
Implementation of Population and Civil Registration Services according to the Perspective of State Administrative Law

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Abstract

The bureaucracy is required to be politically agnostic, transparent, responsive, and accountable in order for the reform movement to succeed. On the other hand, the public's expectations that there will be improvements in the quality of population services and civil registration are frequently not met. It is a common misconception that the population services and civil registration processes carried out by the bureaucracy of the government are still riddled with difficult problems that constitute the primary roadblocks. The purpose of this study is to investigate the population and civil registration services in accordance with the administrative law of the state. In this investigation, a qualitative strategy is combined with a descriptive research approach. The findings of the study indicate that the implementation of population and civil registration services has not complied with the rules of good public service law and state administrative law. This is evident from the fact that the government bureaucracy is still overly complicated, as well as from the fact that Law No. 24 of 2013 concerning Amendments to Law No. 23 has not been implemented. Because of this, it is essential to carry out a more in-depth study of the law in 2006 in order to make it more geared toward providing community members with adequate legal protection.

Keywords: Government Bureaucracy, Services, Population and Civil Registry, State Administrative Law.

A. INTRODUCTION

In the current era of reform, the government's need to perform its fundamental duties to the fullest extent is an unavoidable requirement that must be met (Ridwan & Sudrajat, 2020). One of the fundamental functions of government is the service of rights, self-identity, and citizenship (Michael, 2017). The publication of Law No. 24 of 2013 on Amendments to Law No. 23 of 2006 on Population Administration and the Utilization of the Results for Public Services and the Development of Other Sectors is one of the efforts to realize these rights (Marselli et al, 2016).

Population administration as a system is anticipated to be administered as part of state administration (Rukayat, 2017). In terms of population interests, population administration ensures the nondiscriminatory provision of administrative rights, such as public services and protection related to population documents (Rohman, 2013). Presidential Regulation of the Republic of Indonesia Number 25 of 2008 concerning Requirements and Procedures for Population Registration and Civil Registration governs the government's responsibility to implement the law.

In order to organize and order Population Administration, a population registration system is needed using the Population Administration Information System (SIAK) where population data is recorded in a database that is updated continuously whenever there are changes caused by population events and important events experienced by the population (Satria et al. , 2016). Records are made for each individual and the changes made during his lifetime, records are made for civil registration, birth, marriage, divorce, and death events, as well as child recognition (Hidayat, 2019)

Population registration and civil registration are very important activities, because from these activities actual micro data will be obtained, and not merely aggregated. For this reason, orderly and valid population registration and civil registration are not only useful for legal ratification of important events and individual population events, but also very useful for the government (central) and local governments for planning development programs as a basis for improving and developing the quality of the population itself. (Usman,

2021) In fact, Darwin (2010) said that the population problem is one of the central points in development. Therefore, if the government wants to prosper the people, it must never be ignored, and if this issue is not taken into account from the list of government policies, Indonesia is increasingly threatened with becoming a failed state. It is not uncommon for bureaucrats to ignore population data in an effort to implement their programs and policies. Whereas all activities related to human needs should be related to the number, growth and composition, as well as the distribution of the population of an area, so that accuracy in looking at future prospects is more clearly focused (Darwin, 2007).

With the enactment of Law No. 24 of 2013, population administration provides the fulfillment of administrative rights such as public services and protection related to population documents without any discriminatory treatment. But on the other hand, the behavior of bureaucrats in public services still shows discriminatory treatment and adheres to a top-down power relationship pattern (Lumintang, 2013). Such an approach always shows the interests of hierarchy, formality, and impersonality which are very supportive towards the achievement of a power. Therefore, whether or not the quality of government services will first be seen from the form or pattern of the power relations that are built, so that the functions of the government in the new paradigm are more able to spur progress such as steering, facilitation, motivation for empowerment (enabling/empowering), regulation, preventing, as an anticipation within the scope of the utilization of the state apparatus (Hasjimzum, 2014).

Although normatively the problem of population service and civil registration has been regulated in Law No. 24 of 2013, the fact is that the problems of the government bureaucracy in population and civil registration services are still full of complex problems that are not only related to the pattern of power relations, but also various negative stigmas. inherent in the government bureaucracy is still the main obstacle (Mulyanti & Faisal, 2020). This condition will of course have a negative impact on society, because the climate will create conditions that are uncompetitive and insensitive to overall improvements, thus the existence of a government bureaucracy in the service of population and civil registration is not only seen in the normative text, but also in the scope of the government. empirically so that the gap between what is punished (*das Sollen*) and what is in fact (*das Sein*) is always possible (Subair, 2019).

