



Juridical Review On Administrative Law And E-Ktp Implementation Practices At The District Level In Connection With Law Number 23 Of 2006

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ABSTRACT

Public service is a strategic point in the development of good governance. One of the tasks of the government is the service of making identity cards (KTP) and in its implementation it is closely related to the rights of every Indonesian citizen. As stated by Masrin, one of the general tasks of government is the population administration system, which in its implementation is closely related to civil rights or civil rights of the population. This research is descriptive analytical research, namely research that conveys an overview of the existing facts supported by applicable and applied provisions. The method used is the Normative Juridical Approach Method, namely the Legal Research Method of Library/Secondary Data. In this study using a qualitative method which aims that the existing data is then analyzed qualitatively based on the existing statutory regulations as Positive Legal Norms so that it does not use numbers or formulas and statistics. Gradually improving the population administration management system is always being improved, in order to avoid deviations in which the government has implemented a method, namely the Population Administration Information System (SIAM), the implementation of the Population Administration System (SIAM) which requires a National Population Identification Number (NIK) nationally, with the issuance of a National Population Registration Number. Each person's National Identity Number (NIK) will not be the same until the holder of the Population Identification Number (NIK) dies. It is hoped that the Population and Civil Registry Office will continue to improve and optimize evenly and overall, related to the communication system carried out, human resources, disposition and bureaucratic structure so that the administration of population administration can be more effective and equitable at various levels of society in the future.

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1. Introduction

Public service is an effort made by a group or a bureaucratic person to provide assistance to the community in order to achieve a certain goal. The main thing that is of concern is that a service consists of providing and receiving services (customers). The wider the scope of public services and services managed by the government covering all aspects of people's lives, should be followed by good service quality. This task has been clearly outlined in the fourth paragraph of the preamble of the 1945 Constitution, which covers four aspects of the apparatus' main service to the community, namely protecting the entire Indonesian nation and the entire homeland of Indonesia, promoting public welfare, educating the nation's life and implementing world order based on independence, peace, immortality and social justice (Aangkat, 2015).

Public service is a strategic point in the development of good governance. One of the tasks of the government is the service of making identity cards (KTP) and in its implementation it is closely related to the rights of every Indonesian citizen. As stated by Masrin, one of the general tasks of government is the population administration system, which in its implementation is closely related to civil rights or civil rights of the population.



The government is never tired of providing the latest innovations to public services as a servant for the community. The development of the era of information technology has now been applied in various fields so that many terms are added with the letter E (electronic) in front of them, for example: e-commerce, e-books, e-voting, and others. The government as the party in charge of managing the population system in Indonesia in this case is the Ministry of Home Affairs carrying out the latest program, namely e-KTP considering that there are many mistakes in citizen data collection which result in poor population data in Indonesia (Arif, 2018).

e-KTP is motivated by the conventional KTP making system in Indonesia which allows a person to have more than one KTP. This is due to the absence of an integrated database that collects population data from all over Indonesia. This fact provides an opportunity for residents who want to cheat on the state by duplicating their ID cards. Some of them are used for the following things, namely Avoiding taxes, Facilitating the making of passports that cannot be made throughout the city, Securing corruption, Hiding identity (eg by terrorists).

An example of making a modern ID card at this time has been applied in the UK, namely by registering using biometrics. and their relationship to the collected biometrics. The need for rethinking is needed because to avoid exploding costs and wasting time (Delviani, 2019).

The government's policy on E-KTP is motivated by the conventional manufacturing system previously carried out in Indonesia which allowed a person to have more than 1 (one) Identity Card. This is due to the absence of an integrated service system base that can collect population data from all over Indonesia. This fact provides an opportunity for residents to have double ID cards, which in their use can be misused and cannot be accounted for. According to Law Number 24 of 2013 concerning population administration, the E-KTP includes a picture of the Garuda Pancasila symbol and a map of the territory of the Unitary State of the Republic of Indonesia, containing population data elements, namely NIK, name, place of birth, male or female, religion, status marriage, blood type, address, occupation, nationality, photograph, validity period, place and date of issuance of the E-KTP and the signature of the owner of the E-KTP so that there is no longer any possibility of a double E-KTP (Febriharini, 2017).

In order to realize orderly population administration and the continuity of providing population data nationally, the government is responsible for providing accurate and up-to-date population data. Population and human resources as an integral part of national development. This can be seen from the goals to be achieved, namely empowering the community, fostering initiative, creativity, and increasing community participation. In addition, it also emphasized the importance of improving public services and welfare, developing democratic life, justice, and equity. From the formulation contained in several parts of the law, it shows that population and human resources are the central concern of governance (Emeralda & Hamidah, 2022).

