



Law Enforcement of Paper Rupiah Mutilation Practice from the Perspective of Currency Law and *Jarimah Ta'zir*

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Abstract

Research Objective: This study examines law enforcement measures against rupiah bill mutilation by Bank Indonesia's Malang office, analyzing legal frameworks and enforcement strategies. **Research Methodology:** The study uses an empirical juridical approach with sociology of law emphasis. Data was collected through interviews, documentation analysis, and literature review. **Results:** Bank Indonesia Malang implements public education, awareness initiatives, formal warnings, and inter-agency collaboration to address currency mutilation. **Findings and Implications:** Currency mutilation violates Law No. 7/2011 on Currency and Islamic law principles. Offenders face imprisonment, fines, and other sanctions reflecting the economic significance of currency protection. **Conclusion:** Indonesia maintains a comprehensive legal framework against currency mutilation. Bank Indonesia Malang actively enforces these regulations through preventive and punitive measures within national and Islamic legal structures. **Contribution:** This research documents practical enforcement strategies, examines regulatory implementation at regional levels, highlights Islamic legal principles integration, and provides reference for comparative studies. **Limitations and Suggestions:** Geographic focus on Malang limits generalization. Future research should compare multiple regions, measure awareness campaign effectiveness, explore technological solutions, examine cross-jurisdictional enforcement, and assess public compliance with currency protection regulations.

Introduction

Money plays a crucial role as legal tender for goods and services and for settling debts. To meet the demand for money, the government, through the central bank, has the authority to create money. It's important to maintain the amount of money in circulation to ensure the stability of its value. Bank Indonesia, as the central bank, has the exclusive right to print and circulate money.¹

Bank Indonesia reported that the number of counterfeit notes in circulation in Indonesia

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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 Journal of Legal Science* 2, no. 1 (April 20, 2021): 60, <https://doi.org/10.33387/dejure.v2i1.2955>.

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%.² 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 which can be used by certain people who have special skills.

According to detik.com, there has been a viral video circulating on social media showing mutilated Rp.100,000 (one hundred thousand rupiah) bills with different serial numbers on both sides.³ The video shows original rupiah bills being tampered with by connecting them to counterfeit money. As a result, Bank Indonesia, the central bank responsible for currency issuance, has issued a public advisory through a video posted on its official Instagram account. The video aims to educate the public about the issue. According to the findings of the Diskominfo SP Tuban Hoax Clinic team, the warning in the video regarding the circulation of mutilated or partially counterfeit rupiah bills is indeed true.⁴

The act of defacing paper currency is closely linked to the illegal activities of counterfeiting and currency destruction. However, law enforcement efforts to combat these crimes are currently inadequate. This is evident in the limited progress made by police investigations into counterfeiting operations. Gathering substantial evidence and identifying suspects prove to be extremely challenging tasks. Counterfeiting activities are often organized and conducted by individuals with financial resources, education, and prominent social standing.⁵

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 1.000 whips to the perpetrators of the forgery which amounted to 100 people, so Hisham bin Abdul Malik punished everyone al-habbah (grain) with 100.000 whips. 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'zīr*.⁶

Ta'zīr refers to the punishment or sanctions determined by the ruler or judge as a form of teaching lessons and efforts to prevent the convicted individual from engaging in criminal acts (*jarimah*), to deter them.⁷ This type of penalty is not explicitly regulated in the Qur'an and hadith,

² Vitto Andhika Putra dkk., "Perkembangan Hukum Menanggapi Ancaman Perkembangan Teknologi Pada Pembuatan dan Peredaran Rupiah Palsu di Indonesia," *Lemhannas RI Journal* 10, no. 3 (October 9, 2022): 199, <https://doi.org/10.55960/jlri.v10i3.297>.

³ Retno Ayuningrum, "Awat Uang Mutilasi Beredar! Ini Tips Agar Tak Tertipu," *detikjatim*, accessed February 5, 2024, <https://www.detik.com/jatim/bisnis/d-6921672/awat-uang-mutilasi-beredar-ini-tips-agar-tak-tertipu>.

⁴ Admin, "Fakta: Beredar Imbauan Mengenai Fenomena Uang Rupiah Mutilasi," *DISKOMINFOSP*, accessed February 5, 2024, <https://diskominfo.tubankab.go.id/entry/fakta-beredar-imbauan-mengenai-fenomena-uang-rupiah-mutilasi>.

