

Criminal Liability for Forgery of Meningitis Vaccine Quarantine Documents for Umrah-Hajj Travelers from the Perspective of the Criminal Code and Health Law

J. Sembiring

Magister of Law, Universitas Widyagama

Corresponding Author: julfibiring@gmail.com

ABSTRACT

The Hajj and Umrah pilgrimages are spiritual obligations for Muslims that require not only physical and financial readiness, but also compliance with legal regulations, including international health aspects. The COVID-19 pandemic has led to the implementation of strict regulations, including vaccination requirements and quarantine documents for pilgrims. The issuance of health quarantine documents is not immune to criminal acts involving the forgery of such documents to facilitate the departure process, whether physically or electronically. The forgery of quarantine documents has serious implications under Indonesian criminal law, particularly regarding public health protection. This paper aims to analyze the forms of criminal liability for perpetrators of quarantine document forgery in the context of Hajj and Umrah travel, as well as to examine future policies on criminal sanctions. The research method used is normative legal analysis with a legislative and conceptual approach, analyzed through a literature review of primary, secondary, and tertiary legal sources. The research findings indicate that the forgery of quarantine documents constitutes a criminal offense regulated under Article 263 of the Criminal Code, Article 391 of the New Criminal Code, and Article 444 of the Health Law. Criminal punishment for perpetrators is not only repressive but also serves a preventive function to safeguard the collective safety of the international community. Criminal liability may be imposed on the principal perpetrator and accomplices, with an emphasis on the element of intent as a violation of the fundamental values of human rights in the field of health

Keywords:

Quarantine Documents, Criminal Liability, Forgery

INTRODUCTION

Hajj and Umrah are forms of spiritual worship performed by Muslims by traveling to the holy land, also known as the House of God. In their implementation, both forms of worship follow certain requirements, including conditions, pillars, and specific times. Hajj itself is one of the pillars of Islam that must be performed by Muslims who are physically and financially capable, and can only be performed during the month of Zulhijah. The ability here includes having sufficient provisions for oneself and one's family during the performance of the Hajj. Meanwhile, the Umrah can be performed at any time throughout the year, except during the month of Zulhijah. The obligation to perform Hajj and Umrah applies to every Muslim who meets the requirements, such as being of sound mind and having the ability (Noor, 2018; Stiawan & Yarmunida, 2019).

The performance of Hajj and Umrah is regulated by Law No. 8 of 2019 on the Performance of Hajj and Umrah. This regulation stipulates that the responsibility for organizing regular Hajj lies with the government, specifically coordinated by the Minister of Religion (Zaki Attirmidzi & Rizka, 2022). Meanwhile, the special Hajj is conducted by the Special Hajj Pilgrimage Organizer, which is a travel agency that has obtained permission from the Minister to provide special Hajj pilgrimage services.

However, the implementation of Hajj and Umrah pilgrimages was once suspended due to the outbreak of Coronavirus Disease 19 (Covid-19) that spread throughout the world, with Indonesia also being greatly affected by this outbreak (Zulfila, 2022).

Since the outbreak of Covid-19 worldwide, including in Indonesia, the government has been striving to prevent the spread of the pandemic through vaccination. Not only Indonesia, but several countries have implemented vaccination as a measure to limit the spread of the Covid-19 pandemic, one of which is Saudi Arabia (Hoang et al., 2020). As a country visited by millions of people worldwide each year for the Hajj and Umrah pilgrimages, as well as all travellers entering the Kingdom of Saudi Arabia, vaccination against Meningococcal Meningitis is mandatory to prevent transmission, with proof of an International Certificate of Vaccination (ICV).

Meningitis itself is an inflammation of the protective membranes surrounding the brain and spinal cord that can lead to serious complications and even death if not treated promptly (Arif et al., 2017; Husada et al., 2016). Saudi Arabia is an endemic region for meningitis, primarily due to climatic conditions, high population mobility, and the dense crowds of pilgrims during the Hajj and Umrah seasons, which pose significant transmission risks. Therefore, the implementation of meningitis vaccination as an official entry requirement is a crucial preventive measure to reduce the risk of epidemics and protect the health of pilgrims and the local community (Suryanto & Musrichan, 2012).

The obligation for Hajj and Umrah pilgrims to receive meningitis vaccination is a form of collaboration in the control of transnational infectious diseases. Since pilgrims come from various countries with different immunization backgrounds, the implementation of uniform vaccination standards is an effective tool to prevent the spread of diseases that could have widespread impacts beyond the borders of Saudi Arabia (Hoang et al., 2020). The meningitis vaccination requirement for pilgrims is not only aimed at protecting individuals from the risk of infection but also at maintaining collective health stability during the massive and scheduled religious activities. With proof of vaccination through the ICV, every individual entering Saudi Arabia is assured of basic protection against meningitis infection, thereby minimizing the potential for clusters or outbreaks (Budiawan & Afrianto, 2020; Goni et al., 2019).

