

# EFFECTIVENESS OF KTP-EL SERVICES IN ORDER TO PROVIDE LEGAL STATUS PROTECTION IN PADANG CITY

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**Abstract:** *The Constitution of Republic Indonesia guarantees every citizens' rights. One of them is the people's right to be recognized and protected by the State. The state has an obligation to protect the population. Certified recognition from the State is by issuing Identity Cards (KTP). Technological developments require the government to update population data on an electronic basis. Therefore the central government through the regional government is accelerating the data collection of residents in their respective regions. But in its implementation the government of Padang city encountered many problems. The implementation of the renewal and printing of KTP-El still has not met the target. This has a major impact on the fulfillment of community rights, where KTP-El is a basic requirement of each service element. Therefore, ownership of KTP-el for every community should be an important concern of the Padang city government. To see the effectiveness of KTP-el service in order to provide protection for the personal and legal status of citizens in Padang city, the writer formulates the problem as follows: 1. The process of KTP-el service. 2. Protection of personal and legal status in the service of KTP-el against the constitutional rights of citizens. The research location is the Padang City Population and Civil Registry Office. From the research results obtained: 1. The process of KTP-el services must optimize the distribution of tasks to the district level by paying attention to minimum service standards, carrying out socialization through various media, and facilitate the development, placement of employees as well as facilities and infrastructure. 2. In the form of protecting the constitutional rights of citizens, the city government of Padang wrote to the service provider institutions regarding the application of the certificate as a temporary substitute for the KTP el and giving priority scale to the people who needed the KTP el as one of the service requirements.*

**Key Words:** *Population Administration, KTP-el services, protection of citizens' constitutional rights.*

## 1. INTRODUCTION:

The act of civil administration contains regulations and the establishment of a system that reflect the reforms in the field of civil administration. One of the important things is arrangement on the use of the main number population. The main number of population is resident identity Indonesia and is the key access in performing verification and data validation someone identity to support public services in population administration. The key access in residential services, population developed in the main number of identification for any of the single. The main number of population is uniquely or characteristically, single and inherent in a person listed as indonesians while hooked directly with the documents population.

Padang city as one of the city that optimize function, electronic id cards for purposes of public facilities. Act number 24 years 2013 provide legal certainty for all citizens to benefit from the public service of the existence of electronic id cards they owned as stipulated in article 64 verse (4) which reads to carry out all public services as referred to in paragraph (3), the government id numbers of integration that has been there and used for public service at the latest 5 (five) years since this act is passed.

Get in deep regulations connected with population administration as stipulated in regional regulation of Padang City number 3 year 2010 about population administration. As for thing of urgency in this regional regulation in create administration order so that structured regulations connected with the management of the implementation and the issuance of population documents in an integrated way, directed and sustainable. One which becomes the strategic issues by the a job for the department of population and civil registry Padang in the execution of a task its service people) ineffective the provision of the service; 2) the low level of knowledge the public about process residence document; 3) low level of the quality of services [1]. But in their implementation often do not in conformity with expectation, because empirically public service occurring were still characterized by, slow, expensive, and exhausting [2].

Population and civil registries agencies the Padang City, West Sumatra recorded 18.477 residents has not done to get card data recording electronic id cards on the local. to the fourth week January 2018, 608.956 of new 627.433 id card who performs the recording, Silfeni as secretariat of population and civil registration agency on Thursday said in

line extra time, by the ministry of domestic making electronic id cards (KTP-E) carried out until 2018 30 June the people has not done will be completed a recording it [3].

From the preliminary data obtained, discovered that administration service done in the population and civil registration city the far public service of ideals. The great in there were complaints service received did not condition of ideal procedure to the service is in service standards. Condition it gives greater impact on the fulfillment in the education sector, the rights of the health work taxation and the service of another who made electronic id cards (KTP-EL) as the main requirement in providing services.

Based on the results of the meeting head of district throughout the Padang City and Ombudsman Rerupic of Indonesia representative West Sumatra in response to the complaints related administration service found problem as, blanko emptiness, poor well of the system, the internet network that often troublesome, the length of time the id cards is not in accordance with national legislation, an incompetent services officer, some of those features are given in the service, and the data in the repair process requiring people to the neighborhood [5].