⁵ H. M. Ikhwan Rays, H. M. Ikhwan Rays, "Kajian Normatif Terhadap Kejahatan Pemalsuan Uang di Indonesia," *Yustisiabel Journal* 3, no. 1 (April 30, 2019): 28, <https://doi.org/10.32529/yustisiabel.v3i1.292>.

⁶ Ahmad Hasan, *Mata Uang Islami: telaah komprehensif sistem keuangan Islami* (Jakarta: PT RajaGrafindo Persada, 2005), 37.

⁷ H. A. Djazuli, *Fiqh Jinayah: upaya menanggulangi kejahatan dalam Islam* (Jakarta: PT RajaGrafindo Persada, 1996), 161.



⁸ resulting in a broad and even unlimited scope of the rights of Allah SWT and human rights. Unlike hudud crimes (crimes with fixed punishments) and crimes of murder and wounding, *ta'zīr* pertains to all forms of immoral acts committed outside these categories.⁹ When deciding on the type and severity of *ta'zīr* sanctions, careful consideration of religious texts is essential due to their impact on the public interest.¹⁰

Jarīmah ta'zīr, namely all types of legal sanctions imposed by government authorities in an agency or country. There are two types of *jarīmah ta'zīr*, namely: a) *Jarīmah ta'zīr* 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; and b) *Jarīmah ta'zīr* 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.¹¹

This study examines the issue of currency damage and counterfeiting, focusing on the practice of mutilating paper rupiah bills. Previous research with similar research objects and theories can serve as a reference for this study. One such study is Kurnia Alfiana Maghfiroh's 2018 thesis titled "Criminal Counterfeiting of Money (Comparative Study According to Law Number 7 of 2011 concerning Currency and Islamic Criminal Law)." This thesis compares the similarities and differences in sanctions imposed by Law Number 7 of 2011 and Islamic criminal law. Both sanctions contain elements of *maqāṣid sharia* in the form of *ḥifẓ al-māl*. However, the difference lies in the initial purpose of the enforcement of the two sanctions: Law Number 7 of 2011 is enforced by the theory of punishment in positive law, which contains absolute, relative, and combined theories, while in Islamic criminal law, *ta'zīr* sanctions are imposed with the intention of educating the perpetrators of counterfeiting money.¹²

In 2023, Panca Gunawan Harefa, Idham, and Erniyanti published a research paper titled "Legal Theory Analysis of the Enforcement of the Crime of Money Counterfeiting" in a scientific journal of law and human rights. The paper discusses the legal regulation of counterfeiting money and law enforcement. It concludes that current law enforcement against counterfeiting money is not optimal, leading to the perception of this crime as less serious. The authors also note a paradigm shift in the perception of currency, considering money not just a means of payment, but also a political and economic tool.¹³

In 2021, Efrita Amalia Assa, Johnny Lembong, and Harly Stanly Muaja wrote a journal on the prohibition for corporations regarding counterfeiting the rupiah currency according to Law Number 7 of 2011, and the criminal sanctions against corporations for this offense. The study found that in addition to prohibiting the counterfeiting of rupiah, it is also prohibited to physically store, circulate, and/or spend known counterfeit rupiah. Sanctions against corporations for this

⁸ Muhammad Nurul Irfan, *Hukum Pidana Islam*, Cetakan pertama (Jakarta: Penerbit Amzah, 2016), 29.

⁹ Muhammad Abu Zahrah, *al-Jarīmah Wa al-'Uqubah Fi al-Fiqh al-Islami* (al-Qahirah: Dar al-Fikr al-'Arabi, 2013), 47.

¹⁰ H. Abdul Azis Dahlan, *Ensiklopedi Hukum Islam*, Cet. 6 (Jakarta: Ichtiar Baru Van Hoeve, 2003), 48.

¹¹ Muhammad Nurul Irfan, *Hukum Pidana Islam*, 94.

