



Analysis of *Onslag's* Verdict Against Perpetrators of Gender Identity Forgery

Article	Abstract
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Introduction

A person's legal identity is one of the fundamental elements in the modern legal system because it is the basis for the birth of various legal relationships, both in the realm of private law,

state administrative law, and criminal law.¹ In Indonesia's population administration system, a person's identity recorded in official state documents not only functions as an administrative instrument, but also becomes a representation of the legal status of individuals in society. Data regarding name, place of birth, and gender have broad juridical consequences because they relate to a person's legal capacity, marital relationship, inheritance rights, public services, and various other forms of legal recognition.² Therefore, changes to the elements of population identity, especially gender identity, are not just an administrative problem, but concern a change in the legal status of a person that has multidimensional consequences.³

From the perspective of population administration law, identity change is basically part of the public service mechanism as long as it is carried out through procedures determined by laws and regulations and supported by legally accountable reasons.⁴ However, the problem arises when the change in gender identity is seen not as a legitimate administrative action, but as a form of manipulation of the state's authentic data. This condition then has the potential to enter the criminal jurisdiction, especially if the change of identity is considered to meet the elements of forgery of letters as stipulated in Article 263 of the Criminal Code (KUHP). Thus, there is a fundamental problem regarding the boundary between identity change that has legal legitimacy and the act of identity forgery which is a criminal act.⁵

This problem becomes increasingly complex because Indonesia's positive law does not yet have specific and comprehensive regulations regarding the mechanism for changing gender identity. The void of these norms causes differences in legal construction in understanding the phenomenon of gender identity change.⁶ On the one hand, identity changes made based on medical considerations and through certain legal procedures can be seen as a form of protection for the individual's right to certainty of legal status. However, on the other hand, the change can be perceived as an act that contradicts the initial biological data and has the potential to give rise to allegations of false information in official state documents. This unclear normative boundary then opens up space for criminalization of individuals who change their gender identity.⁷

¹ Marnie Lloyd, "Legal Identity under Insurgencies and Unrecognised States: Interdisciplinary Approaches Pushing Us Back, Better-Equipped, to International Law?," *Citizenship Studies* 27, no. 7 (2023): hlm. 954-966, <https://doi.org/https://doi.org/10.1080/13621025.2024.2321724>.

² Zixuan Yang, "Providing Legal Identity for All: A Comparative Study of the Cross-Border Recognition of Personal Status in the European Union and Asian Regionalization," *Chinese Journal of Transnational Law* 2, no. 2 (2025): hlm. 246-269, <https://doi.org/https://doi.org/10.1177/2753412X251366461>.

³ Romesh Silva, Tawheeda Wahabzada, and Priscilla Idele, "Advancing Legal Identity, Gender Equity and Women's Empowerment via Inclusive Civil Registration and Vital Statistics Systems," *Statistical Journal of the IAOS* 41, no. 3 (2025): hlm. 613-632, <https://doi.org/https://doi.org/10.1177/18747655251368376>.

⁴ Debra Ladner, Erik G Jensen, and Samuel E Saunders, "A Critical Assessment of Legal Identity: What It Promises and What It Delivers," *Hague Journal on the Rule of Law* 6, no. 1 (2014): hlm. 47-74, <https://doi.org/https://doi.org/10.1017/S1876404513000043>.

⁵ Sidi Ahmed and Sidi Mohamed, "Identity Crime in the Digital Age: Malaysian and Mauritanian Legal Frameworks," *International Journal of Law, Government, and Communication* 4, no. 15 (2019): hlm. 154-165, <https://doi.org/DOI: 10.35631/ijlgc.4150016>.

⁶ Luke Dimitrios Spieker, "Pushing for Trans Rights: How the Court of Justice Can Turn the EU into a 'Freedom Zone' for Trans Citizens," *Common Market Law Review* 62, no. 5 (2025): hlm. 5, <https://doi.org/https://doi.org/10.54648/cola2025092>.

⁷ Ioannis Michos, Lia Figgou, and Aphrodite Baka, "Debating the Legal Recognition of Gender Identity in Parliamentary Discourse: Human Rights and Queer Politics," *Discourse & Society* 33, no. 4 (2022): hlm. 501-518, <https://doi.org/https://doi.org/10.1177/09579265221088129>.

This problem is reflected in the case examined by the South Jakarta District Court through Decision Number 583/Pid.B/2010/PN. Jkt.Sel which then continued at the cassation level through the Decision of the Supreme Court of the Republic of Indonesia Number 704 K/Pid/2011. The case is important because it shows the difference in legal construction between the public prosecutor, the court of first instance, and the Supreme Court in assessing a person's gender identity change. The Public Prosecutor postulated that the change of identity was a form of forgery of letters because the issued population documents were considered incompatible with the previous biological condition of the defendant. Based on this perspective, the change in identity data is seen as an action that meets the objective elements of Article 263 of the Criminal Code, namely the existence of documents that are suspected of containing incorrect information.

However, the Supreme Court in Decision No. 704 K/Pid/2011 took a different legal construction by stating that the defendant was released from all lawsuits (*onslag van alle rechtsvervolging*). The decision shows that the main issue in this case is not solely about whether or not there is a change in identity data, but about whether the change was made with the intention of committing fraud and fulfilling the elements of error in the criminal law. The Supreme Court considered that the change of identity was carried out through a process that had a medical and administrative basis, so it could not be automatically categorized as an act of forgery of letters. Thus, the onslag decision shows that there is an important boundary between administrative violations and criminal acts, where not every disagreement in information in state documents can be directly constructed as a crime of forgery.

The legal issues in the decision become even more interesting when analyzed through the principle of criminal responsibility. In criminal law, a person cannot be sentenced solely on the basis of an act that formally appears to meet the elements of an article, but there must be an error in the form of malicious intent (*mens rea*) or at least a form of intentionality or negligence that can be accounted for.⁸ Therefore, the core of the problem in this case lies in the question of whether the change of gender identity is a manipulative act aimed at misleading other parties, or is it a legal action carried out based on the objective conditions of a person and the available administrative mechanisms.

In addition to the perspective of national criminal law, the issue of gender identity change also has relevance to be studied through the perspective of Islamic criminal law. In fiqh jinayah, an act that contains elements of misleading or concealing facts that are detrimental to others can be categorized as a form of *tadlīs* (fraud) that falls within the territory of *jarimah ta'zīr*.⁹ However, Islamic law also recognizes the principle that criminal liability must be based on the existence of an element of fault and a person's ability to account for his actions.¹⁰ In the discussion of *khunthā*, scholars point out that determining a person's identity can take into account biological aspects,

⁸ Andrew Robertson, "Justifying Liabilities and Duties," Published in *S Degeling, M Crawford and N Tiverios (Eds), Justifying Private Rights (Hart Publishing, 2020)*, 2020, 201–19, <https://ssrn.com/abstract=4259529>.

