

Criminal Case of Forgery Under Article 263 of the Criminal Code Regarding Jokowi's Diploma Dismissed by BARESKRIM Due to Potential Misuse in Criminal Procedural Practice

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Abstract:

This study analyzes the termination of the criminal investigation concerning the alleged forgery of President Joko Widodo's diploma, under Article 263 of the Indonesian Criminal Code. Despite strong public attention and legal accusations filed by civil society group TPUA, Bareskrim Polri concluded there was no criminal offense and ceased the case.

The research highlights the legal framework for case termination via SP3 (Investigation Termination Order) and discusses potential procedural misuses in the investigation phase. It further evaluates the forensic analysis conducted on Jokowi's academic documents and legal remedies available for objecting to termination decisions. Using a normative juridical approach, this study finds significant procedural ambiguity and the potential for institutional overreach in preliminary inquiries.

The case study demonstrates the challenges in maintaining legal accountability and transparency when criminal allegations involve high-profile political figures. Recommendations are made for reforming the criminal procedural mechanisms to uphold justice and public trust.

This raises concern over potential misuse of investigative mechanisms, with what amounts to an SP3 (Order to Terminate Investigation) being issued under a different guise. As such, the case may rightfully become the subject of a pretrial motion (pretrial) to assess its legal validity.

Although many criminal cases never proceed to the investigation stage, they typically do not involve public figures as prominent as those in this alleged fake diploma case. Therefore, they often do not go viral or receive widespread media coverage in print or electronic news, unlike the ongoing attention this case has attracted.

Keyword: alleged forgery, criminal code, legal accusation, forensic analysis, normative juridical normative.

INTRODUCTION

In today's era of globalization, crime and violations as social phenomena continue to be influenced by various aspects of societal life, such as politics, economy, society, culture, as well as matters related to national defense and security. Juridically, crime is any human behavior that violates the law and is punishable under criminal law. Sociologically, crime is any act or behavior that is disapproved of by society.

Forgery crimes are crimes that involve elements of falsehood or inauthenticity regarding an object, where the object appears genuine but in reality contradicts the truth. According to Adami Chazawi (Law 2018)

"Among the various types of criminal offenses in society, one is forgery, and nowadays, forgery crimes are increasingly prevalent in different forms and complexities, pointing to the rise in intellectual sophistication of such crimes. Forgery is a crime that involves a system of falsification regarding an object, where the object appears externally to be genuine, yet contradicts the truth."

The rampant use of fake diplomas and academic degrees by individuals lacking the proper qualifications—often done to attain respected positions in society—must be anticipated through both penal and non-penal approaches. Non-penal measures offer long-term effects.

Therefore, anyone proven to have used or obtained a fake diploma in an improper manner should face social sanctions, such as being barred from participating in political office selection for a period of time. Such actions are academically and morally regrettable. In other words, the individual is politically disqualified for using a fake diploma.

Bareskrim (Criminal Investigation Agency) of the Indonesian National Police decided to discontinue the investigation into the alleged fake diploma of Indonesia's 7th President, Joko Widodo (Jokowi), as reported by the Ulama and Activist Defense Team (TPUA), due to the absence of any criminal offense.

"In response to the public complaint, our investigators conducted a preliminary inquiry. However, from this complaint, we concluded that no criminal offense had occurred, and therefore the case is closed," said Brigadier General Djuhandhani Rahardjo Puro, Director of General Crimes at Bareskrim, on Thursday (May 21). Djuhandhani stated that they had presented the facts regarding Jokowi's educational background, from high school to his studies at the Faculty of Forestry at Gadjah Mada University (UGM).

"We aim to provide legal certainty, as we have found no evidence of any criminal act," he added.

Investigators verified that Jokowi's high school and university diplomas were authentic after examining documents and interviewing relevant witnesses.

Additionally, Djuhandhani mentioned that investigators confirmed Jokowi met the graduation requirements at UGM's Faculty of Forestry.

"They obtained Jokowi's original diploma and performed a laboratory analysis, comparing it with those of three of his classmates," he said.

"This concludes our investigation at the General Crimes Directorate of Bareskrim Polri, and we hope it clarifies the public debate about Mr. Jokowi's diploma," Djuhandhani added.

Jokowi was questioned by Bareskrim investigators in the case regarding the alleged fake diploma, a report submitted by the TPUA. Jokowi stated that during the one-hour questioning, he was asked 22 questions by the General Crimes Directorate.