¹² 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)

¹³ Panca Gunawan Harefa, Idham, and 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>.

crime include fines and potential confiscation of their property.¹⁴

In 2019, Rendy Kusrahmanda and Achmad Sulchan published a legal science journal discussing the criminal offense of counterfeiting rupiah banknotes in Semarang City. They explored how this crime is regulated in the Indonesian Criminal Code and Law Number 7 of 2011 on Currency. The researchers also analyzed a specific legal case where a defendant was convicted of counterfeiting money and sentenced to 1 year and 6 months in prison, along with a fine of Rp. 60,000,000.¹⁵

Fifth, a legal journal by Hendra Aringking written in 2015 with the title Counterfeiting Rupiah as a Criminal Offense According to Law No. 7 of 2011 concerning Currency. The problems examined in the journal are the study explores the regulation of counterfeiting the Indonesian rupiah and its legal implications when combined with other crimes. It notes the rupiah's significance as a symbol of state sovereignty and discusses the evolving nature of currency, ranging from physical to digital forms, and its impact on criminal activities. Offenses related to physical counterfeiting are covered by specific laws, while digital currency offenses are connected to unauthorized computer access.¹⁶

The research explores the practice of mutilating paper rupiah notes, aiming to complement previous studies on crimes against the rupiah. It examines the enforcement efforts by Bank Indonesia and the perspective of Islamic law regarding this practice. The research also discusses the potential damage to the currency's image and the importance of Sharia economic law in relation to technological developments. Additionally, it delves into the legal arrangements in dealing with counterfeiting and destruction of rupiah money. The research aims to provide a holistic solution and contribute to protecting the integrity of the rupiah currency

Method

This research involves empirical juridical legal research, which combines elements from juridical and empirical methods. It uses a legal sociology approach to analyze social problems that manifest as legal issues.¹⁷ The study used primary data obtained through interviews with authorities at the Representative Office of Bank Indonesia Malang, as well as secondary data from legal materials, books, journals, and theses. Data collection techniques included interviews, documentation, and literature studies, and the analysis technique used was qualitative analysis.¹⁸

The research took place at the Representative Office of Bank Indonesia Malang in East Java. It focused on Bank Indonesia's efforts to stop the practice of mutilating paper rupiah money. The office was chosen due to its direct supervision over money flow in the Malang area. The study used non-random and purposive sampling techniques to select subjects involved in handling

¹⁴ 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>

¹⁵ Rendy Kusrahmanda and 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 (December 17, 2021): 164, <http://jurnal.unissula.ac.id/index.php/kimuh/article/view/8798>.

¹⁶ Hendra Aringking, "PEMALSUAN UANG RUPIAH SEBAGAI TINDAK PIDANA MENURUT UU NO. 7 TAHUN 2011 TENTANG MATA UANG," LEX CRIMEN 4, no. 6 (November 3, 2015): 96, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/9795>.

¹⁷ Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum* (CV. Mandar Maju, t.t.), 126–27.

¹⁸ Muri Yusuf, *Metode Penelitian Kuantitatif, Kualitatif & Penelitian Gabungan* (Prenada Media, 2016), 73.



crimes against the rupiah.¹⁹

Result And Discussion

Law Enforcement Efforts of Bank Indonesia Representative Office Malang Against the Practice of Paper Rupiah Mutilation

The Republic of Indonesia uses the "Rupiah" as its currency, which is printed by Bank Indonesia through a State-Owned Enterprise (BUMN).²⁰ Only Bank Indonesia is authorized to circulate the currency to the public. The Rupiah plays a crucial role in financial transactions and must be used for payments and other financial obligations.²¹ Due to its importance, there are efforts to prevent counterfeiting and circulation of counterfeit money. The government has established the Counterfeit Money Eradication Coordination Agency (Botasupal) to coordinate eradication efforts,²² involving various agencies like the National Intelligence Agency, the Indonesian National Police, the Attorney General's Office, the Ministry of Finance, and Bank Indonesia. The focus of this research is on Bank Indonesia and its role in combating counterfeit money in Indonesia.²³

"In order to support measures against counterfeit Indonesian currency (rupiah), Bank Indonesia may collaborate with the agency responsible for eradicating counterfeit rupiah, and other authorized agencies. Bank Indonesia, as a part of Botasupal, has specific duties and roles, which include: 1. Issuing, circulating, revoking, and withdrawing rupiah currency. 2. Verifying the authenticity of rupiah currency. 3. Providing information and knowledge about the authenticity of rupiah currency. 4. Establishing an information database system related to counterfeit rupiah notes. 5. Providing expert witnesses in cases involving counterfeit rupiah."²⁴