⁹ Clinton Bennett, *Crime and Punishment in Islamic Law: A Fresh Interpretation: By Mohammad Hashim Kamali, Oxford, Oxford University Press, 2019, 451 Pp., US 56(Hardback), 38.99 (Ebook), ISBN 978 0 19 091064 8 (Taylor & Francis, 2023)*, hlm. 179-181, <https://doi.org/https://doi.org/10.1080/0048721X.2022.2146418>.

¹⁰ Anis Mashdurohatun et al., "Contemporary Reassessment of Punishment in Islamic and Secular Law: A Comparative Study of Justice and Penal Philosophy," *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): hlm. 80-100, <https://doi.org/https://doi.org/10.32332/milrev.v5i1.11887>.

dominant signs, and legal benefits attached to the individual.¹¹ Therefore, identity change that is not done with the aim of deception, but based on medical reasons and legal recognition, has different problems from the act of manipulating identity to obtain unlawful benefits.

Studies on identity forgery have developed in various perspectives, both in the context of technological developments, personal data protection, and Islamic criminal law. However, previous research has still discussed identity forgery as an act of manipulating data or documents to gain certain advantages, while the issue of gender identity change with a medical background and legal legitimacy has not been studied comprehensively.

The research entitled "Legal Reform for the Handling of Identity Forgery Crimes Due to Artificial Intelligence Abuse in Indonesia" by Muhammad Hanan Nuhi et al. (2024) examines new challenges of identity forgery due to the development of artificial intelligence technology (*Artificial Intelligence*).¹² The research shows that Indonesia's positive law has not been fully able to anticipate new forms of technology-based identity forgery, so more adaptive regulatory updates are needed. Although they have similarities in discussing the issue of identity forgery, the study focuses on the misuse of digital technology and does not discuss the issue of identity change carried out through legal procedures and medical considerations.

Furthermore, the research "Law Enforcement Against the Existence of Identity Forgery Crimes in the Digital Era" by Nurhalisa Faisal et al. (2025) analyzes the application of criminal law to identity forgery in the development of information technology.¹³ This study found that existing criminal regulations still face limitations in providing protection for individual identities due to the development of digital crime modes. However, the study focuses more on the effectiveness of law enforcement against digital identity forgery and has not examined the issue of criminalization limits to identity changes carried out legally through legal mechanisms.

The research "Juridical Study of the Crime of Falsifying Personal Data Identity in the Pre-Employment Card Assistance Site" by Yuly Sari Kartika and Wiwin Yulianingsih (2023) discusses the misuse of personal data in digital systems as well as legal protection for victims of identity forgery based on electronic information regulations and personal data protection.¹⁴ The research shows that identity is a legal asset that must be protected because its misuse can cause harm to individuals. However, the study does not discuss the aspect of criminal liability for identity changes that are not carried out for fraudulent purposes, but based on certain conditions that obtain legal recognition.

From the perspective of Islamic law, the research "Punishment of Fraud Crimes Using False Identities Reviewed from Islamic Law (Analysis of Decision Number 164/Pid.B/2016/PN. Bna)" by Munanda Munanda et al. (2020) examines fraud using false identities and concludes that these acts can be categorized as *jarimah ta'zīr* because they contain elements of fraud and identity

¹¹ Sayed Sikandar Shah Haneef and Ali Ahmed Zahir, "Gender Categorization between Islam and Science: The Problem of Integration from Islamic Jurisprudence Perspective," *Revelation and Science* 6, no. 1 (2016), <https://doi.org/https://doi.org/10.31436/revival.v6i1.127>.

¹² Muhammad Hanan Nuhi et al., "Reform of the Law on the Handling of Identity Fraud Due to Artificial Intelligence Abuse in Indonesia," *Batavia Journal* 1, no. 2 (2024): pp. 80-88.

¹³ Nurhalisa Faisal, Aan Aswari, and Muhammad Azham Ilham, "Law Enforcement Against the Existence of Identity Forgery in the Digital Era," *LEGAL DIALOGICA* 1, no. 1 (2025): pp. 1-19.

¹⁴ Yuly Sari Kartika and Wiwin Yulianingsih, "Juridical Study of the Crime of Identity Falsification of Personal Data in the Pre-Employment Card Assistance Website," *RECTUM JOURNAL: A Juridical Review of Criminal Handling* 5, no. 2 (2023): pp. 1-11.

abuse.¹⁵ This research contributes to explaining the concept of identity forgery in Islamic criminal law, but has not discussed the different conditions, namely identity change that is carried out based on medical reasons and does not contain elements of fraud (*tadlis*).

Based on the previous study, it can be seen that research on identity forgery generally focuses on the misuse of identity for profit, technology-based crime, or personal data protection. There has been no research that specifically examines gender identity changes as an object of criminal law analysis by linking aspects of the fulfillment of elements of Article 263 of the Criminal Code, considered by judges in the South Jakarta District Court Decision Number 583/Pid.B/2010/PN. Jkt.Sel jo. Decision of the Supreme Court of the Republic of Indonesia Number 704 K/Pid/2011, as well as the perspective of Islamic criminal law. Therefore, this research has a novelty in analyzing the boundary between legitimate administrative actions and criminal acts through a positive criminal law approach and the principle of accountability in Islamic law.

Method

This research uses a normative legal research method (*normative juridical*), which is research that examines law as a norm or rule that applies through laws and regulations, legal doctrines, and court decisions.¹⁶ This method was chosen because the research focuses on the analysis of judges' legal considerations in the South Jakarta District Court Decision Number 583/Pid.B/2010/PN. Jkt.Sel and Decision of the Supreme Court of the Republic of Indonesia Number 704 K/Pid/2011 regarding the alleged falsification of gender identity and the basis for consideration of the issuance of the *onslag van alle rechtsvervolging verdict*. The research approaches used include the statute approach, the case approach, the conceptual approach, and the comparative approach.¹⁷ The legislative approach is used to analyze the provisions of Article 263 of the Criminal Code regarding the forgery of letters and population administration regulations. The case approach is used to examine the ratio decidendi of judges in the two decisions, while the conceptual approach is used to analyze the concepts of identity forgery, *mens rea*, criminal liability, and the boundary between the criminal and administrative realms. The comparative approach is used to examine the relevance of the concepts of *tadlis*, *ta'zir*, and *'udzur* in Islamic criminal law to the issue of gender identity change. The research legal material consists of primary, secondary, and tertiary legal materials. Primary legal materials are in the form of court decisions, the Criminal Code, and regulations related to population administration. Secondary legal materials include books, scientific journals, and relevant criminal law and fiqh literature, while tertiary legal materials are in the form of legal dictionaries and encyclopedias. The collection of legal materials is carried out through library research, then analyzed in a qualitative juridical manner through the interpretation of norms, testing of criminal elements, and analyzing judges' considerations to obtain conclusions about the legal position of gender identity change in the perspective of positive criminal law and Islamic criminal law.