In various development planning documents, the population and human resources sector is also a priority, has high strategic value and is even seen as a determining factor for development success. This picture at the same time reflects the complexity of population and human resource problems as well as the goals to be achieved in national development. The population sector is explicitly one of the government's areas of authority. In terms of the interests of the population, the Population Administration provides the fulfillment of administrative rights such as public services and protection related to Population Documents, without any discriminatory treatment.

One form of duty and service that must be provided by the Government is to provide identity data as a citizen according to the place of domicile in all jurisdictions of Indonesia, for example, the administration of a civil registration system for population registration that has not been able to run optimally and the administration of legal documents in calculation of vital statistics and population statistics. A country requires a policy as well as the government, therefore the policy is aimed at directing actions so that the desired goals can be achieved besides that policy is also an action that leads to the goals proposed by a person, group or government in a certain environment in connection with the existence of certain obstacles while looking for opportunities to achieve goals or realize the desired goals (Fahlevi, 2021).

Policy contains an element of action to achieve goals. Generally, these goals are to be achieved by a person, group, or government. Policies certainly have obstacles but must look for opportunities to realize the desired goals. Lasswell and Kaplan also put forward the notion of policy quoted by M. Irfan Islamy in his book entitled Principles of Formulating State Policy, policy is a program of achieving goals, values and directed actions. The form of implementation of the Ministry of Home Affairs policy regarding the e-KTP



program is to carry out the electronic KTP program which previously was a manual KTP. The policy was made to prevent negative things from happening again by irresponsible parties that could harm the government and society. The socialization carried out by the Department of Population and Civil Registration to implementing officers and the community has not been optimal but has been applied effectively. This is indicated by the results of the socialization carried out through the face-to-face method and the installation of billboards in disseminating information and providing understanding to the public regarding e-KTP which is quite effective. So based on the description and elaboration of the background above, the researcher is interested in focusing more on the core problem on how the background of the change in the population information system and its formulation into an article of the population law is.

2. Method

This research is an analytical descriptive research, namely research that conveys an overview of the facts that are supported by applicable and applied provisions. This analytical descriptive research will only describe the state of the object or problem and is not intended to draw or draw generally accepted conclusions regarding the implementation of e-ID cards at the sub-district level. The method used is a normative juridical approach, namely the legal research method of literature/secondary data. This approach method is used considering the problems studied are based on Law No. 23 of 2006 concerning population administration. while for data collection techniques, researchers use library research techniques, namely collecting research data obtained through intermediary media or indirectly in the form of books, notes, existing evidence, or archives, both published and not published in general. the use of qualitative methods in this study aims that existing data is then analyzed qualitatively based on existing laws and regulations as positive legal norms so that they do not use numbers or formulas and statistics (Hamzah, 2021).

3. Results and discussion

3.1 The background of the change in the population information system and the formulation into the articles of the population law

The Population Administration Information System (SIAM) as a manifestation of one of the government's policies on population identity data problems in Indonesia, population identity is often carried out in the activities of individual residents in the form of Identity Cards (KTP) and those that apply based on laws and regulations have entered a new era called E-commerce. KTP (electronic ID card). In particular, the implementation of population administration that is more orderly and integrated as well as universal, permanent, sustainable, is provided by a data center and information regarding registration, accurate and complete population registration, services in accordance with statutory regulations for every citizen and resident of goods, services, and or administrative services provided by public service providers. Indonesia as a country with the fourth largest population in the world, with a diverse culture, this is certainly a challenge to provide excellent public services for all its residents in accordance with what has been mandated in Law No. 25 of 2009 concerning public services (Masrin, 2017).

Community services can be categorized as effective if the community gets easy service with short, fast, precise and satisfying procedures. The success of increasing the effectiveness of public services is determined by the ability of the government to improve the work discipline of service personnel. Public service is one of the important tasks that cannot be ignored by local governments because if the service component stagnates, it is almost certain that all sectors will have an impact on congestion, therefore there needs to be good planning and even need to formulate service standards to the community in accordance with the authority given by the central government to local governments.

Basically, every reform and change in the life of the nation and state is intended in the context of realizing a democratic government in order to realize a better government system (good governance). One of the characteristics of good governance is transparency which is built on the basis of free flow of information, where all government processes and information can be accessed by all interested parties. For the sake of information transparency as intended, communication facilities are needed that ensure the smooth flow of information between the government and the community and the business world, and of course communication between the central government and regional governments, as well as between regional governments (Mulyana, 2017).