The advancement of technology has made counterfeiters and money tampering syndicates more skilled at finding new ways to commit their crimes. Recently, paper rupiah notes were mutilated in a viral case. To combat currency crimes, the government has formed the Counterfeit Money Eradication Coordination Agency (Botasupal), which includes members from various agencies, including Bank Indonesia. Bank Indonesia collaborates with law enforcement and other authorized agencies to address counterfeit currency issues and has representative offices in several cities for consistent oversight and services.²⁵

The Bank Indonesia Representative Office in Malang City is directly coordinated within the working area of the Bank Indonesia Representative Office in East Java Province. It covers Malang City and Regency, Batu City, Pasuruan City and Regency, and Probolinggo City and Regency.²⁶ The organizational structure of the Bank Indonesia Representative Office in Malang

¹⁹ Article 14 Paragraph 2 of Law Number 7 Year 2011 on Mata Currency.

²⁰ Article 21 Paragraph 1 of Law Number 7 Year 2011 on Mata Currency.

²¹ Burhan Ashshofa, *Metode penelitian hukum* (Jakarta: Rineka Cipta, 2004), 87.

²² Margamu Desy Putri Dewi, "FAKTOR PENYEBAB PENGEDARAN RUPIAH PALSU DI INDONESIA," *Jurnal Hukum Adigama* 4, no. 2 (Desember, 2021): 3792.

²³ Article 5 letter b of Regulation Presidential No 123/2012 on Body for Coordinating Eradication Rupiah Counterfeit.

²⁴ "BANK INDONESIA – Badan Koordinasi Pemberantasan Rupiah Palsu," accessed April 6, 2024, <https://botasupal.go.id/botasupal-bin/bank-indonesia/>.

²⁵ Margamu Desy Putri Dewi, "Faktor Penyebab Pengedaran Rupiah Palsu di Indonesia," 3792.

²⁶ Publishermp2, "Kepala Kantor Perwakilan Bank Indonesia Malang, Dikukuhkan Deputi Gubernur Senior Bank Indonesia," *Malang-Post.Com* (blog), March 6, 2024, accessed April 15 <https://malang->



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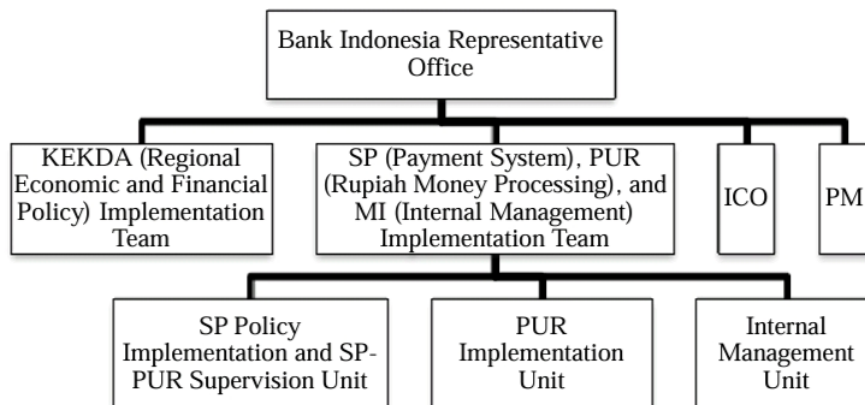


Chart 1. Organizational Structure



Picture 1. Mutilation Money



Picture 2. Rp.20.000 paper money connected or patched with Rp.2.000 paper money and vice versa²⁷

post.com/2024/03/06/kepala-kantor-perwakilan-bank-indonesia-malang-dikukuhkan-deputi-gubernur-senior-bank-indonesia/.

²⁷ 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>.



Picture 3. Example of mutilated money that has different serial numbers²⁸

According to Mr. Rizky Oktavia Privana, S.E., Assistant Supervisor at the Representative Office of Bank Indonesia in Malang, the issue of mutilating rupiah bills has been ongoing and has evolved over time. Originally discovered in bank lockers, the practice involves cutting and splicing together bills of different denominations with similar colors. This criminal act is now portrayed in a viral video as the latest style of practice, posing a risk to the currency itself and to those unfamiliar with the rupiah.²⁹

To avoid being fooled by damaged money, carefully check the serial number. Perpetrators mutilate money for economic gain, often targeting higher-value notes. Counterfeiters are adept at exploiting loopholes and targeting money that cannot be exchanged for new currency. This type of damaged money cannot be exchanged for legitimate currency and is considered illegal. Banks and financial institutions follow strict procedures to ensure the legitimacy of exchanged money. When replacing damaged paper rupiah notes, consider the following: 1. Notes larger than 2/3 of the original size and with authentic characteristics will be replaced under certain conditions. 2. Notes equal to or less than 2/3 of the original size will not be replaced.³⁰

