect so that this

crime is not underestimated by individual elements, especially since this crime involves the rupiah currency which is a symbol of the Indonesian state.

Determining the authenticity of the rupiah is the writerity of Bank Indonesia.⁹⁸ According to Mr. Rizky Oktavia Privana, S.E., the Representative Office of Bank Indonesia Malang tracks and identifies this crime by:⁹⁹

1. If a report or complaint is received from a bank regarding the suspicion of counterfeit money, BI will then record it on a system connected to a center called BI-CAC. The Bank Indonesia Counterfeit Analysis Center (BI-CAC) is an information center for data, research results and reporting of counterfeit money findings with the function of classifying the characteristics of each counterfeit money based on the results of laboratory analysis. Users of this system not only come from BI but also include all banks. Banks will input their data related to suspicions of counterfeit money (upal) into this system, then BI will follow up and examine it.
2. BI will examine rupiah notes that are suspected of being counterfeit by using various sophisticated tools to detect counterfeit money, including UV detectors, microscopes, magnetism, and others. Informants also added that these tools are always taken care of so that there is no system error, as further explained by Mr. Rizky Oktavia Privana, namely:¹⁰⁰

“So for these machines there are routine services carried out every 3 (three) months, 6 (six months), and major *services*, which are annual. The technicians will be deployed to always stand by. The Representative Office of Bank Indonesia Malang always optimizes the maximum efforts to maintain the machine regularly,

⁹⁸ Article 33 of Bank Indonesia Regulation Number 21/10/PBI/2019 on Rupiah Money Management.

⁹⁹ Rizky Privana, Interview 2, (Malang, March 27, 2024).

¹⁰⁰ Rizky Privana, Interview 2, (Malang, March 27, 2024).

for BI itself at this time the machine used is a machine purchased from Germany and already at the same time with regular maintenance services.”

3. If counterfeit money is found, BI will report it to the police for further action.

Once a month, BI will collect data related to this crime for reporting to the police.

Mr. Rizky Oktavia Privana said that:¹⁰¹

“The crime of counterfeiting and destroying money is a very troubling crime. Most perpetrators are not ordinary people, but are structured and organized or can be said to be white-collar crime. This crime is generally committed by intellectual daders or people who are experts in their fields. Moreover, this crime always appears in a new mode in accordance with the times and technology, as in the practice of rupiah mutilation. In my opinion, related to the provisions or legal regulations that regulate such as Law Number 7 of 2011 concerning Currency, it is good, it's just that in its implementation it still needs to be enforced again. What must be further improved is the consolidation with the responsible law enforcement officials. Consolidation and commitment must be maintained and improved. Synergy must be based on one understanding and one vision. The punishment must be truly appropriate because this is related to a dangerous crime against Indonesian currency in order to create a deterrent effect.”

Through this in-depth interview, the informant, who has been directly in charge of handling counterfeit money and checking for suspicion of counterfeit money as well as a representative of the Bank Indonesia Representative Office in Malang, seriously urged people to really check and be careful with their rupiah bills. If you want to make transactions in large or large amounts, the informant suggested using a non-cash system. For the people of Malang and surrounding areas who find suspicion of counterfeit money and the practice of mutilation of rupiah bills, they should immediately go to the Representative Office of Bank Indonesia Malang or to the bank where the customer saves so that it can be followed up immediately, instead of turning a blind eye and continuing to make transactions to other people.

¹⁰¹ Rizky Privana, Interview 2, (Malang, March 27, 2024).

This will further benefit the perpetrators and increase the spread of counterfeit money.¹⁰²

Mr. Rizky Oktavia Privana, S.E. also explained further about the procedures that can be carried out by the public if they find and suspect counterfeit money. This is in accordance with what he said, namely:¹⁰³

“If the public has submitted the suspected counterfeit money to an authorized institution, such as the bank where the customer saves or Bank Indonesia Malang City, then the next step is to fill out a clarification request form by including the physical money that is doubtful of its authenticity. As an authorized institution in money circulation, Bank Indonesia has the authority to determine whether the money is genuine or counterfeit. A maximum of 14 working days after the request for clarification is received, the central bank will provide an answer to the applicant. However, the public will not be reimbursed for the counterfeit notes found.”

In countermeasures and law enforcement against the practice of mutilation of paper rupiah notes, efforts that can be done by BI, especially the Representative Office of Bank Indonesia Malang is to make law enforcement efforts from the preventive side, namely by disseminating information about the characteristics of mutilated rupiah notes, either directly face-to-face, namely socialization or indirectly, namely through the airing of public service announcements in the mass media and official websites of Bank Indonesia Malang region. Meanwhile, those who make repressive efforts are law enforcement officials, namely the Police and the Attorney General's Office.

C. The Practice of Paper Rupiah Mutilation According to Law No. 7/2011 on Currency and *Jarimah Ta'zir*

¹⁰² Rizky Privana, Interview 2, (Malang, March 27, 2024).

¹⁰³ Rizky Privana, Interview 2, (Malang, March 27, 2024).

In the era of globalization and rapid technological development, the existence of the rupiah currency as a means of transaction remains the main foundation in a country's economic system. However, it cannot be denied that the phenomenon of the practice of mutilating rupiah notes is a serious challenge to the stability of the rupiah currency value and public confidence in the financial system. In this context, Law No. 7/2011 on Currency and the principles of Islamic law, namely *jarimah ta'zir*, become important foundations in law enforcement efforts against this practice.

1. Law No. 7/2011 on Currency

The principle of protection (passive national) defines that the protection of national interests, which allows criminal laws to apply to anyone who commits a criminal offense related to the security and integrity of the state.¹⁰⁴ In this case, one of the most important is related to the currency issued by the Indonesian government.¹⁰⁵

The 1945 Constitution of the Republic of Indonesia in Article 23B mandates that the type and price of currency shall be determined by law.¹⁰⁶ Such stipulation and regulation is necessary to provide protection and legal certainty for the kinds and prices of currencies. Rupiah as the currency of the Unitary

¹⁰⁴ Citranu Citranu Citranu, "ASAS LEGALITAS SEBAGAI PONDASI HUKUM PIDANA PERSFEKTIF FILSAFAT HUKUM," *Belom Bahadat* 8, no. 1 (June 30, 2019): 5, <https://doi.org/10.33363/bb.v8i1.343>.

¹⁰⁵ Article 5 of Law Number 1 Year 2023 on the Criminal Code (KUHP).

¹⁰⁶ Article 23 Letter b of the 1945 Constitution of the Republic of Indonesia.

State of the Republic of Indonesia has actually been accepted and used since independence.

Crimes against currency, especially counterfeiting, have become increasingly rampant on a large scale and are very troubling, especially in terms of the impact caused by counterfeiting crimes that can threaten monetary conditions and the national economy. In fact, the modes and forms of currency crime are increasingly evolving, such as the practice of mutilating paper rupiah notes, which connect part of the original money with part of the counterfeit money and have different serial numbers on both sides.

The practice of mutilation of rupiah notes is carried out with a deliberate intent (*dolus*) to obtain a desired benefit. Willfulness (*dolus*) is the will that is intended to carry out the action, in the sense that to realize the action has indeed been desired before someone actually acts.¹⁰⁷

Law No. 7/2011 on Currency is the main basis for law enforcement efforts against the practice of mutilating rupiah notes. The law provides a strong legal basis for the writerities, including Bank Indonesia and other law enforcement officials, to take action against perpetrators of rupiah currency mutilation.

Broadly speaking, the content material regulated in Law No. 7/2011 on Currency includes:

¹⁰⁷ Harefa, Idham, dan Erniyanti, "Analisis Teori Hukum Terhadap Penegakan Tindak Pidana Pemalsuan Uang," 115.