¹⁵ Munanda Munanda, Kamaruzzaman Kamaruzzaman, and Riadhus Sholihin, "The Punishment of Fraud Using False Identities Reviewed from Islamic Law (Analysis of Decision Number 164/PID. B/2016/PN. Bna)," *Dusturiyah: Journal of Islamic Law, Legislation and Social Institutions* 10, no. 1 (2020): pp. 42-68.

¹⁶ Jonaedi Efendi and Prasetyo Rijadi, *Normative and Empirical Legal Research Methods: Second Edition* (Prenada Media, 2022), p. 122.

¹⁷ Suyanto, *Legal Research Methods Introduction to Normative, Empirical and Combined Research* (Unigres Press, 2023), p. 23.

Results and Discussion

Case Construction and Legal Position of the Perpetrator

Based on the results of the analysis of the South Jakarta District Court Decision Number 583/Pid.B/2010/PN. Jkt.Sel, this case began with an alleged criminal act of forgery of letters as stipulated in Article 263 of the Criminal Code which was associated with a change in gender identity in the defendant's residence documents. The Public Prosecutor builds the construction of the indictment by placing the change in gender data as a form of entering incorrect information into official state documents. From the perspective of the prosecution, a population document is an authentic letter that has the power of legal proof, so any change in content that is considered inappropriate to the actual circumstances can be qualified as an act of forgery.¹⁸

This construction departs from the understanding that gender identity is a biological fact that is inherent in a person from birth and cannot be changed only through individual will.¹⁹ Therefore, when there is a change in gender identity in the population document, the Public Prosecutor considers that there is a discrepancy between the initial circumstances of the defendant and the information contained in the new document. With such an approach, the main problem in this case is placed on the objective aspect of the letter forgery offense, namely the alleged alteration or inclusion of incorrect information in a document that can cause legal consequences.

However, if examined more deeply, the construction faces the fundamental problem of the boundary between a legally valid change of identity and an act of forgery. In *a quo* case, the change in gender identity is not carried out unilaterally through administrative manipulation, but is preceded by a specific medical condition and a legal application to the court. With the court's determination as the basis for changing population data, the legal position of the defendant is different from someone who deliberately provides false information to obtain official documents. This procedural factor is an important aspect because it shows that the change of identity has gained legitimacy from the authorized legal institution.

From the perspective of criminal law, the existence of the administrative and medical basis has an effect on the assessment of the elements of the defendant's guilt. Forgery of a letter not only requires a change to a document, but also requires a willingness to make or use a fake letter with the intention of being considered as true.²⁰ Thus, the main issue in this case is not solely whether there is a change in identity in the identity document, but whether the change is made with the intention of deceit, obtaining unlawful profits, or harming other parties. At this point, the defendant's legal position becomes complex because actions that formally appear to be changes in administrative data have the potential to be constructed as criminal acts if released from the legal and medical context behind them.

¹⁸ Christoph Sperfeldt, "Legal Identity in the Sustainable Development Agenda: Actors, Perspectives and Trends in an Emerging Field of Research," *The International Journal of Human Rights* 26, no. 2 (2022): hlm. 217-238, <https://doi.org/https://doi.org/10.1080/13642987.2021.1913409>.

¹⁹ Maciej Rzewuski, "One Person, Two Identities: The Problem of Legal Gender Recognition of a Transgender Person in Europe," *Behavioral Sciences & the Law* 43, no. 1 (2025): hlm. 149-157, <https://doi.org/https://doi.org/10.1002/bsl.2702>.

²⁰ Iskandar Muda Sipayung and Uswatun Hasanah, "Forgery of a Will with Due Regard to Civil and Criminal Law," *International Asia Of Law and Money Laundering (IAML)* 3, no. 2 (2024): hlm. 138-143, <https://doi.org/https://doi.org/10.59712/iaml.v3i2.100>.

This case ultimately shows the tension between a formal approach in criminal law and a substantive approach in assessing an act. Formal approaches tend to see the difference between the original identity and the new identity as an indication of a mismatch that has the potential to meet the elements of mail forgery. Instead, the substantive approach considers the reasons for the change, the procedures taken, and the accompanying legal legitimacy. Therefore, the legal position of the defendant in this case cannot be understood only as a party who made the change in identity, but as a legal subject who is in a situation of meeting between the need for state administrative protection, the development of medical science, and the basic principles of criminal law regarding the prohibition of criminal offense without fault.

Thus, the construction of the case in the South Jakarta District Court Decision Number 583/Pid.B/2010/PN. Jkt.Sel showed that the main issue tested was not only about the right or wrong change of gender identity, but also about the limits of criminalization of an act that has gained administrative and juridical legitimacy. This issue then becomes an important basis for the Supreme Court in reassessing whether the elements of the criminal act are fulfilled or not and becomes a central point in understanding the reasons for the *onslag van alle rechtsvervolgving verdict*.

Analysis of Judges' Legal Considerations in Determining the Criminal Limit for Gender Identity Change

The main problem is in the South Jakarta District Court Decision Number 583/Pid.B/2010/PN. Jkt.Sel jo. Decision of the Supreme Court of the Republic of Indonesia Number 704 K/Pid/2011 does not solely lie in the existence or absence of a change in gender identity in the population document, but on the issue of whether the change can be qualified as a criminal act of forgery of letters as stipulated in Article 263 of the Criminal Code. Thus, the central point of this case is the assessment of whether or not the objective and subjective elements in the criminal act of forgery are met, especially regarding the existence of error (*mens rea*) and the unlawful nature of the defendant's actions.²¹

Normatively, Article 263 of the Criminal Code stipulates that forgery of a letter not only requires the making of a forged letter or forgery of a letter that can give rise to a right, engagement, or proof of a legal state, but also requires the intention to use or instruct another person to use the letter as if the contents were true.²² Thus, the construction of the letter forgery offense does not stop at the existence of a discrepancy between facts and documents, but must be proven that the discrepancy is the result of a fraudulent will and is carried out unlawfully.

In *a quo case*, the South Jakarta District Court tends to use a formal approach to fulfilling the elements of a criminal act. The difference between the defendant's gender identity before and after the change is considered a form of inconsistency between the initial biological facts and the information in the official state documents. Based on this construction, the change of identity is

²¹ Tubagus Ahmad Ramadan and Subianta Mandala, "Deconstructing Intentionality: Legal Fallacies in The Indonesian Criminal Code's Approach to Mens Rea," *Asian Journal of Social and Humanities* 3, no. 9 (2025): hlm. 1637-1648, <https://doi.org/https://doi.org/10.59888/ajosh.v3i9.564>.