The perpetrators are not ordinary individuals but organized white-collar criminals, experts in their field. They may operate within corporations, including Bank Indonesia and government offices. Sanctions for these crimes include severe penalties such as imprisonment, fines, and termination of employment. Court decisions consider various factors including the economic situation of the perpetrators, and leniency may be granted to poor offenders, reducing fines based on the severity of the crime. To maintain currency integrity, strict law enforcement is necessary. Bank Indonesia, including its Malang Representative Office, is actively involved in law enforcement efforts against currency counterfeiting and tampering, particularly mutilation of rupiah bills.³¹

The Representative Office of Bank Indonesia in Malang is responsible for enforcing Bank Indonesia's policies regarding the prevention of paper rupiah mutilation in the Malang area. This includes: 1. Verifying the authenticity of suspected counterfeit or mutilated rupiah to prevent its circulation in the area. 2. Educating the public about the authenticity of rupiah and ways to recognize counterfeit or mutilated currency through the "Love, Proud, and Understand Rupiah" campaign. 3. Establishing a database to record cases of counterfeit rupiah from various sources, including public reports, financial institutions, and internal research. 4. Disseminating information through various platforms such as radio, Instagram, YouTube, and Facebook to raise

²⁸ 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-setengahasli-setengah-palsu-kenali-cirinya>.

²⁹ Rizky Privana, Interview 1, (Malang, February 13, 2024).

³⁰ Article 24 Paragraph 3 Letter a of Regulation Bank Indonesia Number 21/10/PBI/2019 concerning Management Money Rupiah.

³¹ Rizky Privana, Interview 1, (Malang, February 13, 2024).

awareness about recognizing counterfeit rupiah. 5. Providing assistance to law enforcement authorities and courts by offering detailed explanations related to rupiah when needed.³²

In order to combat the mutilation of paper rupiah bills, Bank Indonesia's Representative Office in Malang employs both preventive and repressive measures. Preventive measures include disseminating information about the characteristics of mutilated rupiah bills through socialization and public service advertisements in mass media and on the official websites of Bank Indonesia Malang. Repressive measures involve law enforcement officials such as the Police and the Attorney General's Office.

The Practice of Paper Rupiah Mutilation According to Law No. 7/2011 on Currency and Jarimah ta'zīr

In today's globalized and technologically advanced world, the rupiah currency plays a crucial role in a country's economic system. However, the act of mutilating rupiah notes poses a significant challenge to the stability of the currency's value and public trust in the financial system. As a result, Law No. 7/2011 on Currency and the principles of Islamic law, specifically *jarimah ta'zīr*, are essential in enforcing laws to combat this practice.

The principle of protection (passive national) states that national interests must be safeguarded, allowing criminal laws to be applied to individuals engaged in activities that threaten the security and integrity of the state.³³ This applies to the currency issued by the Indonesian government, making the mutilation of rupiah notes a deliberate act (*dolus*) carried out for personal gain. *Dolus* refers to the intentional will to carry out an action, meaning that the action is premeditated and intended before it is executed.³⁴

The main law governing the enforcement against the mutilation of rupiah notes is Law No. 7/2011 on Currency. This law empowers authorities, including Bank Indonesia and law enforcement officials, to take action against those who mutilate rupiah currency. The practice of mutilation involves combining fake money with half of an original banknote. This is not only an attempt to counterfeit money, but it also damages the rupiah, which goes against Article 25 Paragraph 1 of Law No. 7/2011 on Currency. This article prohibits damaging, cutting, destroying, and/or changing the rupiah with the intention of degrading its honor as a symbol of the state. Mutilating the rupiah not only violates the law, but also disrupts the economic balance of the country. Violations of Article 25 Paragraph 1 will be punished in accordance with Article 35 Paragraph 1 of Law No. 7/2011 on Currency, which stipulates a maximum imprisonment of 5 years and a maximum fine of Rp. 1 billion.

The prohibition of tampering with rupiah bills is mandatory for everyone, and violations will result in sanctions or penalties as stated in Article 35 Paragraph 1. Actions considered damaging to rupiah currency include scribbling, tearing, folding, burning, wetting, intentionally tearing or cutting, changing the color, attaching additional materials, and making physical modifications to the banknotes. All of these actions constitute mutilation of rupiah banknotes, which damages the authenticity and integrity of the currency.