Realizing the importance of realizing good governance, and building a complete and accurate population database. Electronic Identity Card or e-KTP is a resident identity card based on national population database technology. This means that population data is no longer stored in their respective kelurahan or areas of residence as before, but in a single national database. Residents are only allowed to have one e-KTP with a single Population Identification Number (NIK) which is valid for life.

Management of population identity aims to make people comfortable and safe living in an area throughout Indonesia, so with the increasing number of population growth and increasingly dense settlements will affect the condition of population data, regarding unemployment, socio-cultural and economic levels. Based on the Regulation of the Minister of Home Affairs No. 28 of 2005 that the Office of Population and Civil Registration of Regencies and Cities throughout Indonesia has the task of implementing population administration management policies, is a very important milestone to start a more professional population management (Muriawan et al., 2020). Population administration as a series of structuring and controlling activities in the issuance of population documents and data requires a definite legality, so to fulfill this, Law Number 23 of 2006 concerning Population Administration has been issued which is then followed up by Government Regulation Number 37 of 2007 concerning Population Administration. Implementation of Law Number 23 of 2006 concerning Population Administration, and Government Regulation Number 25 of 2008 concerning Requirements and Procedures for Population Registration and Civil Registration and Regulation of the Minister of Home Affairs Number. 28 of 2005.

With the issuance of several laws and regulations, it is hoped that population data collection and management can be managed more orderly and legality of the population is guaranteed, guarantees protection for residents, guaranteed population data accuracy, so that population events will be recorded and managed with certainty, from birth to death of a resident. However good population management is, if it is not balanced with public awareness of the orderly population administration, population management will not succeed, therefore one form of population management is by providing enlightenment services to community members in order to carry out an orderly population administration with its implementation. namely citizens who will take care of population administration directly without going through the services of any party, in addition to periodically conducting raids on identification cards (KTP) in places that are considered potential violations (Putera & Valentina, 2011).

Gradually improving the population administration management system is always being improved, in order to avoid deviations in which the government has implemented a method, namely the Population Administration Information System (SIAM), the implementation of the Population Administration System (SIAM) which requires a National Population Identification Number (NIK) nationally, with the issuance of a National Population Registration Number. Each person's National Identity Number (NIK) will not be the same until the holder of the Population Identification Number (NIK) dies.

With the Population Administration Information System (SIAM) utilizing information and communication technology to facilitate the management of population administration information in each region, there will automatically be many changes to the order, rules such as Regional Regulations, Regent/Mayor Decrees. So with the implementation of the Population Administration Information System (SIAM) simultaneously throughout Indonesia, it will undoubtedly become a bridge to achieve progress and the Population Administration Information System (SIAM) can be utilized by various interests of government institutions such as those related to Taxes and Customs, Immigration, Office of Religious Affairs, Land Affairs, BIN, BNN, Police, Health, Transmigration, KPU, BKKBN, Banking.

3.2 Barriers faced by sub-districts to e-ID card policy

In general, the Identity Card or KTP can be interpreted as a person's identity card in Indonesia which is obtained after a person is 35 over 17 years old or who is married. This ID card is used in various fields as a recognized official proof of identity. Basically each person only has one ID card and is unique. But there are parties who deliberately falsify this ID card for certain purposes. If the fake ID card is used for a crime in the name of another person, then of course the act can harm other people. Another source also stated that the Resident Identity Card, hereinafter abbreviated as KTP, is a means of proof of self as resident legitimacy issued by an authorized official, which is valid throughout the territory of the Unitary State of the Republic of Indonesia (Rahmatulloh & Khauser, 2018).

A good job must have clear procedures in carrying out an activity, as well as in this e-KTP implementation policy, it is necessary to have clear activities and plans that are structured according to predetermined standard procedures so that the results achieved can be satisfactory. In relation to



administrative irregularities, residents complained when making manual ID cards, namely the existence of a convoluted procedure system that took a long time, this made residents lazy to make and extend ID cards.

Making this identity card is a matter for the sub-district government which is related to the local community. The implementation procedures and procedures for issuing the Electronic Identity Card are as follows (1) The applicant comes to the service place carrying a summons (2) The applicant waits for the queue number to be called (3) The applicant goes to the designated counter (4) The officer verifies the resident data with a database (5) The officer takes a photo of the applicant directly (6) The applicant puts his signature on the signature recording device (6) The fingerprint and retina scan are then recorded.