All of the questions were related to his educational history, from elementary school through his university studies at UGM.

"There were 22 questions, all about my diplomas—from elementary, middle, high school, to university," he explained.

Bareskrim had been investigating the alleged fake diploma over the past few months. The report was submitted by TPUA chairman Egi Sudjana on December 9, 2024, and registered as

Information Report Number: LI/39/IV/RES.1.24./2025/Directorate of General Crimes on April 9, 2025.

The Indonesian National Police, through Bareskrim, officially ceased the investigation into the alleged use of a fake diploma by former President Joko Widodo. The decision was announced after investigators found no elements of a criminal offense, based on a report submitted by a civil society group. The case closure was publicly announced by Brigadier General Djuhandhani Rahardjo Puro in a press conference on Thursday, May 22, 2025.

“Therefore, this case has been closed,” Djuhandhani stated.

The fake diploma allegations were filed by the TPUA and represented by Eggi Sudjana. The report cited several articles from the Indonesian Criminal Code (KUHP), including Articles 263, 264, and 266, as well as Article 68 of Law Number 20 of 2003 concerning the National Education System. The accusations centered on the alleged forgery and unauthorized use of academic documents.

However, after conducting a thorough investigation—including interviews with 39 witnesses and searches at 13 locations around UGM (such as the Rectorate, Faculty of Forestry, library, and university archives)—investigators found no indication of legal violations.

As part of the clarification process, Jokowi’s legal team submitted his original diploma to investigators for forensic analysis. The forensic lab compared Jokowi’s diploma with those of three of his classmates from UGM’s Faculty of Forestry. The tests examined the paper material, security features, printing techniques, ink of the signature, and official stamps.

The forensic results concluded that all components of Jokowi’s diploma matched those of the comparators. Even the diploma folder showed natural aging consistent with the other documents.

LITERATURE STUDY

Legal Basis For Termination Of Investigation

In the Indonesian criminal justice system, the termination of an investigation by the police is formalized through a Surat Perintah Penghentian Penyidikan (SP3), or Investigation Termination Order. The legal basis for issuing an SP3 is explicitly regulated in Article 109 paragraph (2) of the Indonesian Criminal Procedure Code (KUHAP), which states:

“If an investigator discontinues the investigation due to lack of sufficient evidence, or the incident in question is found not to constitute a criminal offense, or the investigation must be stopped for legal reasons, the investigator must inform the public prosecutor, the suspect, or their family.”

Therefore, there are three main legal grounds for an investigator to issue an SP3:

1. Insufficient evidence to proceed with further investigation or prosecution;
2. Facts reveal that the event in question is not a criminal offense;
3. Other legal reasons prevent further investigation, such as statute of limitations or if the legal subject has died.

Potential Misuse Of The Investigative Institution In Criminal Procedure Practice

Given the structural design of the preliminary inquiry stage (investigation), such actions are inherently part of the broader investigative process. Here lies the potential for misuse of the investigative institution, especially when a case is terminated through an SP3 at the *penyelidikan*

level. Therefore, the termination of the investigation into the alleged fake diploma of Jokowi could be subject to a pretrial motion (pretrial) to test its validity.

The Criminal Investigation Agency (Bareskrim) of the Indonesian National Police officially terminated the preliminary investigation into the alleged fake diploma of former President Joko Widodo. This decision was made after investigators found no elements of criminality in the case. “Thus, the case is closed,” said Brigadier General Djuhandhani Rahardjo Puro, Director of General Crimes at Bareskrim Polri, during a press conference on Thursday, May 22, 2025.

Djuhandhani explained that investigators conducted laboratory testing of Jokowi’s university diploma by comparing it with three diplomas of his classmates from the Faculty of Forestry, Gadjah Mada University (UGM), from the same period. The forensic results showed consistency between Jokowi’s documents and the comparators.

[Source: <https://tempo.co/hukum/fakta-fakta-penghentian-kasus-dugaan-ijazah-palsu-jokowi-1543843>]

This report is an example of a legal action—“termination of an investigation”—in a criminal case concerning alleged use of a fake diploma, which went viral and attracted significant public attention due to its involvement of a high-profile figure: former President Joko Widodo. In reality, many criminal cases do not progress to the investigation phase, but they receive less attention because the individuals involved are not as prominent.

This raises an important legal question: What legal recourse is available to complainants regarding the termination of this investigation?