## 2. CONCEPTUAL FRAMEWORK:

- Service Of Electronic Id Cards (KTP-EL)

The interior ministry change the term electronic id cards (KTP-EL) which is an abbreviation of electronic id be KTP-EL. It was done is not without reason. The head of the interior ministry restuardy lighting david said that electronic id cards (KTP-EL), stands for or electronic id cards refers to the spelling appropriated in the treasures of the Indonesian Language. This is in accordance with agreements between language by a team of interior ministry about the abbreviation had to consider things, including foreign term that cannot be superimposed on the Indonesian language, moreover as an abbreviation. In addition it has to be done about learning for the Indonesian language [6].

- Human Rights

According to Act No. 39 article 1 numbers 1 years 1999, Human rights is a set of rights inherent in the nature of being and existence of man as the mighty and a gift that must be respected, in high, stood for and protected by the state, law the government, and everyone, and the protection of dignity and honor. [7] One of the contained in the constitutional rights, recognition, insurance protection and legal certainty and equal treatment before the law.

Rights in this research that is being discussed right against the protection and recognition of determined the status of any personal and the legal status of the population and a significant event for the population/or inside and outside the territory of the unity of the Republic of Indonesia [8].

## 3. LITERATURE REVIEW:

As for the output of implementation of population administration in form of the document includes the curriculum vitae family card, id cards, a letter, population. civil registration certificate and The act of administering penudu duk contains regulations and the establishment of a system that reflect the reform in the field of civil administration. One of the important things is arrangement on the use of the main number population.

The main number of population is resident identity Indonesia and is the key access in performing verification and data validation someone identity to support public service. The key service access the, population developed in the main number of identification for any of the single. The main number of population is uniquely or characteristically, single and inherent in a person listed as indonesians while hooked directly with the documents population.

The population and civil registration agency as a receptacle for the community in administration arrangement of population play an important role in establishing the. administration order in the regional level In protecting the implementation of population administration in the Padang City formed the local goverement of Padang City number 3 year 2010 about implementation of population administration.

The protection of human rights is one of the characteristics of the law. Is a country based upon law according to the basic article 3 paragraph 1 The constitution of the Republic of Indonesia 1945 "Indonesia is legal state". Human rights is fundamental rights or citizenship attached to individual since he was born in nature given directly by the one and only god that cannot be captured and deprived of its existence and must be respected, held in high esteem, and protected by the state, law, the government and everyone for the honor and the protection of human dignity.

The form of recognition the state against its inhabitants evidenced by providing the main number of population which then included in the form of cards id. Problems id cards give impact on the rights of a citizen because various affairs public services requires an identity card.

## 4. METHODS:

This research is research namely research using empirical laws empirical fact of human behavior, taken good behavior verbal obtained through interviews and behavior real undertaken through direct observation [10]. The writing is basically is the phase to find back of a truth so as to answer questions that arise of an object research [11].

Where in this research service id card electroni as influential in protecting the personal and the legal status of citizens. The methodology author whose use is empirical legal research methodology (socio legal research) by examining the legal enactment. A subject of study is legal behavior. Real behavior of individuals or of society according to what is considered appropriate law rules by using data a primer to as the main source of data.

## 5. DISCUSSION:

The Padang City government enforces regional regulation number 1 year 2017 concerning public services in the hope of improving the quality of public services in accordance with the principles of good governance. This regulation also applied to push the regulation can be an instrument control apparatus performance management services from abuse as stipulated in article 17 which govern the conduct and implementation of public services .

The services in accordance with the principle of common good governance need the transparency from all sides service. In line with this directly give the people access to control the quality of services .The public service in this research focus on the services administrative described at article 8 paragraph (1) administrative services as referred to in article 5 paragraph (1) is coordinating services are produces a variety of the form of official the people need that is the act of administrative local government who are required by the state and regulated in act.

On the other side of the service providers can be measured in accordance with the direction of Act number 25 years 2009 concerning public services where the government to implement the assessment. The assessment referred to done through survey of community satisfaction at regular intervals at least 1 times a year. A survey that is applied according to the minister for state apparatus empowerment and bureaucratic reform number 14 years 2017 on guidelines survey of community satisfaction on the public service. This can become motivation for service providers to improve the quality of public services.