- a. Regulations regarding the rupiah physically, namely regarding the type and price, characteristics, design, and raw materials of the rupiah;
- b. Regulations regarding the management of rupiah since planning, printing, issuance, circulation, revocation and withdrawal, and destruction of rupiah;
- c. Regulations regarding the mandatory use of rupiah, rupiah exchange, prohibition, and eradication of counterfeit rupiah;
- d. Arrangements regarding criminal provisions related to the use, imitation, destruction, and counterfeiting of rupiah.

Law enforcement related to currency crimes, especially rupiah counterfeiting, requires regulations that provide a deterrent effect for perpetrators because the effects of these crimes have a tremendous impact on the economy and dignity of the nation as a whole. Therefore, any person who violates the provisions of this law will be subject to very severe criminal sanctions.

In this practice of mutilating rupiah banknotes, the fake money that has been made is then connected to half of the original banknote, so it can be said that this practice is not only contradictory due to efforts to counterfeit money but also efforts to damage rupiah money. The practice is a criminal act that is considered a process for counterfeiting money and destroying money and can be punished.

This practice contradicts the legal regulations governing currency, namely Article 25 Paragraph 1 of Law Number 7 Year 2011 on Currency which states that:

(1) Everyone is prohibited from damaging, cutting, destroying, and/or changing the rupiah with the intention of degrading the honor of the rupiah as a symbol of the state.¹⁰⁸

The provision talks about the prohibition to damage the rupiah which is the symbol of the Indonesian state. Damaging the rupiah currency is not only unlawful, but also disrupts the economic balance of a country. When money is damaged, both physically and in terms of its economic value, it can undermine public confidence in the financial system and overall economic stability.

If the provisions of Article 25 Paragraph 1 are still violated, a criminal penalty will be imposed in accordance with the provisions contained in Article 35 Paragraph 1 of Law Number 7 Year 2011 on Currency which reads:

(1) Any person who intentionally damages, cuts, destroys, and/or alters the Rupiah with the intention of degrading the honor of the Rupiah as a symbol of the state as referred to in Article 25 paragraph (1) shall be punished with a maximum imprisonment of 5 (five) years and a maximum fine of Rp1.000.000.000,00 (one billion rupiah).¹⁰⁹

The prohibition of tampering with rupiah bills is an imperative and binding legal rule for every individual. This indicates that everyone is required to comply with the prohibition, and violations of this prohibition will be subject to sanctions or penalties as contained in Article 35 Paragraph 1 above, namely

¹⁰⁸ Article 25 Paragraph 1 of Law Number 7 Year 2011 on Currency.

¹⁰⁹ Article 35 Paragraph 1 of Law Number 7 Year 2011 on Currency.

imprisonment for a maximum of 5 (five) years and a maximum fine of Rp1.000.000.000,00 (one billion rupiah).

In this case, actions that can be said to constitute the practice of damaging rupiah currency include various forms of actions that can result in damage, alteration, or physical destruction of rupiah banknotes. These actions are more detailed, such as:

- a. Scribbling on the rupiah with ink or other materials that can cause damage to the image or text printed on the money and can interfere with the clarity and authenticity of the rupiah;
- b. Tearing the rupiah note, either partially or completely, which can result in the cutting of parts of the money and make it unusable as a whole again;
- c. Excessive or improper folding of rupiah notes can cause wrinkles, permanent creases, or even tears in the notes;
- d. Burning or wetting rupiah notes that can damage the texture and color of the money, making it difficult to identify or recognize as legitimate;
- e. Intentionally tearing or cutting rupiah notes that may cause significant physical damage to the notes;
- f. Changing the color or washing the rupiah which can remove the signs of authenticity and make it difficult to be recognized as valid money;
- g. Sticking additional materials, such as stickers or others on rupiah bills that can change or damage the physical condition of the money;

- h. Making physical modifications to rupiah money, such as cutting or changing its shape, so that it can change or damage the authenticity and ease of use of the money.

In the practice of mutilation of rupiah banknotes, this practice can be considered as a practice of damaging rupiah currency, because clearly this practice does things that damage the original rupiah, namely tearing the original rupiah partially which results in the cutting of parts of the original money and then partially connected to the counterfeit rupiah. This practice also shows the practice of physical modification of the original rupiah currency, thus changing and damaging the authenticity of the rupiah currency.

Worse still, the practice of mutilating rupiah banknotes not only violates the articles that ensnare the destruction of rupiah currency, but this practice is also classified as an attempt to counterfeit rupiah currency. This is contrary to the legal regulations governing currency, namely in Article 26 Paragraph 1 of Law Number 7 of 2011 concerning Currency which states that:

(1) Every person is prohibited from counterfeiting Rupiah.¹¹⁰

The provision talks about the prohibition to counterfeit rupiah. Counterfeiting rupiah currency is a serious offense that not only harms the state in terms of monetary finance, but can also disrupt public confidence in the authenticity and value of rupiah currency. Therefore, it is important to understand the legal provisions in Article 26 paragraph 1 of Law Number 7

¹¹⁰ Article 26 Paragraph 1 of Law Number 7 Year 2011 on Currency.

Year 2011 on Currency that regulates the prohibition of counterfeiting rupiah currency.

The implications of a violation of the prohibition in Article 26 Paragraph 1 will be punishable in accordance with the provisions contained in Article 36 Paragraph 1 of Law Number 7 Year 2011 Concerning Currency which reads:

(3) Any person who counterfeits Rupiah as referred to in Article 26 paragraph (1) shall be punished with a maximum imprisonment of 10 (ten) years and a maximum fine of Rp10.000.000.000,00 (ten billion rupiah).¹¹¹

Punishment for counterfeiting Rupiah currency is one of the many legal measures taken to suppress and prevent such acts. It is important to understand the legal provisions governing criminal penalties for counterfeiting Rupiah currency as well as the implications of violating the prohibition, as mentioned above, which is contained in Article 36 Paragraph 1, namely imprisonment for a maximum of 10 (ten) years and a maximum fine of Rp10.000.000.000,00 (ten billion rupiah). With these criminal penalties, the government through Law Number 7 Year 2011 on Currency expects a deterrent effect and encourages the syndicate of counterfeiters to be afraid and not to carry out this practice, so that it will minimize the number of rupiah counterfeiting crimes that occur.

The practice of mutilating paper currency notes is indirectly a practice that shows efforts to counterfeit Rupiah currency. In this practice, connecting a genuine rupiah bill with a counterfeit rupiah bill has tarnished the validity and

¹¹¹ Article 36 Paragraph 1 of Law Number 7 Year 2011 on Currency.

authenticity of the rupiah bill. The rupiah note cannot be used as a legal transaction tool.

The practice of mutilating rupiah notes can be classified as a type of crime. This is in accordance with Article 41 Paragraph 2 of Law Number 7 Year 2011 on Currency, which states that:

(4) The offenses referred to in Article 35, Article 36, and Article 37 are crimes.¹¹²

In accordance with Article 41 Paragraph 2 above, it can be said that the practice of mutilation of paper rupiah bills is classified as a crime, because it has violated both articles in Law Number 7 of 2011 concerning Currency, namely Articles 35 and 36. Crime itself is an unjustified and bad act and comes from the word jahat which means it is not good, very bad, very bad, where juridically this is an act that violates the law or is prohibited by the provisions of the applicable law. Crime is an act that generally means an act that is not in accordance with the applicable law.¹¹³

If in a case convicted of the practice of mutilation of paper rupiah notes, which as the perpetrator of destroying rupiah money as well as counterfeiting rupiah money, is unable to pay a fine in accordance with the provisions listed, then in this case Law Number 7 Year 2011 on Currency can replace it with imprisonment as stated in Article 40 Paragraph 1 of Law Number 7 Year 2011 on Currency which reads:

¹¹² Article 41 Paragraph 2 of Law Number 7 Year 2011 on Currency.