In the concept of government bureaucracy in population services and civil registration, the problem that often appears is that the patterns of behavior produced by law do not always match the patterns of behavior carried out by state apparatus in service to the community. In other words, law is black and white formulations written in regulations that do not always match empirical reality or there is a difference between law in the books and law in action (Mariana, 2008).

Public services carried out by bureaucrats in the field of population and civil registration continue to exhibit many weaknesses in the empirical scope, preventing them from providing the level of service expected by the community. This is exemplified by the proliferation of public complaints voiced through the media, which have contributed to a negative stereotype of bureaucrats (Moso et al, 2018). In light of the fact that providing for the public good is the government's primary mission, it is imperative that civil registration and population statistics be maintained and improved upon by the appropriate state agencies. Accordingly, this study employs a sociological theory or approach to law as a knife to examine Population and Civil Registry Services from the Angle of State Administrative Law, as outlined in the problem statement and research objectives.

B. METHOD

This study employs a qualitative methodology. Kirk and Miller (2016) define qualitative research as a particular social science tradition that is fundamentally dependent on human observations in both its subject matter and its terminology. In the meantime, Danim disclosed that the qualitative research method is descriptive, in that the collected data is in the form of words, images, and not numbers. Even if there are numbers, they serve as support only. Interview transcripts, field notes, photographs, and personal documents are among the data obtained. This study seeks to explain and assess the administration of population services and civil registration by the government bureaucracy that is not in accordance with the legal principles of good public service. The next context examines the role of the government bureaucracy in enhancing the quality of population and civil registration services, as well as reconstructing the government bureaucracy's regulations for population and civil registration services.

C. RESULTS AND DISCUSSION

In order to increase competitiveness in the provision of goods and services in this era of globalization, the state apparatus should provide services oriented to the needs and satisfaction of service recipients. It is anticipated that Law no. 32/2004 regarding Regional Government will have far-reaching, positive effects on the quality of life for all citizens as a result of its implementation. When power is devolved from the federal to the state and local levels, local governments have more leeway to implement new ideas for delivering and improving services while also benefiting from streamlined bureaucratic processes. Decisions can be made more quickly, with more leeway, and with relatively higher quality thanks to regional autonomy, as can the caliber of those who make them (Kairupan, 2015).

The implementation of population and civil registration services is regulated in Law Number 24 of 2013, where population registration includes: Registration of Biodata and Population Identification Numbers, Registration of Population Events, Population Data Collection Vulnerable Population Administration, Reporting of Populations who are unable to register themselves. The civil registration includes: Birth Registration, Stillbirth Registration, Marriage Registration, Marriage Cancellation Recording, Divorce Registration, Divorce Cancellation Recording, Death Registration, Child Adoption Registration, Child Recognition, and Child Legalization, Name Change Recording, and Citizenship Status Change. Recording of Other Important Events, Reporting of Residents Who Are Not Able to Self-Report.

The implementation of population registration and civil registration is related to several functions, namely service functions, legal functions, statistical functions (data), and cooperation functions. Likewise, the results of the service are population data and documents. Documents issued simultaneously record population data in an up-to-date database. This valid data will be used for various purposes, namely policy formulation, development planning, and the implementation of population and civil registration services in the regions (salam et al, 2020).

It is well-known that population administration and civil registration are given top priority in the Ministry of Administrative Reform's Circular No. 10/M.PAN/07/2005 concerning Priorities for Improving the Quality of Public Services. This is because of the critical nature of these services to the community. This means that citizens have been most dissatisfied with the government's efforts to date in the areas of population and civil registration.

It is impossible to discuss the quality of services in the field of population and civil registration in the legal dimension without first establishing that the law is conceived of as a norm contained in the articles of legislation. The government has issued a number of laws and regulations aimed at enhancing the quality of public services, such as the MENPAN Decree No. 63/KEP/M.PAN/7/2003 regarding General Guidelines for the Implementation of Public Services, the Circular Letter of MENPAN No. SE/OA/M.PAN/2/2005 regarding Improving the Quality of Public Services that are free of KKN, and the Law No. 23/2006. However, these laws and regulations, only become an ivory tower that looks beautiful but does not function, in other words, a large number of these laws only give birth to conditions that are completely far from what is expected by the law itself. This has resulted in the fact that the implementation of the law has not been able to answer the challenge of a better quality of public services, even as mentioned in a survey on the assessment of the quality of the bureaucracy in Indonesia conducted by The Political and Economic Risk Consultancy Ltd. the second worst ranking in Asia.