²² Iryna Hazdayka-Vasylyshyn, "Official Document, as the Subject of Official Forgery, in the Context of Criminal Offences in the Field of Official and Professional Activities Related to the Provision of Public Services," *Actual Problems of Improving of Current Legislation of Ukraine*, no. 68 (2025): hlm. 1-10, <https://doi.org/https://doi.org/10.15330/apiclu.68.1.1-1.10>.

considered to have fulfilled the elements of making incorrect information in an authentic letter. Such an approach shows that the court of first instance focuses more on the objective aspect of the crime, namely the existence of changes in information in population documents.

However, this approach has not fully considered the subjective aspect as a fundamental element in criminal law. The existence of a change in data in a document does not automatically indicate the existence of a criminal act if the change is made based on a valid legal procedure and is not based on a will to commit fraud. In the doctrine of criminal law, an act can only be punished if, in addition to fulfilling the formulation of delicacy, the perpetrator also has an accountable mistake (*geen strafzonder schuld*).²³ Therefore, the existence of *mens rea* is a distinguishing factor between legitimate administrative actions and criminal acts of forgery.

In contrast to the District Court, the Supreme Court in Decision No. 704 K/Pid/2011 took a more substantive approach by assessing the legal context of the identity change. The Supreme Court not only looks at changes in population data, but also considers how these changes occur, namely through medical processes and court determination applications. These considerations show that the change in the identity of the defendant is not an act of unilateral manipulation of state documents, but an act that has gained legitimacy through the available legal mechanisms.

On this basis, the Supreme Court considered that the element of intentionality to commit forgery was not proven. The change of identity made by the defendant does not indicate the intention to deceive, obtain unlawful profits, or cause losses to other parties. In other words, there is a fundamental difference between someone who knowingly provides false information for a certain advantage and someone who makes a change of identity based on a recognized medical condition and legal procedure. This difference is the rational basis for the Supreme Court to issue a verdict of *onslag van alle rechtsvervolgning*, which is to release the defendant from all lawsuits because his actions do not constitute a criminal offense.²⁴

1. The Position of Medical Considerations as a Basis for Assessing the Elements of Guilt

One of the important aspects in the Supreme Court's consideration is the existence of medical factors that underlie the change in the identity of the defendant.²⁵ In the case of gender identity change, the medical aspect cannot be seen as an additional reason alone, but as a determining factor in assessing whether a person's actions are unlawful or are a consequence of the objective conditions they experience.²⁶

Gender identity change in a medical context is not an action that is carried out simply based on a person's subjective will, but through a professional evaluation process that considers biological, psychological, and social aspects.²⁷ Therefore, if a change of identity is made based on a medical

²³ Yasein Hassan M Osman et al., "Criminal Responsibility in the Age of AI: Rethinking Legal Accountability," *African Journal of Law and Justice System* 4, no. 3 (2025): hlm. 179, https://doi.org/https://hdl.handle.net/10520/ejc-aa_ajljs_v4_n3_a9.

²⁴ Litska Strikwerda, Jeroen Mensink, and Robert Timmers, "Data Science and Criminal Law," *Research Handbook in Data Science and Law*, 2024, 227–50, <https://doi.org/https://doi.org/10.4337/9781035316458.00018>.

²⁵ Stefano Osella, "Reinforcing the Binary and Disciplining the Subject: The Constitutional Right to Gender Recognition in the Italian Case Law," *International Journal of Constitutional Law* 20, no. 1 (2022): hlm. 454-475, <https://doi.org/https://doi.org/10.1093/icon/moac022>.

²⁶ Brenda Picard, "Gender Identity: Development in the Law and Human Rights Protections," *University of New Brunswick Law Journal* 69 (2018): 126.

²⁷ Claire A Coyne, Briahna T Yuodsnukis, and Diane Chen, "Gender Dysphoria: Optimizing Healthcare for Transgender and Gender Diverse Youth with a Multidisciplinary Approach," *Neuropsychiatric Disease and Treatment* 19 (2023): hlm. 479-493, <https://doi.org/10.2147>.

recommendation and then obtains administrative recognition through a court decision, then the change has an objective basis that distinguishes it from the act of identity forgery.

The relevance of medical considerations to criminal law lies in its ability to explain the existence or absence of malicious intent (*mens rea*).²⁸ In this case, the medical condition and legal procedures that the defendant has taken are an indicator that the action was not carried out with the intention of creating a false legal state, but as a form of adjustment between the factual condition of the individual and the recorded legal identity. Thus, medical considerations serve as a basis for assessing that the elements of error in the criminal act of forgery are not met.

2. The Boundary between the Criminal and Administrative Realms in Gender Identity Change

The Supreme Court Decision Number 704 K/Pid/2011 also has an important meaning in determining the boundary between criminal law and population administration law. Not every change or correction of data in official state documents can be categorized as a criminal offense. Administrative law basically provides a mechanism to make changes to population data if there are legitimate reasons and procedures that are in accordance with the provisions of the law.²⁹

In the context of this case, the criminalization of identity change that has been determined by a court has the potential to disproportionately expand the function of criminal law. Criminal law should be used against actions that actually contain attacks on protected legal interests, not against any change in the legal status of a person who has acquired legitimacy from state institutions. This is in line with the principle of *ultimum remedium*, which is that criminal law is a last resort and should not be used if other legal mechanisms are still able to provide a solution.³⁰

Thus, the Supreme Court's consideration can be understood as an effort to maintain a balance between the state's interests in protecting the validity of population documents and the protection of individuals who change their identity through legal mechanisms. The ruling shows that the existence of official state documents is not only judged by its formal conformity with a person's initial condition, but also by the legal process that gave birth to the document. Therefore, a change in gender identity carried out through administrative procedures and supported by medical reasons cannot be equated with the act of forging a letter that was built from the beginning on the basis of fraudulent intentions.

Juridical Consistency between Positive Criminal Law and Islamic Criminal Law Principles

The decision of the Supreme Court of the Republic of Indonesia Number 704 K/Pid/2011 not only has implications for the application of Article 263 of the Criminal Code, but also shows a fundamental problem regarding the limits of criminal liability for an act that formally appears to meet the elements of delicacy, but is substantively not reprehensible. This issue becomes even more complex when studied through the perspective of Islamic criminal law, because both legal

²⁸ Ramy El-Kady, "Artificial Intelligence from the Criminal Law Perspective," in *International Conference on Advanced Intelligent Systems and Informatics* (Springer, 2024), hlm. 162-173, <https://doi.org/10.1007>.