¹¹³ Dewi, "FAKTOR PENYEBAB PENGEDARAN RUPIAH PALSU DI INDONESIA," 3795–96.

(1) In the event that the individual convict is unable to pay the fine as referred to in Article 33, Article 34, Article 35, and Article 36 paragraph (1), paragraph (2), paragraph (3), and paragraph (4), the fine shall be substituted with confinement punishment with the provision that for every fine of Rp100.000.000,00 (one hundred million rupiah) shall be substituted with confinement punishment for 2 (two) months.¹¹⁴

This practice is generally carried out jointly by the perpetrators of the practice of mutilation of paper rupiahs, both in the field of rupiah destruction and counterfeiting with the assistance of intermediary couriers with specific goals and objectives. If it is found that this practice is carried out by individuals who work and have direct involvement with law enforcement officials and agencies that have the writeryity and responsibility for the rupiah, then Law Number 7 Year 2011 on Currency will follow up firmly. This is in accordance with the provisions in Article 38 Paragraph 1, which states that:

(1) In the event that the criminal offense as referred to in Article 33, Article 34, Article 35, and Article 36 paragraph (1), paragraph (2), paragraph (3), and paragraph (4) is committed by an employee of Bank Indonesia, the executor of Rupiah Printing, the agency coordinating the eradication of Counterfeit Rupiah, and/or law enforcement officers, the perpetrator shall be punished with imprisonment and a maximum fine plus 1/3 (one-third).¹¹⁵

¹¹⁴ Article 40 Paragraph 1 of Law Number 7 Year 2011 on Currency.

¹¹⁵ Article 38 Paragraph 1 of Law Number 7 Year 2011 on Currency.

Not only that, in the next paragraph further Law Number 7 Year 2011 Concerning Currency will examine and follow up firmly if in this practice the perpetrator is indicated to do so in a structured and organized manner that leads to crimes of terrorism, money laundering, and other economic crimes, causing the national economy to be disrupted, then in accordance with Article 38 Paragraph 2 of Law Number 7 Year 2011 Concerning Currency confirms that:

(2) In the event that the acts as referred to in Article 36 paragraph (1), paragraph (2), paragraph (3), and paragraph (4) are carried out in an organized manner, used for terrorism crimes, or used for activities that may result in disruption of the national economy, the perpetrator shall be punished with a maximum imprisonment of life and a maximum fine of Rp100.000.000.000,00 (one hundred billion rupiah).¹¹⁶

All of the above provisions, which also include the prohibitions and criminal penalties contained in Law No. 7/2011 on Currency, are intended to protect the integrity of the rupiah currency as legal tender in Indonesia. By preventing the practice of tampering with currency and counterfeiting currency, Law No. 7/2011 aims to maintain public confidence in the value and authenticity of the rupiah currency, as well as preventing economic losses that could arise from such practices. These provisions are not merely rules, but also reflect the values of security, justice and order in society. It is hoped that these regulations will help maintain the security and authenticity of rupiah currency,

¹¹⁶ Article 38 Paragraph 2 of Law Number 7 Year 2011 on Currency.

thereby reducing the risk of the spread of damaged or unfit for circulation currency and counterfeit currency in the community.

2. *Jarimah Ta'zir*

Basically, the initial purpose of Islamic law is to realize the goodness of benefit while preventing violence (*mafsadah*) to attract benefits and reject mudharat for all people.¹¹⁷ The interests of mankind are actual and endless.

The practice of mutilating rupiah notes is classified as a form of crime. The views of jurists (Islamic jurisprudence) when talking about crimes, then more directed to criminal acts that are given punishment. These crimes consist of crimes against human body and soul such as murder and injuring human limbs, crimes against property such as theft, crimes against offspring such as adultery, crimes against honor such as accusing adultery, crimes against reason such as drinking alcohol, crimes against religion such as apostasy, crimes against public interests such as robbery and making damage to the earth.¹¹⁸

In terms of punishment, crimes are also divided into two categories: crimes involving the rights of God or the public interest, and crimes involving human rights. In terms of punishment, crimes are also divided into two, namely: First, crimes whose punishment is expressly mentioned in the Quran and hadith,

¹¹⁷ “Konfigurasi pemikiran hukum Islam | Pusat Perpustakaan,” 52, accessed January 19, 2024, https://libcat.uin-malang.ac.id/index.php?p=show_detail&id=4266.

¹¹⁸ Ismail Muhammad Syah, *Filsafat hukum Islam / Ismail Muhammad Syah* (Bumi Aksara, 1992), 222-25.

namely *hudud* and *qisas* and; Second, crimes whose punishment is not expressly mentioned in the Quran but is left to the discretion of the ruler called *ta'zir*.¹¹⁹

The essence of crime is the use of one of the potentials possessed by humans outside of the corridors set by Allah. The word *jarimah* is the term most widely used by the Quran to indicate crime. In the Quran, this word most often appears in the participial form, namely *mujrim* or in its plural form *mujrimin*, which means the person who has committed *jarimah*.¹²⁰

Another word used in the Quran that denotes actions that harm others economically is *bakhs*.¹²¹ This word symbolizes cheating in economic interactions. One of these terms is listed in QS. Hud (11): 85, which reads:

وَيَقُومُوا أَوْفُوا الْمِكْيَالَ وَالْمِيزَانَ بِالْقِسْطِ وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْثَوْا فِي
الْأَرْضِ مُفْسِدِينَ

“And O my people, fill up the measure and the balance justly, and do not wrong people in their rights, and do not make evil on the earth by doing corruption.” (Q.S. Hud (11):85).

According to Islamic criminal law (*fiqh jinayah*), the crime of mutilation of rupiah notes has not been explained in detail regarding the threat of punishment either in *had* or *jarimah hudud* or *jarimah qisas*, therefore this crime is classified into *jarimah ta'zir*, because the act is prohibited by *shara'* but the punishment is not stipulated in the Quran. The sanction or punishment

¹¹⁹ Anwar Harjono, *Hukum Islam: Keluasan Dan Keadilannya*, Cet. 2 (Jakarta: : Bulan Bintang, 1987), 158–61.

¹²⁰ Muzdalifah Muhammadun, “KONSEP KEJAHATAN DALAM AL-QURAN,” t.t., 24.

¹²¹ M. Quraish SHIHAB, *Tafsir al-Misbah : Pesan, Kesan, dan Keserasian al-Quran* (Jakarta: Lentera Hati, 2009), 326.

of this *jarimah ta'zir* will be submitted or determined by the ruler (judge) in accordance with the rules or laws that have been passed by the ruler. The purpose of this punishment in Islamic law, namely as retribution for evil deeds, both general and specific prevention and protection of the rights of victims.

Ta'zir has a *mashdar* form derived from the word *يَعْزُرُ . عَزَرَ* which etymologically means to reproach, reprimand, or prevent. *Ta'zir* is defined by Al-Mawardi as the imposition of sanctions for sins in which there is no *hudud*.¹²² Meanwhile, according to Wahbah Az-Zuhaili, *ta'zir* is a punishment imposed on a form of immorality or crime that is not threatened with *hadd* punishment and not *kafarah*.¹²³

From this description, it is clear that the practice of mutilating rupiah notes is a *jarimah* whose punishment has not been stipulated in *shara'*. Therefore, this practice is classified into *ta'zir* whose punishment is left to the judge or *qadhi'* or leader or *ulil amri* at the time the practice occurred. This practice emerged with the times, so at the time of the prophet this practice did not occur. This practice can be likened to counterfeiting and destroying currency.