Improving the quality of public services in the field of population and civil registration requires commitment and a complete understanding of the service mechanism. However, the reality shows that the selection of a type of regulation is not to facilitate the resolution of a problem, but instead complicates or exaggerates a problem. Various regulations and procedures to regulate public services in the field of population and civil registration often become limitations that narrow and slow down the movement of the bureaucracy. This rigid regulation causes several negative consequences, including:

1. Rigidity of bureaucratic performance. This is due to the various provisions that must be adhered to and the length of the procedural mechanism, so that bureaucrats cannot work quickly and flexibly to solve various problems that dynamically arise in society.
2. Due to the emphasis on legal aspects, the bureaucracy often places the form (formal form) rather than the essence. As a result, the bureaucracy is often trapped in procedures, thus potentially giving rise to illegal levies

(extortion). People are generally reluctant to follow a convoluted process in managing their various interests, so they take shortcuts by giving tips/bribes to bureaucrats so that their process can be completed quickly.

3. The complicated processes in the bureaucracy can also potentially be abandoned in the process of social transformation.

Osborne and Gaebler as the originators of the reform of the government bureaucracy argued that a mission-driven bureaucracy as its basic goal would be more effective and efficient, as well as granting autonomy to bureaucrats proportionally and professionally so that bureaucrats could utilize resources and the environment effectively and efficiently as possible, without violating the standard rules of the organization. As for the government bureaucracy, which is driven by rigid and binding regulations, it will be ineffective and inefficient because its performance is slow and seems long-winded. Furthermore, Osborne and Gaebler's analysis provides a face-to-face position between mission and regulation. The existence of regulations in the bureaucracy does have a good purpose, but in practice it causes the bureaucracy to run slowly and is less able to respond to the demands of a rapidly changing environment. People will not be able to do what they think is good, for fear of being punished if it turns out that their actions or decisions are considered to violate the rules. If this condition drags on, it will lead to the attitudes and actions of the state apparatus to become apathetic and lose innovation in providing public services (Osborne & Gaebler, 1995).

The development of the legal life of a country when examined from the point of view of the social development of its people will look unsystematic and irregular. In a life that begins to experience many rapid transformative changes, it is strongly impressed that (positive) laws do not function effectively to organize life. Facing social changes that are taking place very rapidly with a socio-cultural context that is becoming increasingly diverse and heterogeneous, positive legal teachings that only dwell on the issue of law as it is written in the book with the doctrine of legal certainty and logical methods with formal deductive, immediately to be less than expected.

In the non-juridical dimension, the discourse of legal science shows a historical rotation of empirical and normative legal character based on social developments which, according to Henry Maine (2020), moves evolutionarily from the traditional type to the modern type. According to Burkhardt Krems, as cited by Attamimi (1992), the formation of legislation encompasses activities pertaining to the content or substance of regulations, methods of formation, and processes and procedures for forming regulations. Each aspect of the activity must satisfy its own requirements for the legal product to be applicable legally, politically, and socially. Therefore, according to Nurbaningsih (2004), the formation of legislation is an interdisciplinary endeavor and not merely a legal activity. This means that every activity in the formation of legislation necessitates the application of these sciences in order for the resulting legal products to be accepted and acknowledged by the community.

Based on the description above, in understanding the law one cannot only aim at the law as limited to the formulation of norms apart from its empirical roots, so that the essence and capacity of the law are not fully explained. Law cannot be separated from non-juridical elements, because if law is understood apart from ethical, sociological, political, economic, historical, and cultural nuances, the consequences are: First, the strengthening of the normative impression of the law. Second, the narrowing of the legal appearance. Third, the separation of legal norms from other legal elements. Fourth, the disconnection between law and reality. Fifth, the narrowing of the space for the study of legal science. Sixth, the direction of legal science into scientific professionalism. Seventh, the weakening of the axiological value of legal science. Eighth, the weak anticipatory power of law on practical life.

Furthermore, in order to realize good governance, the law is very necessary, both law as an institution and law as an institution. The law as an institution must be able to regulate the duties, authorities and responsibilities of the bureaucracy. The law also regulates the rights of citizens who need bureaucratic services, thus the law must be able to function to properly regulate the relationship between the bureaucracy and citizens. In addition, the problem of law enforcement is also very important in the implementation of public services such as population and civil registration services, where law enforcement aims to provide legal protection for the community, because if the community feels disadvantaged as a result of bureaucratic actions, then there is an opportunity for people to claim their rights.