Surveys of public services to be the measure the performance of a government that can be seen directly by the community, the community could immediately assess the performance of the government based on service quality that is felt. To see service quality can be done by judging standard operating procedures and their implementation. One benchmark that could be referred to the quality of services is by judging commitment or a promise from the committee services is in standard operating procedures. Standard operating are a guide made as a reference in the discharge of technical based on an indicator, administrative and procedural. In accordance by which it is conveyed by Wedistar head of population and civil registration agency of Padang City. Standard operating made with a view to create commitment apparatus in running a service that is regular and measurable so that the quality of can prime service could be achieved [13].

The government provides access to the public to judge the quality of the service through the performance of apparatus in providing services. According to rima services are provided by population and civil registration agency is transparent the procedure to be pretty easy to understand and the requirements imposed not complicate [14]. After we complete the requirements of civil directly serve without differentiating and if any fulfill that is less then apparatus convey well to furnish the terms [15].

## 6. ANALYSIS:

### A. The Implementation Of (Electronic ID Card )KTP-EI Service in Padang City

The requirements identity card at the website of population and civil registration agency of Padang City:

1. New electronic id card
  - a) Filling out a request form of new id card
  - b) Have been doing data recording of electronic id card
  - c) Copiers family card
  - d) Copiers birth certificates
2. Change of electronic id card
  - a) Filling out a request form of id card change
  - b) Copiers change of family card
  - c) Copiers birth certificates
3. Missing/lost electronic id card
  - a) a letter missing from police
  - b) damage electronic id card
  - c) Copiers family card

The provision of the service by officers writer observe is as follows:

1. An applicant take request to he population and civil registries agencies give functional common time used 2 around minutes.
2. A general officer file check the id cards .If eligible to file the request for id cards in notebook and pass it on to love the population if ineligible returned to applicants. Time to check the id cards around 20 minutes
3. The citizen file check the id cards and pass it on to head of population time used 5 minutes.
4. Head of population examine and discuss the file to the id cards bagain the population to rising time that this is 10 minutes.
5. The head of registration do disposition of the id cards to functional public about 15 minutes.

From the results of interviews with the population and civil registries agencies overview service electronic id cards could be done by two channels namely direct registration in the population and civil registries agencies through the sub-districts [17].

## **B. The protection of the personal and the legal status of nationals in the service of electronic id card (KTP-EL)**

### **• Factors affect the implementation of KTP-EL services**

#### **a) Legal Factor**

According to Nurlaili, S.H., M.M , as head of population registration and civil registration agency of Padang city changing authority obtained the population and civil registration to score the city electronic id cards (KTP-EL) obtained on the basis of the strict orders on the subject of implementing agencies who have the authority and the firm on the delegation of authority to the institutions of the recipient delegates, authority the agency civil registration of the [18].

The population and civil registration agency of Padang City changing authority law and public because the authority given to the law and public, law like taking decisions or designating a plan associated with authority electronic id cards (KTP-EL). Scored the first Changing authority obtained of the city population and civil registration to print ktp-el is the responsibility of the government derived from regulation perundang invitation from the delegates, the changing authority government by an organ of government have authority in an attributive manner to other organs on the basis of the act . The act of on which to base the delegation of authority this is article 8 of the letter c the law number 24 years 2013 on changes to the no 23 year 2006 about population administration , the state gazette of the 2013 number 232, state gazette supplement no. 5475, who said that implementing agencies implement matters population administration by an obligation that includes: scored , issue , and distribute population documents.

#### **b) Structural Factors**

Structural Factors who writers mean in the effectiveness of service electronic id cards (KTP-EL) in to provide protection status personal and law citizens is the administration service especially in matters KTP-EL services in Padang City. After regional regulation of Padang city number 3 year 2010 applied so appear new hope the community against the government who has the power to implement affairs adminitrasi population agra better. Through the application of regulation in the number 3 this year will improve the image of the government capable of melaksanakan orderly adminitrasi population to meet right inhabitant of to the determination of status personal and and status law for any notable event experienced by Indonesians.