In addition to the ICV as proof of international travel for Hajj and Umrah pilgrims, there are several documents that prospective pilgrims must prepare, including quarantine documents. Quarantine documents are health certificates held by every mode of transport, person, and item that meets national and international requirements. In essence, every mode of transport, person, and/or item arriving from or departing to another country, or arriving from or departing to an endemic or affected area/country, must be accompanied by a Health Quarantine Document (UU Nomor 17 Tahun 2023, 2023).

This Health Quarantine Document serves as proof that the subject concerned has undergone supervision and control by the quarantine authorities and has been declared safe and not a carrier of diseases that endanger public health, both nationally and internationally. Health Quarantine Documents come in various forms, depending on the object being monitored. For individuals, these documents may include an international vaccination certificate, a certificate of permission to transport sick persons by ship, aircraft, or land vehicle, an airworthiness certificate for aircraft, and a seaworthiness certificate for ships (Pemerintah RI, 2023).

Quarantine documents, particularly for individuals and/or pilgrims undertaking the umrah or hajj, are essential instruments regulating health requirements for pilgrims departing for or returning from religious journeys to the Holy Land. These documents typically include various provisions aimed at ensuring the health of pilgrims is maintained and preventing the potential spread of infectious diseases (Kesehatan & Indonesia, 2022).

One of the main aspects of these quarantine documents is the vaccination requirement. Pilgrims intending to perform umrah or hajj are required to receive certain vaccinations in accordance with applicable regulations. In addition to vaccination, quarantine documents also include provisions regarding health examinations. Before departure, pilgrims are usually required to undergo a series of health tests to ensure that they are in a condition suitable for long-distance travel and performing the physically demanding pilgrimage (Galappaththi et al., 2023; Kasi et al., 2022). These examinations may include general health tests, laboratory tests, and screenings for infectious diseases that could potentially spread during the journey. The document may also include recommendations for pilgrims with comorbidities to receive medical assistance during the pilgrimage.

Provisions regarding quarantine procedures are also an integral part of this document. Quarantine may be imposed either before departure or after return, depending on the epidemiological conditions in the country of origin. If cases of infectious diseases are found among pilgrims, isolation and medical treatment procedures will be implemented in accordance with applicable health protocols. This is aimed at protecting other pilgrims and preventing the spread of disease to the wider community (Lim et al., 2021; Webster et al., 2020).

In its development, individuals seeking to obtain quarantine documents must undergo surveillance and/or mitigation measures. The implementation of surveillance and mitigation measures has led some individuals to disregard and fail to comply with the policies governing the issuance of quarantine documents, prompting them to consider forging quarantine documents (Hanang, 2005; Infectious Disease Society of America, 2020; Soejoedi, 2005).

Falsifying quarantine documents is a criminal offense, as stipulated in Article 444 of Law No. 17 of 2023 on Health (Health Law) (Ewuoso, 2024), which states that "Any person who forges a Health Quarantine Document or uses a Health Quarantine Document as referred to in Article 366, whose contents are false or forged, shall be punished with imprisonment for a maximum of 5 (five) years or a fine of up to Rp.500,000,000.00 (five hundred million rupiah). In addition to imprisonment, the issuance of quarantine documents obtained unlawfully may be revoked by the authorized official at the ministry responsible for health affairs.

Furthermore, in the Criminal Code (KUHP), the criminal offense of forgery of documents is stipulated in Article 263 of the KUHP (Agum & Hariyad, 2023; I Kadek Suar Putra Dana et al., 2021), which states:

1. Any person who creates a false document or falsifies a document that may give rise to a right, obligation, or debt relief, or that is intended as evidence of a matter, with the intent to use or cause another person to use such document as if its contents were true and not falsified, shall be punished, if such use may cause loss, for document falsification, with imprisonment for a maximum of six years.

2. Any person who knowingly uses a forged document or a document that has been altered as if it were genuine, if such use could cause harm, shall be subject to the same penalty.

Meanwhile, in the new Criminal Code that will come into effect in 2026, namely Law No. 1 of 2023, the provisions are contained in Article 391, which states:

1. Any person who falsely creates or forges a document that may give rise to a right, obligation, or discharge of debt, or that is intended as evidence of a matter, with the intent to use or cause others to use it as if its contents were true and not forged, if the use of such a document could cause harm, shall be punished for forgery of a document, with imprisonment for a maximum of 6 (six) years or a fine of up to Category VI.