As Bareskrim has stated, no criminal offense was found in this case. In other words, the police concluded that there was no criminal incident that could justify proceeding to a full investigation—even though, in fact, Bareskrim had already conducted a forensic examination of the diploma, which should only be done during the formal investigation stage. At that stage, the police (i.e., Bareskrim) have legal authority to conduct coercive actions, such as seizing documents for laboratory testing.

This means that, legally, Bareskrim had de facto already engaged in investigative actions, despite the case still being labeled a preliminary inquiry (investigation).

So, what legal measures can complainants take to object to the termination of this investigation?

Formally speaking, there is no direct legal remedy against the termination of a preliminary inquiry. Existing legal mechanisms, such as pretrial motions (pretrial), are post-factum reviews, only available for coercive actions during a formal investigation phase, including arrests, detentions, searches, seizures, or naming a suspect.

This legal gray area creates opportunities for misuse of authority in deciding whether to proceed with or terminate a criminal report. Such issues were also a topic of heated discussion between the author and Mr. Ugroseno, former Deputy Chief of the Indonesian National Police (2013–2014), during a TV talk show. Several cases, including those he personally experienced, highlight the need for reform and greater accountability in how investigations are handled.

Criminal Procedure Law & The Balance Of Two Interests

A criminal case can arise from several sources, including: Reports of general criminal acts; Complaints regarding specific complaint-based offenses (klacht delict), which may be dismissed if the complainant withdraws the complaint; Caught-in-the-act situations, where the offender is

apprehended while committing the crime; and Case developments, where a suspect in an existing case is found to have committed additional crimes.

This means that from the very beginning of a criminal case, there is presumed to be an event suspected to be a criminal offense, reported either by a complainant or a third party. As such, the termination of a case should logically occur during the investigation phase, whether due to: The incident not being a crime; Insufficient evidence; Legal constraints such as statute of limitations; Death of the complainant or suspect; or a prior court decision on the same offense (*ne bis in idem*).

Based on reports, complaints, or case developments, the police (for general crimes), the prosecutor's office (for special crimes), or the Corruption Eradication Commission (KPK) (for corruption cases) will carry out a series of actions to identify and determine whether a crime has occurred and whether the case can proceed to formal investigation, as defined in Article 1 point (5) of the Indonesian Criminal Procedure Code (KUHP).

In practice, if an inquiry (investigation) is terminated, and no legal remedy is available, such termination is often treated as an "individual administrative act"—as though it were the action of a specific person, despite being an institutional decision. Therefore, if the police terminate an inquiry, the objection must be submitted to the Police Internal Affairs Division (Divpropam Polri); if the Prosecutor's Office does so, the complaint goes to the Attorney General; and if the KPK does so, to the Supervisory Board.

In criminal procedure, the law seeks to maintain a balance between two interests: On one side, the state, as the executive authority, is represented by the police (in their investigative function) and prosecutors (in their prosecutorial function), where coercive measures during investigation (such as arrest, detention, or designation as suspect) must be balanced by the suspect's right to challenge them via pretrial motion (pretrial).

On the other side, suspects/defendants have the right to file objections (exceptions)—whether regarding jurisdiction (competency exception) or procedural violations, such as the absence of legal counsel during interrogation, which could render the indictment invalid if based on an unlawfully obtained interrogation report.

During the court trial stage, the prosecutor is free to present evidence—factual witness testimony, expert opinions, documents, etc.—to prove the indictment and establish the defendant's guilt. Conversely, the defendant is granted equal opportunity to submit exculpatory evidence, including defense witnesses, counter-expert opinions, or other materials to support innocence.

Following the trial, a judge—as part of the judicial branch—delivers a ruling based on a minimum of two pieces of evidence and formed belief in the defendant's guilt or innocence.

To maintain fairness between the state and the individual citizen, the convicted defendant retains the right to: Appeal the decision to the High Court; File for cassation to the Supreme Court; Even after the Supreme Court's decision, the defendant may still pursue a Judicial Review (PK)—though this requires either a proven judicial error or new evidence (*novum*), which is often difficult to obtain.

This entire sequence reflects the balance of power between two equally important sides: the state apparatus (police, prosecutors, judges at various levels), and the citizen (defendant/convict) whose rights are protected in a rule-of-law state.