In *jarimah ta'zir*, the Al-Quran and hadith do not stipulate in detail, both in terms of the form of *jarimah* and the punishment. The legal basis for the law of sanctions for perpetrators of *jarimah ta'zir* is *al-ta'zir yaduru ma'a al-*

¹²² Imam Al-Mawardi, *Al-Ahkam al-Sulthaniyah*, Fadli Bahri, (jakarta: Darul Falah, 2006), 390.

¹²³ Wahbah Az-Zuhaili, *Fiqih Islam Wa Adillatuhu Jilid 7/ Wahbah Az-Zuhaili* (Gema Insani Press, 2011), 245.

maslahah, which means that the law of *ta'zir* is based on considerations of benefit while still referring to the principle of justice in society. According to Syarbini al-Khatib, the Quranic verse that is used as the basis for the existence of *jarimah ta'zir* is Quran Surah al-Fath (48): 8-9, which reads:

إِنَّا أَرْسَلْنَاكَ شَاهِدًا وَمُبَشِّرًا وَنَذِيرًا ۖ 8 لِيُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ وَنُعَزِّرُوهُ وَنُوَقِّرُوهُ
وَتُسَبِّحُوهُ بُكْرَةً وَأَصِيلًا 9

“8. Indeed, We have sent you (Muhammad) as a witness, a bearer of glad tidings and a warner, 9. That all of you may believe in Allah and His Messenger, strengthen His (religion), magnify Him, and praise Him morning and evening.” (Q.S. Al-Fath(48):8-9).

The hadith that is used as the basis for the existence of *jarimah ta'zir* is the Prophetic Hadith narrated by Bahz Ibn Hakim, which reads as follows:

عَنْ بَهْزِ بْنِ حَكِيمٍ عَنْ أَبِيهِ عَنْ جَدِّهِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَبَسَ رَجُلًا فِي
التُّهْمَةِ.

“Bahz ibn Hakim reported from his father from his grandfather that the Prophet (peace be upon him). detained a man who was suspected of committing a crime.” (H.R. Abu Dawud, Turmudzi, Nasa'i, and Baihaqi, and authenticated by Hakim).

The above Hadith explains the existence of *ta'zir* in Islamic law. The Hadith describes the Prophet's action of detaining a person suspected of committing a criminal offense in order to facilitate the investigation.

Because *jarimah ta'zir* is a criminal offense that is very broad in scope, so to make it easier to understand, the following are the characteristics of *jarimah ta'zir*, namely:

- a. Its foundation and legal provisions are based on *ijma'*.

- b. Covers all forms or offenses other than *hudud* and *qisas*.
- c. In general, *ta'zir* occurs in cases where the measure of sanction has not been determined by *shara'*, although the type of sanction is available.
- d. The punishment is determined by the ruler or *qadhi* (judge).
- e. Based on the general provisions of Islamic law and the interests of society as a whole.

In general, *jarimah ta'zir* is divided into 3 (three) parts, namely:¹²⁴

- a. *Ta'zir* for committing sinful acts.
- b. *Ta'zir* for committing acts that harm the public interest.
- c. *Ta'zir* for committing an offense (*mukhalafah*).

In this case, the practice of mutilating rupiah notes can be classified under part

- b. The practice of mutilating rupiah notes is a practice that can endanger the public interest. Not only is it a crime to damage rupiah currency, but this practice also leads to efforts to counterfeit rupiah. This practice is very troubling to the community. This practice can jeopardize national finances and tarnish the rupiah as a legal tender and the currency of Indonesia.

The punishment for *jarimah ta'zir* is a punishment that has not been determined by *shara'* and is left to the judge or *qadhi'* or leader or *ulil amri* to determine it. The purpose of giving the right to determine the *jarimah ta'zir* and its punishment to the writerities is so that they can organize society and protect its interests, and can best deal with any sudden circumstances.¹²⁵

¹²⁴ Makhrus Munajat, *Hukum pidana Islam di Indonesia*, Cetakan I (Yogyakarta: Bidang Akademik, UIN Sunan Kalijaga, 2008), 179–81.

¹²⁵ Ahmad Wardi Muslich, *Pengantar Dan Asas Hukum Pidana Islam Fikih Jinayah* (Sinar Grafika, 2006), 20.

In *jarimah ta'zir*, law enforcers are given the discretion to determine sanctions in accordance with the level of offense, taking into account various factors such as the purpose of punishment, social impact, and public benefit. The Indonesian government writerities in this case provide *ta'zir* to the perpetrators of the practice of mutilation of paper rupiah bills not only to provide sanctions or punishment, but also adjusted to the form of crime against the object. The form of crime committed by the perpetrators of the practice of mutilation of rupiah notes is the closest and can be attributed to the practice of fraud.

The practice of mutilation of rupiah bills is included in the category of fraud, because this practice is inseparable from the elements of forgery and destruction of money, so that indirectly the mutilated money that is circulated and reaches the hands of the community is inseparable from the element of fraud committed by the perpetrator.

Currency counterfeiting is considered a form of fraud also because it involves the creation and dissemination of counterfeit currency with the intent to deceive others or the public and gain unlawful advantage. This action can certainly harm the community, financial institutions, and even the government. Meanwhile, the practice of physical damage to rupiah bills may not always have the same fraudulent motive as counterfeiting. However, if the damage is done with the intention to deceive or cause losses to other parties, it can be considered a form of fraud.

The Quran rejects the practice of deception in any form. Deception is described by the Quran as the main character of hypocrisy that will be threatened with a painful punishment for the perpetrator. Allah SWT says in QS. Al-Baqarah (2):204-210, which reads:

وَمِنَ النَّاسِ مَنْ يُعْجِبُكَ قَوْلُهُ فِي الْحَيَاةِ الدُّنْيَا وَيُشْهَدُ اللَّهُ عَلَىٰ مَا فِي قَلْبِهِ وَهُوَ أَلَدُّ
 الْخِصَامِ (204) وَإِذَا تَوَلَّىٰ سَعَىٰ فِي الْأَرْضِ لِيُفْسِدَ فِيهَا وَيُهْلِكَ الْحَرْثَ وَالنَّسْلَ ۗ وَاللَّهُ لَا يُحِبُّ
 الْفُسَادَ (205) وَإِذَا قِيلَ لَهُ اتَّقِ اللَّهَ أَخَذَتْهُ الْعِزَّةُ بِالْإِثْمِ فَحَسْبُ جَهَنَّمَ وَلَبِئْسَ الْمِهَادُ (206)
 وَمِنَ النَّاسِ مَنْ يَشْرِي نَفْسَهُ ابْتِغَاءَ مَرْضَاتِ اللَّهِ وَاللَّهُ رَءُوفٌ بِالْعِبَادِ (207) يَا أَيُّهَا الَّذِينَ
 آمَنُوا ادْخُلُوا فِي السِّلْمِ كَآفَّةً وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُّبِينٌ (208) فَإِنْ
 زَلْتُمْ مِنْ بَعْدِ مَا جَاءَتْكُمْ الْبَيِّنَاتُ فَأَعْلَمُوا أَنَّ اللَّهَ عَزِيزٌ حَكِيمٌ (209) هَلْ يَنْظُرُونَ إِلَّا أَنْ
 يَأْتِيَهُمُ اللَّهُ فِي ظُلَلٍ مِنَ الْعَمَامِ وَالْمَلَأِكَةُ وَقُضِيَ الْأَمْرُ ۗ وَاللَّهُ يَنْزِعُ الْأُمُورَ (210)

“204. Among men there is one whose talk of the life of the world amazes you (Prophet Muhammad) and he makes Allah a witness to (the truth of) his heart. In fact, he is the fiercest of opponents, 205. When he turns away (from you or from power), he seeks to do mischief in the earth and to destroy crops and livestock. Allah does not love corruption, 206. When it is said to him, "Fear Allah," pride rises up, causing him to sin (more). So, it is sufficient (recompense) for him (hell) Jahanam. Indeed, it is the worst of dwellings, 207. Among people there are those who sacrifice themselves to seek Allah's pleasure. Allah is merciful to His slaves, 208. O you who believe, enter into Islam (peace) thoroughly and do not follow the steps of Satan! Indeed, he is a real enemy to you, 209. So, if you deviate (from the way of Allah) after clear proofs of the truth have reached you, know that Allah is Mighty, Wise, 210. There is nothing that they await (on the Day of Resurrection) except the coming of Allah in a cloud with the angels (to reckon), while (their) case has been decided. To Allah is the return of all things.”