Worse still, the practice of mutilating rupiah banknotes not only violates the articles that ensnare the destruction of rupiah currency but this Counterfeiting the Indonesian rupiah currency and mutilating rupiah notes are serious crimes under Law Number 7 of 2011 concerning

³² Rizky Privana, Interview 2, (Malang, March 27, 2024).

³³ Citranu, "Asas Legalitas Sebagai Pondasi Hukum Pidana Perspektif Filsafat Hukum," *Belom Bahadat* 8, no. 1 (June 30, 2019): 5, <https://doi.org/10.33363/bb.v8i1.343>.

³⁴ Panca Gunawan Harefa, Idham, and Erniyanti, "Analisis Teori Hukum Terhadap Penegakan Tindak Pidana Pemalsuan Uang: Analisis Teori Hukum Positif dan Teori Hukum Responsif," *Scientific Journal of Law and Human Rights* 2, no. 2 (March 1, 2023): 115, <https://doi.org/10.35912/jihham.v2i2.1923>.



Currency. Violators can face a maximum imprisonment of 10 years and a maximum fine of Rp.10 billion. These laws aim to deter counterfeiting and mutilation of rupiah notes..³⁵

If someone cannot pay the fine for destroying or counterfeiting Indonesian rupiah notes, they could face imprisonment according to Law Number 7 of 2011 Concerning Currency. This practice is often carried out with the help of intermediaries and specific goals. If individuals involved are connected to law enforcement officials, they will face strict consequences. Additionally, if this practice leads to terrorism, money laundering, or economic disruption, the perpetrator will face a maximum of life imprisonment and a maximum fine of Rp. 100,000,000,000.

Here is a table summarizing the key legal provisions related to the practice of mutilating rupiah banknotes as per Law Number 7 of 2011:

Article	Provision	Details
Article 25 Paragraph 1	Prohibition on Damaging Currency	Prohibits damaging, cutting, destroying, or altering rupiah to degrade its honor as a state symbol.
Article 26 Paragraph 1	Prohibition on Counterfeiting	Prohibits counterfeiting the rupiah.
Article 35 Paragraph 1	Penalties for Damaging Currency	Maximum imprisonment of 5 years and a fine up to Rp.1.000.000.000 for damaging currency as per Article 25.
Article 36 Paragraph 1	Penalties for Counterfeiting	Maximum imprisonment of 10 years and a fine up to Rp.10.000.000.000 for counterfeiting as per Article 26.
Article 38 Paragraph 1	Penalties for State Officials	State officials involved in currency crimes face imprisonment plus an additional 1/3 of the fine.
Article 38 Paragraph 2	Organized Crime Penalties	Maximum imprisonment of life and a fine up to Rp.100.000.000.000 for organized crimes affecting the economy or linked to terrorism.
Article 40 Paragraph 1	Replacement of Fine with Imprisonment	If unable to pay fines, imprisonment is applied: each Rp.100.000.000 fine equates to 2 months of imprisonment.
Article 41 Paragraph 2	Classification of Currency Crimes	Crimes under Articles 35, 36, and 37 are classified as crimes.

This document highlights the legal framework and penalties for mutilating and counterfeiting rupiah banknotes, emphasizing the seriousness of these offenses and the comprehensive approach to enforcement. The provisions in Law No. 7/2011 on Currency aim to protect the integrity of the rupiah as the legal tender in Indonesia, reflecting the values of security, justice, and order in society. These rules are intended to help maintain the security and authenticity of the rupiah, reducing the risk of crimes and violations against the currency. From an Islamic perspective, mutilating rupiah notes is considered a form of crime, going against the laws set by Allah according to the Quran. The Quran often uses the term "*jarimah*" to indicate criminality, referring to the person who has committed a crime..³⁶

³⁵ Dewi, "Faktor Penyebab Pengedaran Rupiah Palsu di Indonesia," 96.

³⁶ Muzdalifah Muhammadun, "Konsep Kejahatan Dalam Al-Quran," *Diktum Law Journal*, no.1 (2011): 24.