²⁹ Bronwen Manby, "The Sustainable Development Goals and 'Legal Identity for All': 'First, Do No Harm,'" *World Development* 139 (2021): hlm. 105343, <https://doi.org/https://doi.org/10.1016/j.worlddev.2020.105343>.

³⁰ JEFFREY SEAMAN and PAUL H ROBINSON, "What Justice? Confronting the Criminal Justice System's Biggest Problem," *California Legal History* 20 (2025): hlm. 261, <https://openurl.ebsco.com>.

systems place the element of guilt as the main basis in determining whether or not a person can be subject to criminal sanctions.³¹

In Indonesia's positive criminal law, punishment is not solely based on the fulfillment of the elements of the act formulated in the law (*actus reus*), but must also be accompanied by the guilt of the perpetrator (*mens rea*).³² This principle is a consequence of the principle of *geen straf zonder schuld* which affirms that there is no crime without fault.³³ Therefore, a person cannot be sentenced to a crime just because his actions outwardly conform to the formulation of delicacy, if there is no evidence of evil will, intentionality, or reprehensible mental attitude towards the consequences caused.

This principle becomes relevant in the case of gender identity change because the legal issue does not stop at the fact that there is a change in data in the population document, but it must be seen whether the change is the result of manipulative actions aimed at creating a false legal state.³⁴ If the change of identity is carried out through a medical process, based on a person's objective condition, and gains legitimacy through a court determination, then the element of intentionality to commit fraud is not met.³⁵ Thus, the Supreme Court Decision that imposes *onslag van alle rechtsvervolging* can be understood as the application of the principle of criminal liability that considers not only the formal aspects of the act, but also the moral and psychological aspects of the perpetrator.

The construction is in accordance with the principle of criminal responsibility in Islamic law. In *fiqh jinayah*, an act is not necessarily categorized as jarimah just because it is contrary to the circumstances that are considered normatively ideal.³⁶ A new act can be sanctioned if it meets the elements of jarimah, including the element of intentionality and the ability of the perpetrator to understand the legal consequences of his actions. The concepts of *niyyah* (intention), *'ilm* (knowledge), and *iradah* (will) have a similar function to the concept of *mens rea* in modern criminal law, which is to ensure that a person is only punished for acts that are truly born of a guilty will.³⁷

³¹ Zul Fahmi, Sopi Ade Fariza, and Nur Wasilah Agustina Mtd, "Negligence in the Medical Profession: A Comparative Study of Islamic Law and Indonesian Law," *SHISHYA: Studies and Perspectives on Law and Justice* 1, no. 2 (2025): hlm. 54-60, <https://doi.org/https://doi.org/10.32332/milrev.v5i1.13100>.

³² Rusdi Marzuki et al., "LEGAL SUBJECTS AND CORPORATE CRIMINAL LIABILITY BASED ON LAW NO. 1 OF 2023 ON THE INDONESIAN CRIMINAL CODE," *LexForensica: Journal of Forensic Justice and Socio-Legal Research* 1, no. 2 (2024): hlm. 1-8, <https://doi.org/https://doi.org/10.33102/q9c79179>.

³³ Arshinta Fitri Diyani, Arief Hidayat, and Retno Saraswati, "Application of Strict Liability Concept to Companies That Commit Crimes of Environmental Destruction," *International Journal of Pharmaceutical Research (09752366)* 13, no. 1 (2021): hlm. 4556, <https://doi.org/doi.10.31838/ijpr/2021.13.01.605>.

³⁴ Yasemin Irvin-Erickson, "Identity Fraud Victimization: A Critical Review of the Literature of the Past Two Decades," *Crime Science* 13, no. 1 (2024): hlm. 3, <https://doi.org/10.1186>.

³⁵ Cassandra Cross and Thomas J Holt, "Beyond Fraud and Identity Theft: Assessing the Impact of Data Breaches on Individual Victims," *Journal of Crime and Justice* 1, no. 1 (2025): hlm. 1-24, <https://doi.org/https://doi.org/10.1080/0735648X.2025.2535007>.

³⁶ Nehaluddin Ahmad, Faizah Rahim, and Danish Iqbal Ariffin, "Legal Challenges of Prosecuting War Crimes and Crimes Against Humanity: A Comparative Analysis of Islamic Law and Modern International Law," *Manchester Journal of Transnational Islamic Law & Practice* 20, no. 3 (2024): hlm. 216, https://openurl.ebsco.com/EPDB%3Agcd%3A11%3A39145003/detailv2?sid=ebsco%3Aplink%3Ascholar&id=ebsco%3Agcd%3A181002300&crl=c&link_origin=scholar.google.com.

³⁷ Asif Mohiuddin, "Application Of Islamic Criminal Law In Malaysia," *World Affairs: The Journal of International Issues* 28, no. 3 (2024): hlm. 58-81, <https://www.jstor.org/stable/48811914>.

When associated with the concept *oftadlis* in Islamic criminal law, a change in gender identity can only be categorized as a form of fraud if there is an element of deliberate concealment of the fact to mislead others and obtain an unjustified advantage.³⁸ The main element in *tadlis* is not merely the difference between the initial state and the state after the change, but the intention to manipulate the other party.³⁹ Therefore, a person who makes a change of identity based on a medical condition and legal procedure cannot be equated with a perpetrator who deliberately creates a false identity for a specific purpose.

In this context, the concept of *'udzur* in Islamic criminal law has important relevance as the basis for exemption from criminal liability. Scholars recognize that certain conditions that are outside the normal will of a person can be the reason that affects the judgment of an act.⁴⁰ The medical reasons underlying the change of identity can be understood as a form of *'udzur* if the action is not carried out to commit fraud, but as an effort to obtain compatibility between the factual condition of the individual and the recognized legal status.⁴¹ Thus, the existence of medical factors has the same function as a justification or a forgiving reason in positive criminal law, namely eliminating or reducing the basis for imposing a penalty.

The approach of Islamic criminal law through the perspective of *maqashid al-shari'ah* provides an understanding that the purpose of law is not only related to the formal enforcement of norms, but also to protect human welfare. The principle of *hifzh al-nafs* (protection of human life and honor) shows that the law must be able to provide protection for real human conditions, including medical conditions that affect a person's life and identity.⁴² In this perspective, legal certainty of individual identity is part of efforts to maintain social order and protection of basic human rights.

However, the *maqashid al-shari'ah* approach cannot be interpreted as a justification for any form of identity change. Islamic law still provides a clear boundary that the change must have a basis that can be accounted for, not done through lies, and not cause harm to other parties.⁴³ In other words, Islamic law makes a clear distinction between changing legal conditions based on legitimate needs and manipulating identities aimed at obtaining undue benefits.