Inquiry (Investigation) As Part Of Investigation (Investigation)

Article 5 of the Indonesian Criminal Procedure Code (KUHP) clearly indicates that an inquiry (investigation) is part of the investigation process. Therefore, any actions taken during the inquiry stage that involve collecting evidence are done under the direction of an investigator. According to the law, an inquirer is authorized to:

1. Receive reports or complaints regarding criminal acts;
2. Seek information and collect physical evidence;
3. Stop and question suspicious individuals and inspect their identification;
4. Carry out other lawful actions in a responsible manner.

To conduct coercive measures, the inquirer, under the direction of the investigator, may: Arrest individuals, prohibit someone from leaving a place, conduct searches and seizures; Examine and seize letters or correspondence; Take fingerprints and photographs; Bring individuals before the investigator for questioning. The inquirer must report all actions and findings (both investigative and coercive) to the investigator.

This provision implies that before terminating a report or complaint, the inquirer must report to the investigator that the alleged crime cannot be substantiated. This must be accompanied by clear reasons and supporting evidence.

Subsequently, the investigator may formally terminate the investigation, following the legal mechanism outlined in Article 109(2) of KUHP.

Investigation As A Pro Justitia Action

In practice, the term *pro justitia* appears in documents used by law enforcement agencies, such as the police in investigations, prosecutors in prosecutions, and the judiciary under different terminologies, but all share the same meaning: “In the Name of Justice Based on the Belief in the One and Only God.”

Formally, the use of the phrase *pro justitia* signifies that the actions carried out by law enforcement officers are legally valid and carry binding legal authority. Substantively, any legal action taken and documented under the heading *pro justitia* is intended to serve the interests of law enforcement and justice. It also reflects the validity and legal enforceability of documents bearing the *pro justitia* title.

With the laboratory analysis conducted on President Jokowi’s undergraduate diploma and its comparison with three diplomas belonging to his classmates at the Faculty of Forestry, Gadjah Mada University (UGM), through forensic examination by the Criminal Investigation Agency (Bareskrim), it is clear that this constitutes a *pro justitia* action. Therefore, this action should be considered part of the investigation phase, as coercive measures, such as temporary seizure for comparison purposes, had already been undertaken.

Given the nature of this investigative process, it is evident that the action was inseparable from the formal investigation stage. This raises the potential for abuse of the investigation phase, functioning in practice as an SP3 (Order to Terminate Investigation), albeit under a different terminological guise. Consequently, the termination of the investigation into the alleged forgery of Jokowi’s diploma may become the object of a pretrial motion (pretrial) to test its legal validity.

Tpua Presents 7 Objections To Jokowi Diploma Case Handling

The Team of Defenders of Ulama and Activists (TPUA) has requested that Bareskrim Polri conduct a special case review regarding the alleged forgery of President Joko Widodo's diploma. This request follows their objection to the police's decision to terminate the report on the case. TPUA member Rizal Fadillah stated that such a special case review is regulated under Article 13 of the Indonesian National Police Chief Regulation Number 6 of 2019. There are at least seven key points underpinning their demand:

1. Termination of the investigation is legally flawed
TPUA argues that the decision made by Bareskrim on Wednesday, May 21, 2025, was procedurally flawed. Neither the complainant, the reported party, nor expert witnesses were present during this critical decision-making process. "This is a very fundamental decision. It should have involved both the complainant and the reported party," said Rizal at Bareskrim, Jakarta, Monday, May 26, 2025.
2. Incomplete investigation process
Rizal noted that TPUA had presented forensic expert Rismon Sianipar and telematics expert Roy Suryo as part of their evidence. However, neither was summoned or questioned. Likewise, Kasmujo (Jokowi's academic advisor) and Pratikno, key figures allegedly involved in the diploma process, were also not questioned.
3. Failure to question daughter of the UGM Faculty Dean
Rizal mentioned that Aida Grenduri, daughter of Prof. Dr. Ir. Ahmad Sumitro, the dean of UGM's Faculty of Forestry at the time, was not questioned. Aida, a faculty alumna, submitted evidence showing the signature on Jokowi's thesis endorsement sheet did not match that of her father. This was critical to verifying the document's authenticity.
Rizal further criticized Bareskrim's argument of the documents being "identical" rather than "authentic," noting that authenticity requires higher standards. He also questioned the authenticity of the three comparison diplomas, stating that without verifying their legitimacy, any identification is meaningless—"identical fakes" are still fake.
4. Bareskrim's conclusion was overly simplistic
The final conclusion was drawn merely by feeling for an embossed seal (hand-press or letterpress) without scientific forensic analysis. Rizal emphasized that a proper investigation should include paper testing, ink testing, and verifying whether the endorsement sheet matched the rest of the diploma in age and content.
5. Demand for a special case review
TPUA is calling for a special review session due to procedural flaws and because the case is of significant public interest.
6. Whistleblowers must be protected
Rizal cited Articles 10(1), 10(2), and 17 of Law No. 31 of 2014 on Witness and Whistleblower Protection, emphasizing that reporters of such cases cannot be criminally or civilly prosecuted. He also referenced Supreme Court Regulation No. 1 of 1956, which stipulates that ongoing civil cases take precedence over related criminal cases. He pointed out that civil suits concerning the alleged forgery are ongoing in Solo and Sleman.
7. Forensic lab results are questionable
TPUA also raised doubts about the forensic examination conducted by Bareskrim's document unit. Rizal emphasized the lack of face recognition analysis on the photo attached to Jokowi's