From this verse, it can be clearly seen that actions that are not guided by the provisions of Allah SWT and instead follow the passions and steps of the

devil will bring damage and destruction. In relation to this mutilation practice, the meaning of damage and destruction can be understood in the form of losses experienced by victims or people who get mutilation money, so that it cannot be used as a legal means of payment and the people who receive it will feel harmed.

Although there are no Quranic verses that specifically mention mutilated money or its approaches such as counterfeit and damaged money, concepts such as honesty, justice, and the prohibition against fraud can be found in the Quran and Hadith, such as in QS. Hud (11): 85, which reads:

وَيَقُومُوا أَوْفُوا الْمِكْيَالَ وَالْمِيزَانَ بِالْقِسْطِ وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْتُوا فِي

الْأَرْضِ مُفْسِدِينَ ٨٥

“And O my people, fill up the measure and the balance justly, and do not wrong people in their rights, and do not make evil in the earth by doing corruption.” (Q.S. Hud (11):85).

The Hadith narrated by Muslim also explains the punishment for cheaters, which reads:

عَنْ أَبِي هُرَيْرَةَ، قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: "لَا يَدْخُلُ الْجَنَّةَ نَاكِحٌ

السَّرِيحِ

“From Abu Hurairah, the Messenger of Allah (SAW) said: “Those who deceive will not enter Paradise.”

The Hadith conveys a very important message in Islam about the prohibition against deception and cheating in all its forms. In the context of this

Hadith, the “deceiver” refers to someone who intentionally deceives, misleads or cheats others in worldly or religious matters.

There are various types of *ta'zir* punishments, but broadly speaking they can be classified into four groups, namely as follows:

- a. *Ta'zir* punishments that affect the body, such as the death penalty and flogging (*dera*). The Hanafi madzhab allows *ta'zir* sanctions with the death penalty on the condition that the act is committed repeatedly and will bring benefits to society. The Maliki Madhhab and some Hanbali scholars also allow the death penalty as the highest *ta'zir* sanction. Meanwhile, some Shafi'iyah jurists allow the death penalty as *ta'zir* in the case of spreading heretical sects that deviate from the teachings of the Quran and Sunnah. Similarly, the death penalty can be applied to homosexual offenders by not distinguishing between *muhsan* and *ghairu muhsan*.
- b. Punishments relating to a person's freedom, such as imprisonment and exile.
- c. *Ta'zir* punishments relating to property, such as fines, confiscation/seizure of property, and destruction of goods.
- d. Other punishments prescribed by the judge or *qadhi'* or ruler or *ulil amri* for the public good.¹²⁶

Based on the explanation above, it can be classified as *ta'zir punishment* applied by the government in Indonesia in dealing with the practice of mutilation of rupiah notes is a punishment related to a person's freedom, namely imprisonment and also a punishment related to property, namely fines. The

¹²⁶ Irfan, *Hukum pidana Islam*, 36.

Indonesian government also applies other non-financial sanctions such as prohibition from engaging in financial or trade activities. These criminal penalties have been clearly affirmed by the Indonesian government as stipulated in the governing regulation, namely Law Number 7 Year 2011 on Currency. However, it does not rule out the possibility that in the practice of mutilating paper rupiahs, the sanctions imposed by the writerities change. This depends on various factors, such as the amount of money damaged and counterfeited, the motive of the perpetrator, and the socio-economic impact of the act.

The purpose of this sanction is to uphold justice, recover losses arising from the offense, and prevent the recurrence of similar acts in the future. Thus, in law enforcement against the practice of mutilation of rupiah notes, *jarimah ta'zir* can provide an appropriate framework based on Islamic views for law enforcers to determine sanctions in accordance with the level of offense and the needs of justice in society.

This *Jarimah ta'zir* applies to all people who are of sound mind or for those who have *mukallaf* if they commit crimes that are not regulated in *shara'* or text, namely the Al-Quran and hadith. The practice of mutilation of paper rupiah in the view of *jarimah ta'zir* provides some wisdom for human life, such as:

- a. Providing preventive law enforcement efforts, namely in the form of prevention such as by providing counseling on the practice of mutilation of paper rupiah bills so that the public becomes aware and minimizes the occurrence of this practice.

- b. Providing repressive law enforcement efforts, namely providing strict punishment or sanctions in order to provide a deterrent effect for the perpetrator with the intention that the perpetrator does not repeat this *jarimah* action again in the future.
- c. Curative, where *ta'zir* must be able to bring improvement in the behavior of convicts in the future.
- d. Educative, where it is hoped that this *ta'zir* can change the pattern of life in a better direction. For the community, this education is also very important so that the community can be more aware and understand about the rupiah and also increase their awareness to take better care of the rupiah as the currency and symbol of the Indonesian state.

CHAPTER V

CLOSING

A. Conclusion

1. The Representative Office of Bank Indonesia in Malang conducted several law enforcement efforts in response to cases of counterfeiting and tampering with rupiah currency, among others:
 - a. Join the Love, Proud, Understand Rupiah campaign.
 - b. Conduct educational campaigns to the public.
 - c. Improved technology and security features on new notes.
 - d. Promotion of the use of cashless payment systems.
 - e. Collect information related to cases of counterfeiting and currency destruction from various sources, including reports from the public, reports from financial institutions, and internal research results.
 - f. Conduct internal investigations or cooperate with other law enforcement writerities.
2. The view of the practice of mutilation of rupiah banknotes according to Law Number 7 of 2011 concerning Currency and *jarimah ta'zir* is:
 - a. The practice of mutilation of paper rupiah notes according to Law Number 7 Year 2011 on Currency violates the rules in Article 25 Paragraph 1 and Article 26 Paragraph 1, with criminal penalties contained in Article 35 Paragraph 1 and Article 36 Paragraph 1. Therefore, this practice is classified as a crime in accordance with

Article 41 Paragraph 2. If the perpetrators of this practice cannot pay the fine in accordance with the provisions, it will be replaced by imprisonment in accordance with Article 40 Paragraph 1. Perpetrators of destruction and counterfeiting of rupiah bills in this practice if they come from the state apparatus will be punished in accordance with Article 38 Paragraph 1, while if they do it in an organized manner, they will be punished in accordance with Article 38 Paragraph 2.

- b. The practice of mutilating rupiah notes is a *jarimah* whose punishment has not been stipulated in *Shara'*. Therefore, this practice is classified into *ta'zir* whose punishment is left to the leader at the time of the practice. *The ta'zir* punishment applied by the government in Indonesia in dealing with the practice of mutilation of rupiah notes is a punishment related to one's freedom, namely imprisonment and also a punishment related to property, namely fines. The Indonesian government also applies other non-financial sanctions such as a ban on engaging in financial or trade activities.