³⁸ Reema Al Qaruty et al., "Islamic Ethical Frameworks for Privacy, Security, and Trust in Digital Social Networks: A Jurisprudential Perspective," in *2025 12th International Conference on Social Networks Analysis, Management and Security (SNAMS)* (IEEE, 2025), 289–97, <https://ieeexplore.ieee.org/abstract/document/11390891>.

³⁹ Mohamed Asmy Bin Mohd Thas Thaker, Mohamed Aslam Akbar, and Riasat Amin Amin Imon, "Toward an Understanding of the Robot Rights Spectrum: An Integrative Framework from an Islamic Economics Perspective," *Journal of Islamic Marketing* 16, no. 5 (2025): hlm. 1447-1468, <https://doi.org/https://doi.org/10.1108/JIMA-04-2023-0132>.

⁴⁰ Muhammad Ramzan Kasuri, Muhammad Zaigham, and Akhtar Ali Ansari, "Evaluating International Criminal Procedures: Inquisitorial, Adversarial, or Hybrid-Lessons for the Pakistani Legal System," *Al-NASR* 3, no. 2 (2024): hlm. 111-130, <https://doi.org/https://doi.org/10.53762/alnasr.03.02.e09>.

⁴¹ Aroma Elmina Martha, Agus Triyanta, and Bayu Mogana Putra, "Theft Punishment in Islamic Law and Indonesian Criminal Law: Initiative for Harmonization from the Perspective of Sharur's Boundary Theory," *Malaysian Journal of Syariah and Law* 12, no. 2 (2024): hlm. 436-446, <https://doi.org/https://doi.org/10.33102/mjssl.vol12no2.663>.

⁴² Moch Cholid Wardi, Abd A'la, and Sri Nurhayati, "Contextualisation of Al-Maqasid Al-Kulliyat According to the Objectives of the Individual, Family, Society and Humanity: An Analysis on Jamaluddin Athiyah's Perspectives," *Malaysian Journal of Syariah and Law* 11, no. 1 (2023): hlm. 109-121, <https://doi.org/https://doi.org/10.33102/mjssl.vol11no1.389>.

⁴³ Heni Noviarita et al., "Optimizing Working Capital Financing in Indonesia: An Islamic Economic Law Perspective," *Malaysian J. Syariah & L.* 13, no. 2 (2025): hlm. 538, <https://doi.org/https://doi.org/10.33102/mjssl.vol13no2.1374>.

Based on this construction, there is a principled conformity between the Supreme Court's considerations in Decision Number 704 K/Pid/2011 and the concept of criminal liability in Islamic law. Both reject an approach that is only oriented to the formal aspect of an act and place the elements of intention, mistake, and purpose of the act as the main factors in determining the punishment. Therefore, the *onslag van alle rechtsvervolging* decision in this case can be understood not as a disregard for the legal protection of the validity of state documents, but as a form of application of the principle of justice that considers the balance between legal certainty, the human condition, and the legal purpose itself.

Thus, the case of gender identity change shows that criminal law, both in the Indonesian positive legal system and in the perspective of Islamic law, should not work mechanically against every change in a person's legal circumstances. Criminalization can only be justified when there are actions that manifestly contain wrongdoing, fraud, and unlawful nature. On the other hand, for actions carried out through legitimate procedures and supported by objective reasons, a more appropriate legal approach is to provide administrative recognition and legal protection, as reflected in the Supreme Court's consideration through the *onslag* decision .

Conclusion

This study shows that the case of gender identity change in the Supreme Court of the Republic of Indonesia Decision Number 704 K/Pid/2011 cannot be understood solely as a matter of inconsistency in population data, but as a matter of the limits of the legitimacy of criminalization of an act that has a legal and medical basis. The difference between the South Jakarta District Court's decision and the Supreme Court shows a paradigm shift, from an approach oriented towards the formal suitability of documents to an approach that considers the entire legal context of an act. The findings of the study show that gender identity changes carried out through legal procedures do not meet the characteristics of the crime of forgery because there is no intention to deceive, obtain profits illegally, or harm other parties. Therefore, the *onslag van alle rechtsvervolging* decision reflects the application of the basic principle of criminal liability that a penalty can only be imposed if there is an unlawful act as well as a fault on the perpetrator. In the perspective of Islamic criminal law, the construction is in accordance with the principle of intention-based liability and error. A change of identity that is based on medical reasons and does not contain an element of *tadlis* cannot be categorized as *jarimah* worthy of sanction. The *maqashid al-shari'ah* approach also shows that the law must be able to maintain a balance between legal certainty, individual benefit, and social order. Thus, the *onslag* verdict in this case can be seen as a form of protection for the principle of substantive justice, as well as an affirmation that criminal law must be limited so as not to reach administrative actions that are carried out legally.

References

- Ahmad, Nehaluddin, Faizah Rahim, and Danish Iqbal Ariffin. "Legal Challenges of Prosecuting War Crimes and Crimes Against Humanity: A Comparative Analysis of Islamic Law and Modern International Law." *Manchester Journal of Transnational Islamic Law & Practice* 20, no. 3 (2024): hlm. 216. <https://openurl.ebsco.com/EPDB%3Agcd%3A11%3A39145003/>

detailv2?sid=ebsco%3Aplink%3Ascholar&id=ebsco%3Aagd%3A181002300&crl=c&link_origin=scholar.google.com.