diploma. He cited Dr. Rismon's RGB (Red-Green-Blue) analysis, which allegedly showed a seal impression underneath the photo, implying tampering. This, he argued, was not disclosed in Bareskrim's official explanation.

METHOD

Criminal Case Of Forgery Under Article 263 Of The Penal Code – Jokowi's Diploma

The use of academic degrees is particularly significant for individuals holding official positions, especially when the degrees are obtained from foreign institutions. However, Indonesian legislation prohibits individuals from using academic titles without legal entitlement. This is stipulated in **Article 28 paragraph (7) of Law No. 12 of 2012 on Higher Education**, which reads: **"Individuals who are not legally entitled are prohibited from using academic, vocational, and/or professional degrees."**

Criminal penalties also await anyone who unlawfully uses an academic degree. These penalties are set out in **Law No. 1 of 2023 concerning the Indonesian Criminal Code (KUHP)**, which prohibits the creation, issuance, or use of **fake diplomas and academic degrees**. Violators may face imprisonment and/or fines.

As stated in **Article 272 paragraph (1) of the KUHP**: **"Anyone who forges or fabricates diplomas, certificates of competence, or accompanying documents shall be punished by imprisonment for up to six (6) years or by a fine of up to category V."**

Forgery is classified as a criminal act under the **Indonesian Penal Code**. Specifically, it falls under **Book II, Chapter XII** of the Penal Code, which deals with **forgery**, primarily involving **written documents**, including forgery of letters as regulated under **Article 263 to Article 276 of the Penal Code**. A commonly occurring offense relates to **Article 263 KUHP**, which deals with **forging or falsifying letters**.

The **termination of the investigation** into the alleged forgery of President Jokowi's diploma, under **Article 263 of the KUHP**, by Bareskrim, presents a **potential abuse of procedural criminal law practices**. Based on the structure of the investigation phase, the actions taken were, in effect, part of the **formal criminal investigation**, not merely preliminary inquiry. This raises concerns that the investigative authority may have effectively issued a **termination order (SP3)** under a different name or process.

Therefore, the **termination of the investigation** in this case could be subject to **pretrial legal challenge (praperadilan)** to examine its validity. Many other criminal cases also fail to proceed beyond the investigation stage, often without receiving the same level of attention.

CONCLUSION

The use of fake diplomas is a form of criminal offense in the educational environment, potentially committed by educators, students, educational staff, or other parties seeking personal gain at the expense of the integrity of education—an institution crucial to nation character building. The growing prevalence of such crimes is a reflection of declining public morality and ethics, although the advancement of science and technology also plays a significant role in enabling these offenses. One clear example is the recent increase in diploma forgery cases.

The termination of the investigation into the alleged forgery of President Jokowi's diploma, under Article 263 of the KUHP, by Bareskrim, is viewed as a potential abuse of procedural law. Given the structure and actions taken during the inquiry, these were effectively part of a criminal investigation, and not just preliminary steps.

This raises concern over potential misuse of investigative mechanisms, with what amounts to an SP3 (Order to Terminate Investigation) being issued under a different guise. As such, the case may rightfully become the subject of a pretrial motion (pretrial) to assess its legal validity.

Although many criminal cases never proceed to the investigation stage, they typically do not involve public figures as prominent as those in this alleged fake diploma case. Therefore, they often do not go viral or receive widespread media coverage in print or electronic news, unlike the ongoing attention this case has attracted.

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