2. Any person who uses a document whose contents are false or forged, as if they were true or not forged, if the use of such document could cause harm, shall be punished with the same penalty as in paragraph (1).

The forgery of quarantine documents is not only possible in physical form but also in electronic form, as the issuance of health quarantine documents can be done electronically (Zahra, 2022a). Electronic forgery is regulated under Article 35 of the Law No. 11 of 2008 on Information and Electronic Transactions (ITE Law), which states: "Any person who intentionally and without authorization or contrary to the law manipulates, creates, alters, deletes, or damages Electronic Information and/or Electronic Documents with the aim of making such Electronic Information and/or Electronic Documents appear to be authentic data."

The criminal offense of forging quarantine documents is not merely an individual act but often involves syndicates or networks that abuse authority and exploit oversight loopholes within the health and immigration bureaucratic systems. Therefore, a thorough legal analysis is necessary to determine how criminal liability for forging quarantine documents can be enforced in a proportional and fair manner. Therefore, criminal liability for the forgery of quarantine documents not only serves as a form of law enforcement but also as a preventive instrument against potential outbreaks that may arise from administrative negligence or abuse of authority (Berutu et al., 2023a).

From the background description above, there are several issues, including: First, what is the form of criminal liability for perpetrators of quarantine document falsification in the context of Umrah and Hajj travel according to the Criminal Code and Health Law? Second, what will be the policy on criminal sanctions for perpetrators of quarantine document falsification in Umrah and Hajj travel in the future?

The purpose of this study is to determine the form of criminal liability for perpetrators of quarantine document forgery in the context of umrah-hajj travel according to the Criminal Code (KUHP) and the Health Law, as well as to identify and analyze the policy on criminal sanctions for perpetrators of quarantine document forgery in umrah-hajj travel in the future.

METHOD

The type of research in this paper is normative legal research. Meanwhile, the types of approaches used in this research are the legislative approach and the conceptual approach. The sources of legal materials are primary legal materials, secondary legal materials, and tertiary legal materials. The analysis of legal materials is conducted through literature review activities, followed by a study related to the

theory and research topic. In seeking theory, the researcher will gather as much information as possible from relevant literature to address the legal issues central to this research, and ultimately draw conclusions (Absor & Mubarrak, 2024).

RESULTS AND DISCUSSION

1. The Philosophical Basis of Criminal Sanctions Against Perpetrators of Umrah-Hajj Travel Quarantine Document Forgery

Criminal policy is part of criminal policy and an integral part of social policy. According to Marc Ancel, criminal policy is the rational organization of the control of crime by society. Sudarto also defines criminal policy as a rational effort by society to combat crime. G.P. Hoefnagels defines criminal policy as the rational organization of social reaction to crime. In addition to this definition, Hoefnagels also presents various other illustrative definitions of criminal policy (Asis & Lewerissa, 2023; Prabowo, 2024), namely:

- a. Criminal policy is the science of responses;
- b. Criminal policy is the science of crime prevention;
- c. Criminal policy is a policy of designating human behavior as crime;
- d. Criminal policy is a rational total of the responses to crime.

Free translation:

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In Marc Ancel's view, criminal policy encompasses the use of criminal law (penal policy) and non-criminal law (non-penal policy) measures. In the context of criminal policy (penal policy) according to Marc Ancel: "Both a science and an art, of which the practical purposes, ultimately, are to enable the positive rules to be better formulated and to guide not only the legislator who has to draft criminal statutes, but the court by which they are applied and the prison administration which gives practical effect to the court's decision" (Kenedi & Info, n.d.-a). Free translation: Both as a science and an art, its practical purposes, ultimately, are to enable the positive rules to be better formulated and to guide not only the legislator who must draft criminal statutes, but also the court that applies them and the prison administration that implements the court's decisions in practice (Kenedi & Info, n.d.-b; Soemarto, 2018).

The policy of imposing criminal sanctions on perpetrators of quarantine document forgery in the context of Umrah and Hajj pilgrimages has a philosophical basis rooted in the protection of fundamental values in national and state life (Deu, 2024a; Ni Made Noviana Wulandari & I Ketut Kasta Arya Wijaya, 2024). One of the primary values serving as a foundation is the protection of the right to public health as part of human rights guaranteed under Article 28H(1) of the 1945 Constitution of the Republic of Indonesia. The forgery of quarantine documents, such as vaccination certificates, PCR test results, or similar documents related to the health status of pilgrims, is an act that has the potential to endanger public safety, given that the performance of umrah and hajj involves the movement of large numbers of people across national and regional borders (Budiyanto, 2024a; Kenedi & Info, n.d.-a).

