

ABSTRACT

Ratio Decidendi or judge's legal considerations is one very important aspect to realize the value of a judge's decision that contains justice (*ex aequo et bono*) and contains legal certainty, besides that there are also benefits for the parties concerned so that the judge's considerations must be addressed carefully, well, and carefully. The proof system in criminal cases in Indonesia is a negative legal based proof system where proof must be based on the law (Article 183 of the Criminal Procedure Code) that is, with at least two valid pieces of evidence the judge gains confidence that a criminal act has actually occurred. and that the defendant was guilty of committing it. Currently, the world is facing the threat of the Covid-19 virus outbreak that attacks humans, so the Indonesian government takes a serious policy to suppress the spread of this virus by carrying out regional restrictions. The birth of this policy has led to crimes, one of which is the crime of counterfeiting a Covid-19 health certificate. This study was conducted with the aim of analyzing the ratio decidendi of judges in the criminal act of counterfeiting a Covid-19 health certificate in Indonesia. The type of legal research method used is normative juridical with a prescriptive type of research specification. In particular, for those who provide fake doctor's certificates to be traded to people who want to travel in the midst of the Covid-19 outbreak, they can be subject to criminal sanctions based on Article 268 of the Criminal Code so that the perpetrators can be threatened with a maximum sentence of 4 (four) years prison. The results of the study show that the proof of the criminal act of falsifying the Covid-19 test results is by presenting witness statements, letters, and statements from the defendant. Then on the ratio decidendi judges in deciding based on juridical and non-juridical aspects in the form of sociological and philosophical aspects.

Keyword: Ratio Decidendi, Evidentiary, Letter Forgery Crime.