Interviews with Djuliusrin as the head of Subsection general and employment in accordance with competence needed and agency civil record need development technical competence and competence managerial training penjenjangan/training on budgeting process, employment, planning for head of, secretary, the head of, head of sub division for , the sub the managers and functional and training to functional positions [19].

Observation writer existing gap in the population administration structural serve is one factor be a barrier in implementation protection about the status of citizen personal and legal status. Weakness apparatus in their mastery of information technology cause slowness the application of a printing process the KTP-EL in the Padang City.

#### **c) Cultural factors**

Other reasons the delay culture for obtaining a KTP-EL according to the laws of society the service provided by the service take a long time, as well as the frequent alternating convoluted often urban village and sub-district to take care of requirements [20]. Actually it is still many people do not understand their obligations in the implementation of rights and responsibilities so that there are still community members KTP-EL a lazy to complete resident administration process especially KTP-EL . Still there are people who was 17 years and do not yet have KTP-El when the department of population and civil registration has been frequently socialize the

importance of take care of KTP-EL even use the number of service. But it was a lazy culture as well as services make the community lazy in charge of it [21].

According to the writer that there are still many people do not have KTP-EL because some people do not understand the importance of the having ktp-el and the assumption that the service will be difficult and complicated, KTP-EL propose old, officers unfriendly and lounge facilities inadequate.

Based on the research who writers do the socialization limited to the community, and the also very important conduct socialization to implementing agencies made KTP-EL public services as the main requirement in providing services to the community. The role other people also important to be reported in the offices made identity card as the main requirement and did not receive a letter a substitute for identity card.

#### • **Rights Protection Of Citizens In The Service Of Electronic Id Card (KTP-EL)**

Based on act about Civil administration The state of having an obligation to storing and provides protection for the private data. Therefore, access and the right the offices private data the intermediary of keeping the information and secrecy if the data, who regulations in detail contained in presidential regulation no. 67 year 2011 about identity card population based the main number of national. But, these regulations are still not yet accommodating the protection private data (storage and its use), relation to data recording are after are scanning and to fingerprint and the retina of the eye.

While article 1 points 22 the Act no. 1 23 year 2014, Admitting private data as individual data that should be kept, treated and guarded by the truth and protected election secrecy. The act of administering later in article 85 population, it was stated that the the state of having an obligation to store and provides protection for the citizens private data. This is also included in the article 79 who obliges state parties to provide protection and minister pointed as the party responsible for the right permissions private data residents. The problem arises when there is a difference classifications the data of the citizens who “to be covered / kept secret”. There is no statistical difference between law no 23 of 2006 and the change, namely the Act no. 24 years 2013. The situation at present occurring as a result of the absence of clarity categorization of private data in Indonesia.

In the process the application of id cards based on electronic meet various complex problems, starting with the integration between the centre and an area that has been no as well as the coordinator of corruption happened regarding supplies of facilities and their infrastructures [22]. A writer in this research focus research on the impact of electronic id cards have not one hundred percent owned by citizens.

To protect the government constitutional right through circulars interior ministry directorate general population and civil registration number 471.13/6398/DUKCAPIL At points 1 described the letter as a substitute for id cards elektronik can be issued for the population have recorded their data for id cards but still have not received physical electronic id cards. So in this case, has done all of of the recording and has been registered in the database population, and id cards had not yet been issued, and a letter referred to be published, so that a letter referred to can be used in all matters of public service, including the head of the region for the purpose of elections. Some of residents complaining their their rights in obtaining public service be disturbed. Indonesia is a country legal guarantee the rights of citizens. Delay printing id cards made it difficult for the community in the fulfillment of their rights, plus service which are not adequate to people of Padang City [23]. Explicitly people without id card to lose its status in state.

Our constitution defines that everyone is entitled to ease and special treatment to have more opportunities and the same benefits in order to achieve equality and justice. This article shows the spirit of the country to help its citizens to get a chance, ease and special treatment when necessary to get treatment and sense of justice. equationArticle 28 I verse (2) our constitution states that everyone deserves a free from the treatment is discriminatory on any basis and deserves protection against the treatment is discriminatory.