- Ahmed, Sidi, and Sidi Mohamed. "Identity Crime in the Digital Age: Malaysian and Mauritanian Legal Frameworks." *International Journal of Law, Government, and Communication* 4, no. 15 (2019): hlm. 154-165. <https://doi.org/DOI: 10.35631/ijlgc.4150016>.
- Bennett, Clinton. *Crime and Punishment in Islamic Law: A Fresh Interpretation: By Mohammad Hashim Kamali, Oxford, Oxford University Press, 2019, 451 Pp., US 56(Hardback), 38.99 (Ebook), ISBN 978 0 19 091064 8*. Taylor & Francis, 2023. <https://doi.org/https://doi.org/10.1080/0048721X.2022.2146418>.
- Coyne, Claire A, Briahna T Yuodsnukis, and Diane Chen. "Gender Dysphoria: Optimizing Healthcare for Transgender and Gender Diverse Youth with a Multidisciplinary Approach." *Neuropsychiatric Disease and Treatment* 19 (2023): hlm. 479-493. <https://doi.org/10.2147>.
- Cross, Cassandra, and Thomas J Holt. "Beyond Fraud and Identity Theft: Assessing the Impact of Data Breaches on Individual Victims." *Journal of Crime and Justice* 1, no. 1 (2025): hlm. 1-24. <https://doi.org/https://doi.org/10.1080/0735648X.2025.2535007>.
- Diyani, Arshint Fitri, Arief Hidayat, and Retno Saraswati. "Application of Strict Liability Concept to Companies That Commit Crimes of Environmental Destruction." *International Journal of Pharmaceutical Research (09752366)* 13, no. 1 (2021): hlm. 4556. <https://doi.org/doi.10.31838/ijpr/2021.13.01.605>.
- El-Kady, Ramy. "Artificial Intelligence from the Criminal Law Perspective." In *International Conference on Advanced Intelligent Systems and Informatics*, hlm. 162-173. Springer, 2024. <https://doi.org/10.1007>.
- Fahmi, Zul, Sopi Ade Fariza, and Nur Wasilah Agustina Mtd. "Negligence in the Medical Profession: A Comparative Study of Islamic Law and Indonesian Law." *SHISHYA: Studies and Perspectives on Law and Justice* 1, no. 2 (2025): hlm. 54-60. <https://doi.org/https://doi.org/10.32332/milrev.v5i1.13100>.
- Faisal, Nurhalisa, Aan Aswari, and Muhammad Azham Ilham. "Penegakan Hukum Terhadap Eksistensi Tindak Pidana Pemalsuan Identitas Di Era Digital." *LEGAL DIALOGICA* 1, no. 1 (2025): hlm. 1-19. <https://jurnal.fh.umi.ac.id/index.php/legal/article/view/1672>.
- Haneef, Sayed Sikandar Shah, and Ali Ahmed Zahir. "Gender Categorization between Islam and Science: The Problem of Integration from Islamic Jurisprudence Perspective." *Revelation and Science* 6, no. 1 (2016). <https://doi.org/https://doi.org/10.31436/revival.v6i1.127>.
- Hazdayka-Vasylyshyn, Iryna. "Official Document, as the Subject of Official Forgery, in the Context of Criminal Offences in the Field of Official and Professional Activities Related to the Provision of Public Services." *Actual Problems of Improving of Current Legislation of Ukraine*, no. 68 (2025): hlm. 1-10. <https://doi.org/https://doi.org/10.15330/apiclu.68.1.1-1.10>.
- Irvin-Erickson, Yasemin. "Identity Fraud Victimization: A Critical Review of the Literature of the Past Two Decades." *Crime Science* 13, no. 1 (2024): hlm. 3. <https://doi.org/10.1186>.
- Jonaedi Efendi, and Prasetyo Rijadi. *Metode Penelitian Hukum Normatif Dan Empiris: Edisi Kedua*. Prenada Media, 2022.

- Kartika, Yuly Sari, and Wiwin Yulianingsih. "Kajian Yuridis Tindak Pidana Pemalsuan Identitas Data Diri Dalam Situs Bantuan Kartu Prakerja." *JURNAL RECTUM: Tinjauan Yuridis Penanganan Tindak Pidana* 5, no. 2 (2023): hlm. 1-11. <https://doi.org/http://dx.doi.org/10.46930/jurnalrectum.v5i2.3023>.
- Kasuri, Muhammad Ramzan, Muhammad Zaigham, and Akhtar Ali Ansari. "Evaluating International Criminal Procedures: Inquisitorial, Adversarial, or Hybrid-Lessons for the Pakistani Legal System." *Al-NASR* 3, no. 2 (2024): hlm. 111-130. <https://doi.org/https://doi.org/10.53762/alnasr.03.02.e09>.
- Ladner, Debra, Erik G Jensen, and Samuel E Saunders. "A Critical Assessment of Legal Identity: What It Promises and What It Delivers." *Hague Journal on the Rule of Law* 6, no. 1 (2014): hlm. 47-74. <https://doi.org/https://doi.org/10.1017/S1876404513000043>.
- Lloydd, Marnie. "Legal Identity under Insurgencies and Unrecognised States: Interdisciplinary Approaches Pushing Us Back, Better-Equipped, to International Law?" *Citizenship Studies* 27, no. 7 (2023): hlm. 954-966. <https://doi.org/https://doi.org/10.1080/13621025.2024.2321724>.
- Manby, Bronwen. "The Sustainable Development Goals and 'Legal Identity for All': 'First, Do No Harm.'" *World Development* 139 (2021): hlm. 105343. <https://doi.org/https://doi.org/10.1016/j.worlddev.2020.105343>.
- Martha, Aroma Elmina, Agus Triyanta, and Bayu Mogana Putra. "Theft Punishment in Islamic Law and Indonesian Criminal Law: Initiative for Harmonization from the Perspective of Sharur's Boundary Theory." *Malaysian Journal of Syariah and Law* 12, no. 2 (2024): hlm. 436-446. <https://doi.org/https://doi.org/10.33102/mjssl.vol12no2.663>.
- Marzuki, Rusdi, Alvi Syahrin, Mahmud Mulyadi, and Ningrum Natasya Sirait. "LEGAL SUBJECTS AND CORPORATE CRIMINAL LIABILITY BASED ON LAW NO. 1 OF 2023 ON THE INDONESIAN CRIMINAL CODE." *LexForensica: Journal of Forensic Justice and Socio-Legal Research* 1, no. 2 (2024): hlm. 1-8. <https://doi.org/https://doi.org/10.33102/q9c79179>.
- Mashdurohatun, Anis, Eid Abed Alhaleem Maslat Harahsheh, Muhammad Irwan Datuiding, Abun Hasbulloh Syambas, and Prasetyo Adhi Wibowo. "Contemporary Reassessment of Punishment in Islamic and Secular Law: A Comparative Study of Justice and Penal Philosophy." *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): hlm. 80-100. <https://doi.org/https://doi.org/10.32332/milrev.v5i1.11887>.
- Michos, Ioannis, Lia Figgou, and Aphrodite Baka. "Debating the Legal Recognition of Gender Identity in Parliamentary Discourse: Human Rights and Queer Politics." *Discourse & Society* 33, no. 4 (2022): hlm. 501-518. <https://doi.org/https://doi.org/10.1177/09579265221088129>.
- Mohd Thas Thaker, Mohamed Asmy Bin, Mohamed Aslam Akbar, and Riasat Amin Amin Imon. "Toward an Understanding of the Robot Rights Spectrum: An Integrative Framework from an Islamic Economics Perspective." *Journal of Islamic Marketing* 16, no. 5 (2025): hlm. 1447-1468. <https://doi.org/https://doi.org/10.1108/JIMA-04-2023-0132>.
- Mohiuddin, Asif. "Application Of Islamic Criminal Law In Malaysia." *World Affairs: The Journal of International Issues* 28, no. 3 (2024): hlm. 58-81. <https://www.jstor.org/stable/48811914>.
- Munanda, Munanda, Kamaruzzaman Kamaruzzaman, and Riadhus Sholihin. "Hukuman Tindak Pidana Penipuan Dengan Menggunakan Identitas Palsu Ditinjau Dari Hukum Islam