B. Suggestion

The government needs to pursue law enforcement related to the crime of destruction and counterfeiting of rupiah currency. Strict sanctions are needed to provide a deterrent effect for perpetrators of the practice of mutilating rupiah banknotes, which is a practice of both destruction and counterfeiting of money. The government also needs to find efforts to suppress the development of modes of counterfeiting and destruction of currency. In this case, the government

cannot work alone, the government needs to cooperate with the community. In this case, the attitude and nature of the community holds the key. Public awareness, wisdom, and thoroughness in using rupiah will be a crime in this practice is needed. The community can be proactive to play a role in combating the circulation of mutilated money. Thus, if the public finds counterfeit and tampered paper rupiahs, they are encouraged to immediately report them to the writerities rather than spending them. In the end, efforts to counterfeit rupiah that occur in this practice that has been circulating in the community can be suppressed and eradicated circulation in the community.

BIBLIOGRAPHY

Abdul Azis Dahlan, H. *Ensiklopedi hukum Islam*. Cet. 6. Jakarta: Ichtiar Baru Van Hoeve, 2003.

Abdul Mujjeb, M. *Kamus istilah fiqh*. Pustaka Firdaus, 1994.

Admin. "Perbedaan Jinayah Dan Jarimah Dalam Hukum Islam." *PonPes Al-Mursi* (blog), 19 Mei 2018. <https://www.almursi.com/perbedaan-jinayah-dan-jarimah/>.

Ali, Zainuddin. *Metode Penelitian Hukum*. Sinar Grafika, 2021.

AL-MAWARDI, al-Bagdadi. *al-Ahkam al-Sulthaniyah*. Syarkatu Maktabatu wa mathbaatu Musythofa al-Bani al-Khalabi wa an ladahu basro, t.t.

Anwar, Mochamad. *Hukum pidana bagian khusus (K.U.H.P. buku II)*. Bandung: Alumni, 1979.

Aringking, Hendra. "PEMALSUAN UANG RUPIAH SEBAGAI TINDAK PIDANA MENURUT UU NO. 7 TAHUN 2011 TENTANG MATA UANG." *LEX CRIMEN* 4, no. 6 (3 November 2015).
<https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/9795>.

Ashshofa, Burhan. *Metode penelitian hukum*. Jakarta: Rineka Cipta, 2004.

Assa, Efrita Amalia. "TINDAK PIDANA PEMALSUAN UANG OLEH KORPORASI MENURUT UNDANG-UNDANG NOMOR 7 TAHUN 2011 TENTANG MATA UANG." *LEX CRIMEN* 10, no. 3 (1 April 2021).
<https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/33116>.

Awas! Rupiah 'Mutilasi', Wajib Kenali Cirinya, 2023.

<https://www.youtube.com/watch?v=EM-LiGdEiWw>.

Ayuningrum, Retno. "Awas Uang Mutilasi Beredar! Ini Tips Agar Tak Tertipu."

detikjatim. Diakses 5 Februari 2024.

<https://www.detik.com/jatim/bisnis/d-6921672/awas-uang-mutilasi-beredar-ini-tips-agar-tak-tertipu>.

Az-Zuhaili, Wahbah. *Fiqih Islam Wa Adillatuhu Jilid 7/ Wahbah Az-Zuhaili*.

Gema Insani Press, 2011.

"BANK INDONESIA – Badan Koordinasi Pemberantasan Rupiah Palsu."

Diakses 6 April 2024. <https://botasupal.go.id/botasupal-bin/bank-indonesia/>.

Chazawi, Adami, dan Ardi Ferdian. *Tindak pidana pemalsuan: tindak pidana menyerang kepentingan hukum terhadap kepercayaan masyarakat mengenai kebenaran isi tulisan dan berita yang disampaikan*. Cetakan ke-1. Jakarta: PT. RajaGrafindo Persada, 2014.

Citrano, Citrano Citrano. "ASAS LEGALITAS SEBAGAI PONDASI HUKUM PIDANA PERSFEKTIF FILSAFAT HUKUM." *Belom Bahadat* 8, no. 1 (30 Juni 2019). <https://doi.org/10.33363/bb.v8i1.343>.

Dewi, Margamu Desy Putri. "FAKTOR PENYEBAB PENGEDARAN RUPIAH PALSU DI INDONESIA" 4 (2021).

"DISKOMINFOSP | Fakta: Beredar Imbauan Mengenai Fenomena Uang Rupiah Mutilasi." Diakses 5 Februari 2024.

<https://diskominfo.tubankab.go.id/entry/fakta-beredar-imbauan-mengenai-fenomena-uang-rupiah-mutilasi>.

Djazuli, H. A. *Fiqh jinayah: upaya menanggulangi kejahatan dalam Islam*.

Jakarta: RajaGrafindo Persada, 1996.

Harefa, Panca Gunawan, Idham Idham, dan Erniyanti Erniyanti. “Analisis Teori Hukum Terhadap Penegakan Tindak Pidana Pemalsuan Uang: Analisis Teori Hukum Positif Dan Teori Hukum Responsif.” *Jurnal Ilmiah Hukum Dan Hak Asasi Manusia* 2, no. 2 (1 Maret 2023): 113–19.

<https://doi.org/10.35912/jihham.v2i2.1923>.

Harjono, Anwar. *Hukum Islam: Keluasan Dan Keadilannya*. Cet. 2. Jakarta: :

Bulan Bintang, 1987.

Hasan, Ahmad. *Mata uang Islami: telaah komprehensif sistem keuangan Islami*.

Jakarta: PT RajaGrafindo Persada, 2005.

Hera Saputri, Riana, Islamul Haq, dan Wahidin. “Legal Responsibility for the Circulation of Counterfeit Money in Fiqhi Jinayah Perspective.”

DELICTUM : Jurnal Hukum Pidana Islam, 1 Agustus 2023, 44–53.

<https://doi.org/10.35905/delictum.vi0.6402>.

Hukum pidana / Teguh Prasetyo. Depok: Rajawali Pers, 2018.

http://opac.library.um.ac.id/oaipmh/./index.php?s_data=bp_buku&s_field=0&mod=b&cat=3&id=66234.

Hukum pidana Islam / H. Zainuddin Ali. Jakarta: Sinar Grafika, 2012.

http://opac.library.um.ac.id/oaipmh/./index.php?s_data=bp_buku&s_field=0&mod=b&cat=3&id=56710.

Ibrahim Madkur, Ibrahim Mustaffa, Ahmad Hassan Az-Zayat, dan Hamid Abdul

Qadir. *Al-mu'jam al-wasith*. Teheran: Maktabah Al-Islamiyyah, 2008.

Imran, Dede. “Waspada Beredar Uang Mutilasi: Setengah Asli Setengah Palsu,

Kenali Cirinya - Sukabumi Update.” Waspada Beredar Uang Mutilasi:

Setengah Asli Setengah Palsu, Kenali Cirinya - Sukabumi Update. Diakses

13 April 2024.

[https://www.sukabumiupdate.com/keuangan/126331/waspada-beredar-](https://www.sukabumiupdate.com/keuangan/126331/waspada-beredar-uang-mutilasi-setengah-asli-setengah-palsu-kenali-cirinya)

[uang-mutilasi-setengah-asli-setengah-palsu-kenali-cirinya.](https://www.sukabumiupdate.com/keuangan/126331/waspada-beredar-uang-mutilasi-setengah-asli-setengah-palsu-kenali-cirinya)

Irfan, Muhammad Nurul. *Hukum pidana Islam*. Cetakan pertama. Jakarta:

Penerbit Amzah, 2016.