Public services are services provided to the general public who are citizens or who are legally residents of the country concerned. The form of service that is expected by the community from the government is that there is convenience in managing interests and getting fair service, getting equal treatment without favoritism, and getting honest and open treatment. Through effective service activities by the government, it will have a positive impact on the community (Wulandari et al., 2013).

There are still many obstacles in the implementation of population administration affairs. Various systems have been tried but have not yielded optimal results. For example: the validity of accurate population data, and the creation of a population administration service system that is difficult to access and slow in service. 2006 concerning Population Administration. Law Number 32 of 2004 mandates that regional autonomy be placed in regencies/municipalities, and one of the affairs delegated by the central government to become household affairs is population administration. The Regency/City Government in carrying out this matter is directly coordinated by the Central Government. The position of the Provincial Government seems to have been bypassed and has not been given the authority to handle population affairs. Furthermore, the need for data on population administration in the province is actually obtained from the Central Government. This is strange, even though geographically the Provincial Government is easier to coordinate with Regency/City Governments than with the Central Government (Lubis et al., 2019).

Article 5 of Law Number 23 of 2006 concerning Population Administration contains the duties of the Central Government as follows: The government is obliged and responsible for carrying out population administration nationally, which is carried out by the minister with the authority to include: coordination between agencies in population administration affairs; determination of systems, guidelines, and standards for the implementation of population administration; socialization of population administration; providing guidance, supervision, and consultation on the implementation of population administration affairs; management and presentation of population data on a national scale: and printing, publishing, and distribution of population document forms.

The authority of the Regency/City Government is contained in Article 7 as follows, the Regency/Municipal Government is obliged and responsible for carrying out population administration affairs, which are carried out by the Regent/Mayor with the authority to include: coordinating the administration of population administration; establishment of implementing agencies whose duties and functions are in the field of population administration, technical arrangements for the implementation of population administration in accordance with the provisions of laws and regulations; fostering and socializing the administration of population administration; implementation of community service activities in the field of population administration; assignment to the village to carry out part of the population administration affairs based on the principle of co-administration; management and presentation of district/city-scale population data; and coordination of supervision over the administration of population (HASIBUAN, 2018).

It seems that the division of tasks/authorities in carrying out population administration affairs between the Central Government, Provincial Government, and Regency/City Governments, as mandated by Law Number 23 of 2006, is administratively no problem. However, in practice, because the Provincial Government is only positioned as a coordinator and supervisor without any authority to form institutions, it seems as if this matter is not the focus of the Provincial Government's attention. There are several obstacles to making e-KTPs, namely as follows, there are residents who are required to have e-KTPs but have not been registered. the government is quite difficult to contact these citizens. This case is actually a big obstacle for the sub-district government because the time that has been determined has become much longer. Then the employee resources are not ready, because however clear and consistent the provisions of a policy are, if the personnel responsible for implementing the policy lack the resources to do their job effectively, the implementation of the policy will not be effective (Rudianto et al. ,2018).

And finally, socialization in the form of information from the government is still unclear, because in the process of implementing the information policy there are two main policies that are related to each other, first, information related to how to implement the policy, knowing what they should do when they are given orders to take action. Second, information on compliance data from implementers to the stipulated government regulations. Indeed, public service itself is essentially the provision of excellent service to the community which is the embodiment of the obligations of government officials as public servants. However, the conditions that occur in the community indicate that public services in the form of population administration services, especially in terms of making Identity Cards (KTP) have not yet been fully implemented and obstacles are still encountered.

4. Conclusions

Basically, every reform and change in the life of the nation and state is intended in the context of realizing a democratic government in order to realize a better government system (good governance). One of the characteristics of good governance is transparency which is built on the basis of free flow of information, where all government processes and information can be accessed by all interested parties. For the sake of transparency of information as referred to, communication facilities are needed that ensure the smooth flow of information between the government and the public and the business world, and of course communication between the central government and regional governments, as well as between regional governments. Realizing the importance of realizing good governance, and building a complete and accurate population database. Electronic Identity Card or e-KTP is a resident identity card based on national population database technology. This means that population data is no longer stored in their respective kelurahan or areas of residence as before, but in a single national database. Residents are only allowed to have one e-KTP with a single Population Identification Number (NIK) which is valid for life. Management of population identity aims to make people comfortable and safe living in an area throughout Indonesia, so with the increasing number of population growth and increasingly dense settlements will affect the condition of population data, regarding unemployment, socio-cultural and economic levels.

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