- (Analisis Putusan Nomor 164/Pid. B/2016/PN. Bna)." *Dusturiyah: Jurnal Hukum Islam, Perundang-Undangan Dan Pranata Sosial* 10, no. 1 (2020): hlm. 42-68. <https://doi.org/https://doi.org/10.22373/dusturiyah.v10i1.7406>.
- Noviarita, Heni, Khavid Normasyhuri, Jum Anggriani, Hasani Ahmad Said, and Abdul Qodir Zaelani. "Optimizing Working Capital Financing in Indonesia: An Islamic Economic Law Perspective." *Malaysian J. Syariah & L.* 13, no. 2 (2025): hlm. 538. <https://doi.org/https://doi.org/10.33102/mjisl.vol13no2.1374>.
- Nuhi, Muhammad Hanan, Logan Al Khozi, Syakira Nazla, and Davina Syakirah. "Pembaharuan Hukum Penanganan Tindak Pidana Pemalsuan Identitas Akibat Penyalahgunaan Artificial Intelligence Di Indonesia." *Jurnal Batavia* 1, no. 2 (2024): hlm. 80-88. <https://doi.org/https://doi.org/10.64578/batavia.v1i2.35>.
- Osella, Stefano. "Reinforcing the Binary and Disciplining the Subject: The Constitutional Right to Gender Recognition in the Italian Case Law." *International Journal of Constitutional Law* 20, no. 1 (2022): hlm. 454-475. <https://doi.org/https://doi.org/10.1093/icon/moac022>.
- Osman, Yasein Hassan M, Damina Joshua John, Dalia Abass Ahmed, Rowaida Musa Abdelazez Mohamed, and Rasheeda Mahmoud Said Ahmed Ali. "Criminal Responsibility in the Age of AI: Rethinking Legal Accountability." *African Journal of Law and Justice System* 4, no. 3 (2025): hlm. 179. https://doi.org/https://hdl.handle.net/10520/ejc-aa_ajls_v4_n3_a9.
- Picard, Brenda. "Gender Identity: Development in the Law and Human Rights Protections." *University of New Brunswick Law Journal* 69 (2018): 126.
- Qaruty, Reema Al, Reneh Abokhoza, Amany Albert, Khawlah M Al-Tkhayneh, and Samer Abdel Hadi. "Islamic Ethical Frameworks for Privacy, Security, and Trust in Digital Social Networks: A Jurisprudential Perspective." In *2025 12th International Conference on Social Networks Analysis, Management and Security (SNAMS)*, 289–97. IEEE, 2025. <https://ieeexplore.ieee.org/abstract/document/11390891>.
- Ramadan, Tubagus Ahmad, and Subianta Mandala. "Deconstructing Intentionality: Legal Fallacies in The Indonesian Criminal Code's Approach to Mens Rea." *Asian Journal of Social and Humanities* 3, no. 9 (2025): hlm. 1637-1648. <https://doi.org/https://doi.org/10.59888/ajosh.v3i9.564>.
- Robertson, Andrew. "Justifying Liabilities and Duties." *Published in S Degeling, M Crawford and N Tiverios (Eds), Justifying Private Rights (Hart Publishing, 2020)*, 2020, 201–19. <https://ssrn.com/abstract=4259529>.
- Rzewuski, Maciej. "One Person, Two Identities: The Problem of Legal Gender Recognition of a Transgender Person in Europe." *Behavioral Sciences & the Law* 43, no. 1 (2025): hlm. 149-157. <https://doi.org/https://doi.org/10.1002/bsl.2702>.
- SEAMAN, JEFFREY, and PAUL H ROBINSON. "What Justice? Confronting the Criminal Justice System's Biggest Problem." *California Legal History* 20 (2025): hlm. 261. https://openurl.ebsco.com/EPDB%3Agcd%3A15%3A25524319/detailv2?sid=ebsco%3Aplink%3Acrawler-gcd&id=ebsco%3Agcd%3A191337350&crl=c&jrnl=19304943&link_origin=scholar.google.com.
- Silva, Romesh, Tawheeda Wahabzada, and Priscilla Idele. "Advancing Legal Identity, Gender Equity and Women's Empowerment via Inclusive Civil Registration and Vital Statistics Systems."

- Statistical Journal of the IAOS* 41, no. 3 (2025): hlm. 613-632. <https://doi.org/https://doi.org/10.1177/18747655251368376>.
- Sipayung, Iskandar Muda, and Uswatun Hasanah. "Forgery of a Will with Due Regard to Civil and Criminal Law." *International Asia Of Law and Money Laundering (IAML)* 3, no. 2 (2024): hlm. 138-143. <https://doi.org/https://doi.org/10.59712/iaml.v3i2.100>.
- Sperfeldt, Christoph. "Legal Identity in the Sustainable Development Agenda: Actors, Perspectives and Trends in an Emerging Field of Research." *The International Journal of Human Rights* 26, no. 2 (2022): hlm. 217-238. <https://doi.org/https://doi.org/10.1080/13642987.2021.1913409>.
- Spieker, Luke Dimitrios. "Pushing for Trans Rights: How the Court of Justice Can Turn the EU into a 'Freedom Zone' for Trans Citizens." *Common Market Law Review* 62, no. 5 (2025): hlm. 5. <https://doi.org/https://doi.org/10.54648/cola2025092>.
- Strikwerda, Litska, Jeroen Mensink, and Robert Timmers. "Data Science and Criminal Law." *Research Handbook in Data Science and Law*, 2024, 227-50. <https://doi.org/https://doi.org/10.4337/9781035316458.00018>.
- Suyanto. *Metode Penelitian Hukum Pengantar Penelitian Normatif, Empiris Dan Gabungan*. Unigres Press, 2023.
- Wardi, Moch Cholid, Abd A'la, and Sri Nurhayati. "Contextualisation of Al-Maqasid Al-Kulliyat According to the Objectives of the Individual, Family, Society and Humanity: An Analysis on Jamaluddin Athiyah's Perspectives." *Malaysian Journal of Syariah and Law* 11, no. 1 (2023): hlm. 109-121. <https://doi.org/https://doi.org/10.33102/mjssl.vol11no1.389>.
- Yang, Zixuan. "Providing Legal Identity for All: A Comparative Study of the Cross-Border Recognition of Personal Status in the European Union and Asian Regionalization." *Chinese Journal of Transnational Law* 2, no. 2 (2025): hlm. 246-269. <https://doi.org/https://doi.org/10.1177/2753412X251366461>.