Therefore, related to this, according to Soerjono Soekanto (2004) there are 5 factors that influence law enforcement, namely:

1. The legal factor itself, meaning in the law.
2. Law enforcement factors, namely the parties that form and apply the law
3. Factors of facilities and facilities that support law enforcement.
4. Community factors, meaning the environment in which the law applies or is applied.
5. Cultural factors are all works, inventions and intentions based on human initiative in social life.

In the non-juridical dimension, the law cannot be separated from non-juridical elements, this is part of the process of working law in society and the factors that influence it, where according to Robert B. Seidman (1972) that every law, once issued will change either through normal changes or through the ways that the bureaucracy takes when acting in the political, economic, social and so on. Related to the theme of the study, the bureaucracy associated with the operation of the law has an appropriate touch point, meaning that the bureaucracy must be able to accommodate the legal system.

The influence of social forces in the operation of the law has been seen in the stages of making laws, as well as the social forces working in the government bureaucracy. These social forces will continue to work to enter and influence every legislative process effectively and efficiently. As for the regulations issued, it will indeed produce the desired results, but the effect is highly dependent on the social forces that surround it.

Related to what was stated by Robert B. Seidman (1972), various laws and regulations regarding the implementation of public services, including Law No. 24/2013, do not necessarily make the quality of population and civil registration services as expected by the government. society, because in its journey it is still influenced by legal factors and other factors outside the law. Although it is recognized that legal factors are also very influential, they are not the only ones. Therefore, to be able to see a legal product not only as an act of issuing regulations formally, but more than that, thus law is a social process which in itself is an independent variable (autonomous) and not independent (not autonomous) at the same time.

As a legal state that is oriented towards a welfare state, the intensity of state intervention in people's lives is growing, not only in the implementation of the law but also in achieving social justice for all people. As a logical consequence of this modern legal state, the state apparatus or state administration is given the authority to act freely (*freies Ermessen*). By being given freedom of action to the state administration, it turns out that in practice so far it has often caused harm to citizens, especially in cases of urgency, where the state administration must take action, while written legal regulations have not yet regulated it. In this case, the need for legal protection is even more necessary. This legal protection is not only needed by citizens to protect themselves from acts of state administration, but also for state administration in carrying out their duties.

The normative in state administrative law should be seen in relation to the general principles of proper governance, because these principles or principles are recognized and developed as an effort to limit the power of state administration in carrying out their duties and authorities. Through these general principles of proper governance, the state administration can limit and avoid the possibility of using *Ermessen freies* which are far from the statutory provisions so that it is hoped that the *detournement de pouvoir* will be avoided. Because the scope of state administrative law is not just provisions or regulations that regulate the workings of state institutions (through their positions), the relationship of state institutions' powers to one another, and their relationship with citizens, the scope of narrativization will also include patterns of the scope of state administrative law. , where the main purpose of narrativization is to create and make state administrative law support legal certainty that provides legal guarantees and protection, both for citizens and state administration.

In relation to the administration of population services and civil registration, the general principles of proper governance, which have been known as unwritten law, need to be narrativization as part of positive law, so that these principles are no longer seen as merely government morals or administrative ethical tendencies. With the normalization of the general principles of proper governance into Law Number 24 of 2013, it means that these principles show an important meaning in providing the content, style, and growth and development of the Indonesian rule of law. good governance, both at the center and in the regions, thus concretizing the general principles of proper government through the implementation of Law Number 24 of 2013, can provide legal protection to the community and state apparatus in order to provide the best service to the community.

D. CONCLUSION

Population and civil registration services are one of the public service fields that cannot be separated from their inherent characteristics under state administrative law. In addition, the role of the government bureaucracy in the administration of population and civil registration services is very important for achieving

the quality of public services; thus, the role of the government bureaucracy to improve the quality of population and civil registration services is carried out via policy strategies in improving the quality of population and civil registration services and application of population administration information. In its development, the government has issued Law No. 24 of 2013 pertaining to Population Administration, which contains the regulation and establishment of a system that reflects reforms in the fields of population administration and civil registration. From the normative provisions governing population and civil registration services, Law No. 24 of 2013 contains general principles of good governance that are legally binding and provide guarantees and legal protection for both the community and the state apparatus.

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