According to Islamic criminal law (*fiqh jināyah*), the specific punishment for the crime of mutilating rupiah notes has not been clearly outlined in terms of whether it falls under had or *jarimah hudud* or *jarimah qisās*. As a result, this crime is considered *jarimah ta'zīr*, as it is prohibited by *shara'* but not explicitly addressed in the Quran in terms of punishment. The punishment for this offense falls under the jurisdiction of the ruler (judge) and is determined by the laws established by the ruler. In Islamic law, the purpose of this punishment is to serve as retribution for wrongful deeds, and to prevent and protect the rights of the victims, both generally and specifically.

Ta'zīr, derived from the word '*āzara-ya'ziru*, which etymologically means to reproach, reprimand, or prevent, is defined by Al-Mawardi as imposing sanctions on sins for which there are no hudud.³⁷ According to Wahbah Az-Zuhaili, *ta'zīr* is a punishment for acts not subject to hadd or kafarah punishment.³⁸

Based on this description, it is evident that the act of defacing rupiah notes is considered a *jarimah*, a crime for which the punishment has not been specifically outlined in *shara'*. Therefore, this act falls under the category of *ta'zīr*, where the punishment is left to the discretion of the judge, *qādi'*, leader, or ulil amri at the time the offense is committed. This practice emerged in later times, as it did not occur during the time of the prophet. It can be compared to counterfeiting and destroying currency.

In the case of *jarimah ta'zīr*, the Al-Quran and hadith do not provide detailed stipulations regarding the form of the *jarimah* or its punishment. The legal basis for the sentencing of those who commit *jarimah ta'zīr* is that *al-ta'zīr yadūru ma'a al-maṣlaḥah* (*ta'zīr* sanctions are based on considerations of benefit) while still upholding the principle of justice in society. According to Syarbini al-Khatib, the Quranic verse used as the foundation for *jarimah ta'zīr* is from Quran Surah al-Fath (48): 8-9, which states, "Indeed, we sent you (Muhammad) as a witness, a bearer of glad tidings and a warner, so that you all believe in Allah and His Messenger, strengthen religion, magnify Him, and praise Him morning and evening." The hadith supporting the existence of *jarimah ta'zīr* is a Prophetic Hadith narrated by Bahz Ibn Hakim, indicating that the Prophet detained a person suspected of this offense. *of committing a crime.*" (H.R. Abu Dawud, Turmudzi, Nasa'i, and Baihaqi, and authenticated by Hakim).

In general, *jarimah ta'zīr* is divided into 3 parts, namely: (1) *Ta'zīr* for committing immoral acts; (2) *Ta'zīr* for committing acts that endanger the public interest; (3) *Ta'zīr* for committing an offense (*mukhālafah*). In this case, the practice of mutilating rupiah notes can be classified in number 2. 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.³⁹

In *jarimah ta'zīr*, 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 authorities in this case provide *ta'zīr* 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 Quran rejects fraudulent practices in any form. Although there are no Quranic verses that specifically mention mutilated money or its approaches such as counterfeit money and

³⁷ Imam Al-Mawardi, *Al-Ahkam al-Sulthaniyah* (Jakarta: Darul Falah, 2006), 390.

³⁸ Wahbah Az-Zuhaili, *Fiqh Islam Wa Adillatuhu Volume 7* (Gema Insani Press, 2011), 245.

³⁹ Makhrus Munajat, *Hukum pidana Islam di Indonesia*, First Printing (Yogyakarta: Academic Affairs, UIN Sunan Kalijaga, 2008), 179.



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: “*And O my people, measure and weigh justly, and do not wrong people in their rights, and do not cause evil in the earth by doing corruption.*” The Hadith narrated by Muslim also explains the punishment for cheaters, which means: “*Abu Hurairah reported that the Prophet said: “He who deceives will not enter Paradise.”*”

There are various types of punishments in *ta’zīr*, but broadly speaking they can be classified into four groups, as follows: (1) *Ta’zīr* punishments that affect the body, such as the death penalty and flogging (*dera*). The Hanafi school allows *ta’zīr* sanctions with the death penalty on the condition that the act is committed repeatedly and will bring benefit to the community. The Maliki school and some Hanbali scholars also allow the death penalty as the highest *ta’zīr* sanction. Meanwhile, some Shafi’iyah jurists allow the death penalty as *ta’zīr* 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*. (2) Punishments related to one’s freedom, such as imprisonment and exile. (3) *Ta’zīr* punishments relating to property, such as fines, confiscation/seizure of property, and destruction of property. (3) Other punishments determined by the judge or *qadhi’* or leader or *ulil amri* for the sake of public interest.⁴⁰

Based on the explanation above, it can be classified as *ta’zīr* penalties applied by the government in Indonesia in dealing with the practice of mutilation of rupiah notes are penalties related to one’s freedom, namely imprisonment and also penalties related to property, namely fines. The Indonesian government also applies other sanctions in the form of additional punishment in the form of revocation of business license or confiscation of certain goods.