Philosophically, the regulation of criminal sanctions in this case aims to uphold the values of justice and utility in a balanced manner. The value of justice demands

that perpetrators who intentionally violate quarantine regulations and disrupt public order through document forgery be held criminally liable in a proportionate manner (Budiyanto, 2024b). This aligns with the principle of *nulla poena sine lege*, meaning there is no punishment without clear legal regulations, and the principle of *culpa poena par esto*, meaning the punishment must be commensurate with the offense. On the other hand, the value of utility is realized through the protection of the general public from the threat of infectious disease transmission, particularly in the context of a global pandemic and travel to Saudi Arabia, which has strict health regulations.

Another philosophical foundation stems from the principle of “*salus populi suprema lex esto*,” meaning the safety of the people is the supreme law. This principle emphasizes that the state has an obligation to formulate preventive and repressive criminal policies in order to protect the public interest (Gunrahti Yuni, n.d.). The falsification of quarantine documents is not merely an administrative violation, but also contains elements that threaten the collective safety of human life, and therefore, the state has the right to use criminal law instruments as a last resort to ensure social order (Busroh & Khairo, 2022).

Moral and ethical values also form the philosophical foundation of this policy. Forgery of documents in a religious context, such as umrah and hajj, reflects dishonest behavior that contradicts the religious values and moral integrity that should be upheld by every individual who wishes to perform worship (Pulhehe & Robandi, 2024). Thus, the philosophical basis for the policy of imposing criminal sanctions on perpetrators of quarantine document forgery in the context of umrah and hajj travel is not only grounded in the normative interests of the state but also reflects the protection of collective societal rights, respect for religious and moral values, and the fulfillment of the principle of social justice, which is the primary objective of criminal law itself.

2. Criminal Liability for Perpetrators of Quarantine Document Forgery in the Context of Umrah and Hajj Travel According to the Criminal Code and Health Law

Quarantine documents, which in this case fall under the category of official letters or records, are protected by criminal law in terms of their authenticity. Forgery (vervalsing) of documents is defined as the intentional act of altering, replacing, or deleting part or all of the actual content of a document, thereby creating the impression that the document is valid and genuine. Pursuant to Article 263(1) of the Criminal Code, a person may be criminally liable if they intentionally create a forged document or alter a document that could establish a right, obligation, or debt relief, or that is intended as evidence of something, with the intent to use or cause others to use the document as if its contents were true and not forged. Therefore, not only the perpetrator who directly creates or forges quarantine documents may be held criminally liable, but also parties who knowingly request the creation of such documents unlawfully, including patients or pilgrims, may also be prosecuted (Hansanontha, n.d.-a; “The Law Enforcement for Fraudulent Actors of Hajj and Umrah Tour Bureaus Saifurahman *,” 2023).

Furthermore, Article 263(2) of the Criminal Code states that the use of a forged or falsified document constitutes a criminal offense because it can cause harm to others, both materially and immaterially. The forgery of quarantine documents in the context of umrah and hajj pilgrimage can be positioned as a violation of the principles

of administrative integrity and public health protection. The forgery of quarantine documents is not merely a formal violation of the validity of the documents but also poses a serious risk to collective safety, particularly in the post-pandemic period or in situations of infectious disease outbreaks. Therefore, both the formal and material elements of the offense may be satisfied if the act of forgery is proven to have been committed and poses a potential loss or threat to the legal interests protected (Zahra, 2022b).

Within the framework of criminal law, this act not only fulfills the elements of Article 263 of the Criminal Code but can also be linked to the principle of *dolus* (intent), as understood in general criminal law doctrine. The element of intent can be interpreted from the perpetrator's actions, who consciously and deliberately forged or used forged documents to obtain access or facilities for travel abroad in the name of religious pilgrimage. Thus, criminal liability can be imposed not only on those who create or forge documents but also on those who knowingly and intentionally use such documents for personal gain, even if they were not directly involved in the forgery process (Manurung et al., n.d.; Pratika et al., n.d.; Tedy Subrata et al., 2025a).

From the perspective of criminal liability theory, perpetrators can be charged as direct perpetrators (*pleger*), accomplices (*medeplichtige*), or even instigators (*uitlokker*), depending on their role and the intensity of their involvement in the commission of the criminal act. This is in accordance with the principles in Articles 55 and 56 of the Criminal Code regarding participation in criminal acts. (Berutu et al., 2023b; Deu, 2024b) Therefore, the enforcement of criminal law against the crime of forging quarantine documents must consider not only who created the forged documents but also who ordered, assisted, or knowingly used them, as all parties contributing to the commission of the criminal act may be held criminally liable according to their respective roles (Tedy Subrata et al., 2025b).