“Jaga Rupiah Kita, Sobat.” *Instagram*, 11 September 2023.

<https://www.instagram.com/reel/CxDJCSjNMLA/>.

“Konfigurasi pemikiran hukum Islam | Pusat Perpustakaan.” Diakses 19 Januari

2024. https://libcat.uin-malang.ac.id/index.php?p=show_detail&id=4266.

Kusrakhmanda, Rendy, dan Ahmad Sulchan. “PENEGAKAN HUKUM

TERHADAP KEJAHATAN PEMALSUAN UANG KERTAS RUPIAH

DI KOTA SEMARANG (STUDI KASUS DI PENGADILAN NEGRI

SEMARANG).” *Prosiding Konstelasi Ilmiah Mahasiswa Unissula*

(KIMU) *Klaster Hukum*, no. 0 (17 Desember 2021).

<http://jurnal.unissula.ac.id/index.php/kimuh/article/view/8798>.

Latukau, Fikry, Deassy J.A. Hehanussa, dan Erwin Ubwarin. “Penerapan Pasal 33

Ayat (2) Undang-Undang Nomor 7 Tahun 2011 Tentang Mata Uang di

Maluku.” *de Jure Jurnal Ilmiah Ilmu Hukum* 2, no. 1 (20 April 2021): 54.

<https://doi.org/10.33387/dejure.v2i1.2955>.

Liputan6.com. “4 Ciri-Ciri Uang Mutilasi yang Wajib Dikenali, Lengkap Cara

Penukarannya ke Bank Indonesia.” liputan6.com, 12 September 2023.

[https://www.liputan6.com/hot/read/5395722/4-ciri-ciri-uang-mutilasi-](https://www.liputan6.com/hot/read/5395722/4-ciri-ciri-uang-mutilasi-yang-wajib-dikenali-lengkap-cara-penukarannya-ke-bank-indonesia)

[yang-wajib-dikenali-lengkap-cara-penukarannya-ke-bank-indonesia.](https://www.liputan6.com/hot/read/5395722/4-ciri-ciri-uang-mutilasi-yang-wajib-dikenali-lengkap-cara-penukarannya-ke-bank-indonesia)

MAGHFIROH, KURNIA. “PIDANA PEMALSUAN UANG (STUDI

PERBANDINGAN MENURUT UNDANG-UNDANG NOMOR 7

TAHUN 2011 TENTANG MATA UANG DAN HUKUM PIDANA

ISLAM).” UNIVERSITAS ISLAM NEGERI SUNAN KALIJAGA

YOGYAKARTA, 2018.

“materi pengaturan tentang mata uang saat ini.pdf,” t.t.

Media, Kompas Cyber. “Viral, Foto Uang Robek Rp 20.000 Disambung dengan

Sobekan Rp 1.000, Ini Kata Bank Indonesia.” KOMPAS.com, 25

Desember 2022.

[https://www.kompas.com/tren/read/2022/12/25/150300865/viral-foto-](https://www.kompas.com/tren/read/2022/12/25/150300865/viral-foto-uang-robek-rp-20.000-disambung-dengan-sobekan-rp-1.000-ini-kata)

[uang-robek-rp-20.000-disambung-dengan-sobekan-rp-1.000-ini-kata.](https://www.kompas.com/tren/read/2022/12/25/150300865/viral-foto-uang-robek-rp-20.000-disambung-dengan-sobekan-rp-1.000-ini-kata)

Mengenal hukum (suatu pengantar) / Sudikno Mertokusumo. Yogyakarta: Liberty,

2008.

http://opac.library.um.ac.id/oaipmh/./index.php?s_data=bp_buku&s_field

[=0&mod=b&cat=3&id=38606.](http://opac.library.um.ac.id/oaipmh/./index.php?s_data=bp_buku&s_field=0&mod=b&cat=3&id=38606)

“Menghargai Kedaulatan Negara: Perlindungan Atas Uang Rupiah Menurut Undang-Undang – Pemerintah Kota Surakarta.” Diakses 13 Mei 2024.
<https://surakarta.go.id/?p=30379>.

M.Pd, Prof Dr A. Muri Yusuf. *Metode Penelitian Kuantitatif, Kualitatif & Penelitian Gabungan*. Prenada Media, 2016.

Muhammadun, Muzdalifah. “KONSEP KEJAHATAN DALAM AL-QURAN,”
 t.t.

Munajat, Makhrus. *Hukum pidana Islam di Indonesia*. Cetakan I. Yogyakarta: Bidang Akademik, UIN Sunan Kalijaga, 2008.

Muslich, Ahmad Wardi. *Hukum pidana Islam*. Cet. 1. Jakarta: Sinar Grafika, 2005.

Muslich, Drs H. Ahmad Wardi. *Pengantar Dan Asas Hukum Pidana Islam Fikih Jinayah*. Sinar Grafika, 2006.

nasution, Bahder johan. *Metode penelitiauan ilmu hukum*. CV. Mandar Maju, t.t.

Nurisman, Eko, dan Stella Monica. “TINJAUAN YURIDIS TERHADAP PELAKU TINDAK PIDANA PENYEBARAN UANG PALSU,” no. 1 (2018).

Penerapan teori hukum pada penelitian disertasi dan tesis / Salim HS., Eriles Septiana Nurbani. Depok : Rajawali Pers, 2019.

http://opac.library.um.ac.id/oaipmh/./index.php?s_data=bp_buku&s_field=0&mod=b&cat=3&id=65884.

PERATURAN BANK INDONESIA NOMOR 21/10/PBI/2019 TENTANG PENGELOLAAN UANG RUPIAH (t.t.).

Peraturan Presiden Nomor 123 Tahun 2012 Tentang Badan Koordinasi

Pemberantasan Rupiah Palsu (t.t.).

Prodjodikoro, Wirjono. *Tindak-tindak pidana tertentu di Indonesia*. Cet. 1., ed. 3.

Bandung: Refika Aditama, 2003.

publishermp2. “Malang-Post.Com - Kepala Kantor Perwakilan Bank Indonesia

Malang, Dikukuhkan Deputy Gubernur Senior Bank Indonesia.” *Malang-*

Post.Com (blog), 6 Maret 2024. <https://malang->

[post.com/2024/03/06/kepala-kantor-perwakilan-bank-indonesia-malang-](https://malang-post.com/2024/03/06/kepala-kantor-perwakilan-bank-indonesia-malang-)

[dikukuhkan-deputi-gubernur-senior-bank-indonesia/](https://malang-post.com/2024/03/06/kepala-kantor-perwakilan-bank-indonesia-malang-dikukuhkan-deputi-gubernur-senior-bank-indonesia/).

PUSPARISA, YOSEPHA DEBRINA RATIH. “Bank Indonesia Pastikan Uang

Palsu Mudah Diidentifikasi Awam.” [kompas.id](https://www.kompas.id), 8 September 2023.

<https://www.kompas.id/baca/ekonomi/2023/09/07/bank-indonesia->

[pastikan-uang-palsu-mudah-diidentifikasi-awam](https://www.kompas.id/baca/ekonomi/2023/09/07/bank-indonesia-pastikan-uang-palsu-mudah-diidentifikasi-awam).

Rays, H. M. Ikhwan. “KAJIAN NORMATIF TERHADAP KEJAHATAN

PEMALSUAN UANG DI INDONESIA.” *Jurnal Yustisiabel* 3, no. 1 (30

April 2019): 25–46. <https://doi.org/10.32529/yustisiabel.v3i1.292>.

RI, Setjen DPR. “Ramai Isu Uang Mutilasi, Puan Dorong Pemerintah Masifkan

Edukasi ke Masyarakat.” Diakses 16 Maret 2024.