The purpose of these sanctions is to uphold justice, recover losses arising from violations, prevent the recurrence of similar acts in the future, and are expected to have a deterrent effect on the perpetrators. Thus, in law enforcement against the practice of mutilation of paper rupiah bills, *jarīmah ta’zīr* 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.

Conclusion

Based on the explanation described, conclusions can be drawn regarding “Law Enforcement of the Practice of Paper Rupiah Mutilation in the Perspective of Currency Law and *Jarīmah Ta’zīr*”, as follows: *First*, the Representative Office of Bank Indonesia Malang demonstrates a proactive and comprehensive approach in addressing issues related to counterfeit and mutilated rupiah banknotes. Their strategy encompasses multiple facets: (1) Authenticity Verification: The office actively verifies the authenticity of rupiah suspected of being counterfeit or mutilated. This measure aims to prevent the proliferation of such banknotes in the Malang area, thereby mitigating potential economic and reputational harm; (2) Public Education: Through the Love, Proud, and Understand Rupiah campaign, the office provides essential information about the rupiah and its authenticity. This educational effort includes guiding the public on how to identify counterfeit and mutilated banknotes, enhancing public awareness and self-protection; (3) Database Development: A robust database has been established, compiling information on counterfeit rupiah cases from diverse sources, including public reports, financial institution reports, and internal research. This database supports effective tracking and analysis of counterfeiting activities; (4) Public Awareness: The office consistently encourages the public to scrutinize serial numbers on rupiah bills using various communication platforms such as radio, Instagram, YouTube, and Facebook. This broad dissemination ensures that the public is well-informed and able to easily access information about rupiah security features; (5) Legal Cooperation: The office is open to collaborating with law enforcement agencies by providing

⁴⁰ Muhammad Nurul Irfan, *Hukum pidana Islam*, First printing (Jakarta: Penerbit Amzah, 2016), 36.



expert testimony or detailed explanations in court cases involving rupiah. This cooperation helps in enforcing the law and upholding the integrity of the currency. Overall, these efforts reflect a comprehensive and coordinated approach to combating counterfeiting and mutilation of rupiah, aiming to safeguard the currency's value and public trust.

Second, the practice of mutilating rupiah banknotes is addressed under Law Number 7 of 2011 concerning Currency, which provides a detailed legal framework: (1) Violation of Legal Provisions: Mutilation of rupiah violates Article 25 Paragraph 1, which prohibits damaging or altering the currency, and Article 26 Paragraph 1, which forbids counterfeiting. (2) Criminal Penalties: According to Article 35 Paragraph 1 and Article 36 Paragraph 1, those found guilty face significant penalties, including up to 5 years in prison and fines of up to Rp1 billion. If fines cannot be paid, Article 40 Paragraph 1 allows for imprisonment as a substitute. (3) Special Cases: Perpetrators from state apparatus are subject to increased penalties under Article 38 Paragraph 1, while those involved in organized criminal activities face even harsher sanctions under Article 38 Paragraph 2. *Jarimah ta'zīr* Perspective: In Islamic law (shara'), mutilation is categorized as *jarimah ta'zīr*, a discretionary offense with punishments not explicitly defined by shara'. The Indonesian government applies *ta'zīr* penalties, including imprisonment, fines, and additional sanctions like revoking business licenses or seizing property. This legal framework ensures both deterrence and accountability for those involved in mutilating or counterfeiting rupiah banknotes.

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 seek efforts to suppress the development of modes of counterfeiting and currency destruction. 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 an important 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 authorities 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.

CRediT Authorship Contribution Statement

Faishal Agil Al Munawar: Project Administration, Conceptualization, Methodology, Writing -original Draft, **Yuanggi Nur Wiria Tarita:** Supervision, Methodology, Writing - review & editing

Declaration of Competing Interest

The authors declare that they have no competing financial interests or personal relationships that could influence the work reported in this paper.

Data Availability

Data will be made available on request

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