The falsification of quarantine documents in the context of *umrah* and *hajj* pilgrimages is not only a violation of the general provisions of the Criminal Code, but also a criminal offense specifically regulated in the *lex specialis* provisions as stipulated in Article 444 of the Health Law. Under these provisions, it is explicitly stated that anyone who forges or uses health quarantine documents containing false information or forged documents, as referred to in Article 366, may be subject to criminal penalties, including imprisonment for a maximum of five years or a fine of up to five hundred million rupiah (Hansanontha, n.d.-b; Tedy Subrata et al., 2025c).

This norm demonstrates stronger and more specific legal protection against the misuse of quarantine documents, which are an integral part of the system for controlling infectious diseases and protecting public health. Therefore, Article 444 of the Health Law functions as *lex specialis derogat legi generali* to the general provisions of the Criminal Code, particularly Article 263, when the forgery of such documents specifically concerns health quarantine documents. This means that in cases of overlap between two criminal law provisions—the Criminal Code and the Health Law—the provisions of the Health Law, as the special law, must take precedence in application.

In addition to criminal sanctions, the Health Law also grants administrative authority to authorized health officials to invalidate quarantine documents obtained unlawfully (Made et al., n.d.-a). This reflects a dual approach to law enforcement, through both criminal and administrative mechanisms, to deter such actions and

maintain the integrity of the national health system. Therefore, any perpetrator of quarantine document forgery, whether an individual who forges, uses, or facilitates its acquisition, may be subject to criminal liability under this *lex specialis* provision, without precluding the application of administrative law as a remedial and preventive oversight measure (Rizkiana & Gerry, 2022).

The form of criminal liability under the Health Law is more specific because it no longer emphasizes the proof of motive but directly focuses on the form of the act and its consequences, namely the manipulation or use of documents that can endanger public health. The Health Law also expands the scope of legal entities that can be held liable. In this context, it is not only natural persons but also legal entities (corporate criminal liability) that can be held liable if the criminal act is committed within the context of a healthcare institution or travel agency that systematically facilitates the issuance of forged documents. This aligns with the development of corporate criminal liability in modern criminal law, where corporations may be held liable if it is proven that they knew about and/or allowed the criminal act to occur within the scope of their responsibility (Widiyanto, 2024).

The fundamental difference between the Criminal Code and the Health Law lies in their regulatory approaches and regulatory objectives (Widiyanto, 2024). The Criminal Code is general in nature and emphasizes the formal and material elements of criminal acts. Meanwhile, the Health Law focuses more on protecting public health and preventing the spread of infectious diseases, so that criminal liability is preventive-repressive in nature, directly targeting actions that could threaten the public interest (Kabanga et al., 2025; Made et al., n.d.-b).

Thus, in the case of forgery of quarantine documents for umrah and hajj travel, the form of criminal liability applied can be cumulative. The perpetrator may be subject to sanctions under both the Criminal Code and the Health Law, considering the principle of *lex specialis derogat legi generali*, where the specific provisions of the Health Law must take precedence over the general provisions of the Criminal Code (Sulistyawati et al., 2024). The enforcement of law against such criminal acts must consider two important aspects: first, the principle of justice, which demands individual accountability based on their role and intent; second, the principle of collective protection, where public health security must be prioritized through the strict application of law against perpetrators of health document forgery.

CONCLUSION

This study examines the impact of globalization on Indonesian national identity, particularly in the context of culture and the values of Pancasila. Globalization has had a significant impact, both positive and negative, on the lives of Indonesian people, particularly in cultural aspects. The influx of foreign cultures through technology and social media threatens the existence of local cultures, which can affect national identity. The biggest challenge is how to maintain traditional values amid rapid change, where the younger generation is more attracted to more popular foreign cultures. This has the potential to reduce the application of Pancasila values in everyday life.

Pancasila education plays a crucial role in strengthening national identity amidst globalization. As the ideological foundation of the state, Pancasila provides a strong moral and social foundation for fostering togetherness, solidarity, and social

justice in Indonesia's diverse society. Pancasila education in higher education is expected to instill the values of multiculturalism, tolerance, and a spirit of unity in diversity, enabling the younger generation to understand and appreciate the importance of a strong national identity. Therefore, Pancasila education must continue to be developed as a means of strengthening national identity amid the increasingly complex challenges of globalization.

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