<http://www.dpr.go.id/berita/detail/id/46409>.

R.SOESILO. Kitab Undang-Undang Hukum Pidana (KUHP) (1996).

Saebani, Beni Ahmad. *Hukum Pidana Islam Fiqh Jinayah : dilengkapi dengan*

kajian Hukum Pidana Islam. Pustaka Setia, 2013.

Sanyoto, Sanyoto. "PENEGAKAN HUKUM DI INDONESIA." *Jurnal Dinamika Hukum* 8, no. 3 (25 September 2008).

<https://doi.org/10.20884/1.jdh.2008.8.3.74>.

Satibi, Iwan. *Teknik Penulisan Skripsi, Tesis & Disertasi*. CEPLAS, 2011.

SATJIPTO, RAHARDJO. *Masalah penegakan hukum: suatu tinjauan sosiologis / oleh Satjipto Rahardjo*. Sinar Baru, t.t.

"Sejarah Berdirinya Bank Indonesia pada 1 Juli." Diakses 25 Maret 2024.

<https://www.cnnindonesia.com/ekonomi/20210614105010-83-653986/sejarah-berdirinya-bank-indonesia-pada-1-juli>.

"Sejarah BI." Diakses 25 Maret 2024. <https://www.bi.go.id/id/tentang-bi/sejarah-bi/Default.aspx>.

SHIHAB, M. Quraish. *Tafsir al-Misbah : Pesan, Kesan, dan Keserasian al-Quran*. Jakarta: Lentera Hati, 2009.

Solikin, Nur. *Pengantar Metodologi Penelitian Hukum*. CV. Penerbit Qiara Media, 2021.

Sonata, Depri Liber. "METODE PENELITIAN HUKUM NORMATIF DAN EMPIRIS: KARAKTERISTIK KHAS DARI METODE MENELITI HUKUM." *FIAT JUSTISIA: Jurnal Ilmu Hukum* 8, no. 1 (5 November 2015). <https://doi.org/10.25041/fiatjustisia.v8no1.283>.

Sulaiman, Eman. "PROBLEMATIKA PENEGAKAN HUKUM DI INDONESIA." *Ash-Shahabah : Jurnal Pendidikan Dan Studi Islam* 2, no. 1 (2016): 63–77. <https://doi.org/10.59638/ash.v2i1.49>.

SUTOPO, H. B. *Metodologi penelitian kualitatif*. Sebelas Maret University Press, 2002.

Syah, Ismail Muhammad. *Filsafat hukum Islam / Ismail Muhammad Syah*. Bumi Aksara, 1992.

UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA TAHUN 1945 (t.t.).

Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (KUHP) (t.t.).

Undang-Undang Nomor 7 Tahun 2011 Tentang Mata Uang (t.t.).

Undang-Undang Nomor 23 Tahun 1999 Tentang Bank Indonesia (t.t.).

Vitto Andhika Putra, Faisal Alif Bima Saputra, Willy Wendy Fernando, Shafira Marsa, Rizky Karo Karo, dan M. Naufal Shidqi Dhiyaulhaq.

“Perkembangan Hukum Menanggapi Ancaman Perkembangan Teknologi Pada Pembuatan dan Peredaran Rupiah Palsu di Indonesia.” *Jurnal Lemhannas RI* 10, no. 3 (9 Oktober 2022): 51–63.

<https://doi.org/10.55960/jlri.v10i3.297>.

Wahyuni, Dr FITRI. “Aktualisasi Nilai-Nilai Hukum Pidana Islam Dalam Pembaharuan Hukum Pidana Indonesia,” t.t.

دار الفكر: أبو زهرة، محمد. الجريمة والعقوبة في الفقه الإسلام. محمد أبو زهرة. 2013، العربي.

APPENDIXES



Appendix 1. Pre-Research Letter (December 4, 2023)



Pre-Research Interview with Informant (February 13, 2024)



Appendix 3. In-depth research Interviews with Informants (March 27, 2024)

1. Jelaskan secara lebih detail mengenai praktik mutilasi uang rupiah!
2. Bagaimana mekanisme terciptanya mutilasi uang kertas rupiah ini mulai dari pembuatannya hingga kemunculannya di tangan masyarakat?
3. Apa alasan-alasan yang mendasari adanya kemunculan kejahatan terbaru yaitu praktik mutilasi uang rupiah ini?
4. Apakah wilayah Kota Malang telah menemukan adanya gerak-gerik ataupun kasus kemunculan praktik kejahatan mutilasi uang kertas rupiah?
5. Bagaimana BI mengidentifikasi dan melacak adanya kejahatan mutilasi uang kertas rupiah ini?
6. Tindakan apa saja yang diambil oleh BI selaku bank sentral untuk mencegah dan menanggulangi praktik kejahatan mutilasi uang rupiah ini?
7. Bagaimana prosedur yang harus diikuti oleh masyarakat jika menemukan atau mencurigai adanya praktik ini?
8. Apa hukuman atau sanksi yang diberlakukan oleh BI terhadap pelaku tindak kejahatan mutilasi uang rupiah ini?
9. Bagaimana upaya BI dalam meningkatkan kesadaran masyarakat tentang melindungi mata uang rupiah dari perbuatan pemalsuan dan kerusakan seperti pada praktik mutilasi rupiah ini?
10. Apakah BI memberikan pelatihan atau edukasi kepada institusi keuangan dan penegak hukum terkait dengan deteksi dan penanganan mata uang yang telah dipalsukan dan dirusakkan seperti pada praktik ini?
11. Bagaimana BI berkolaborasi dengan pihak berwenang seperti kepolisian dalam mengatasi masalah pemalsuan dan perusakan mata uang seperti yang terjadi pada praktik mutilasi rupiah ini?
12. Seberapa berbahaya praktik mutilasi uang kertas rupiah ini?
13. Melihat kemunculan praktik kejahatan baru ini, apakah perlu adanya revisi atau penambahan ketentuan terhadap aturan atau peraturan perundang-undangan yang berlaku?

Appendix 4. Interview Questions

CURRICULUM VITAE (CV)

PERSONAL DATA

Full Name : Yuanggi Nur Wiria Tarita

Place, Date of Birth : Samarinda, January 17, 2002

Gender : Female

Citizenship : Indonesia

Religion : Islam

Body Height : 160 cm

Body Weight : 53 kg

Address : Jalan P. Diponegoro, Gg. Kenangan 2 RT. 23 Bukuan
Village, Palaran district, Samarinda City, East Kalimantan

Mobile No. : 082153296266

Email : yuangginur123@gmail.com



EDUCATION HISTORY

YEAR	EDUCATION LEVEL	SCHOOL/UNIVERSITY
2008-2014	ELEMENTARY/MIDDLE SCHOOL	SDN 009 Palaran
2014-2017	JUNIOR/SENIOR HIGH SCHOOL	SMPN 14 Samarinda
2017-2020	SMA/MA	MAN 2 Samarinda
2020-2024	S1	UIN Maulana Malik Ibrahim Malang

ORGANIZATIONAL EXPERIENCE

ORGANIZATION NAME	JOB	YEAR
PMII Rayon Radikal Al-Faruk Faculty of Sharia UIN Maulana Malik Ibrahim Malang	Member	2020
Hai'ah Tahfidzul Quran UIN Maulana Malik Ibrahim Malang	Member	2020
International Class Program (ICP) Sharia Economic Law Study Program Faculty of Sharia UIN Maulana Malik Ibrahim Malang	Member	2021-2024
Qiblatuna Faculty of Sharia UIN Maulana Malik Ibrahim Malang	Secretary 2	2022