#### **7. CONCLUSION:**

- a. Administration service on the electronic id cards in the padang city have not effective because of the law, the division of authority between center and regions through Act number 23 years 2006 article 7 paragraph (1) only applies to the authority implementing institutions printing by the population and civil registration the city. But in practice printing is very possible to conducted in districts by using signature pad based on Act number 11 years 2018 article 11 paragraph (1) concerning the validity of signature pad. Of the aspect of structural the administration service still not eligible in terms of competence and meeting the needs of training. The perspective of cultural socialization KTP-EL has given a positive impact on public awareness. But coordination and integration between the service is still very minimal. Last in terms of institutional implementing agencies in this case of population and civil registration still have much negativity that is still of overlap a division of labor .
- b. Relating to constitutional rights protection citizen the status of personal and legal status of the impact the citizen population administration is not yet optimal.About the status of protection in Act no 23 years 2006 about

population administration to the state responsibilities. But there are differences in a categorization in the determination of private data. Implementation data protection are still unable to carried out optimally because are still minimal regulation which control the use limit access. Regarding the impact of the implementation of KTP-EI services, for people who experienced a problem with the service received since their are not having the government id card Padang need to do the expansion of coordination with donor agencies have relations services at the city level. There are still many service agencies who made KTP-EI as an important point as the basis for the delivery of services and do not acknowledge identity documents that legally meet the principle of legality as a substitute for KTP-EI .

## 8. SUGGESTION:

- a. Administration service can be maximized by forming a regulation which made the printing documents population has on occasion to Act number 11 year 2018 article 11 paragraph (1) concerning the validity of signature pad. In terms of the government must maximize development structural competence of employees complying with obligation the government through 2014 Act number about 5 years of state civil apparatus. Legal awareness of cultural aspects must be taken and the socialization the organizers other services. Institutional terms of population and civil registration agency had to do an analysis of the tasks and functions between section.
- b. The Padang City government is expected to provide protection status personal and legal status focus optimization people with a letter as a substitute for identity card socialization not only in the community but is required to agencies providers identity card as a prerequisite especially.

## REFERENCES

1. Renstra, Population and Civil Registration Agency Of Padang City.
2. Lijan Poltak Sinambela, 2014, *Reform Of Public Service*, PT. Bumi Aksara, Jakarta, pages. 4.
3. <https://www.sumbar.antaraneews.com/berita/196620/18477-warga-padang-belum-perekaman-ktp-elektronik.html>.
4. <http://www.bappeda.padang.go.id/up/download/27092015214523RENSTRA-DISDUKCAPIL-2014-2019.pdf>.
5. <http://www.ombudsman.go.id/index.php/pwk/sumatera-barat/2682-layanan-ktp-bermasalah-ombudsman-sumbar-panggil-disdukcapil-camat-se-kota-padang.html>.
6. <http://disdukcapilmusirawas.org/alasan-bahasa-e-ktp-berubah-jadi-ktp-el/>
7. Act No.39 years 1999 article 1 number 1.
8. Act No. 23 Tahun 2006 about population administration.
9. Act No. 39 years 1999 about human rights article 1.
10. Mukti Fajar ND dan Yulianto Achmad, *Dualism Normative Position And Empirical Legal Studies*, Pustaka Pelajar, Yogyakarta,2007, pages. 280.
11. Bambang Sugono, *Legal Research Methods*, Raja Grafindo Persada, Jakarta, 2001, pages. 29.
12. Salim H.S. dan Erlies Septiana Nurbani, *The Application of Legal Theory in the Tesis and Disertation Research*, Rajawali Press, Jakarta, pages. 21.
13. Interview with Wedistar head of Population and Civil Registration Agency Of Padang City, Wednesday 10 august 2018.
14. Interview with, Rima, Padang, Monday 21 January 2019.
15. Interview with Rizal, Padang, Monday 21 January 2019.
16. <https://www.disdukcapil.padang.go.id/layanan/ktp>.
17. interview with Silveni Secretary of Population and Civil Registration Agency Of Padang City
18. Interview with Nurlali Head Of Services Population Registration.
19. Interview with Djuliusrin Head of Subsection General and Employment, 12 February 2019.
20. Interview with Budri, Padang, Wednesday 5 June 2019.
21. Interview with, Nurlaili, S.H, M.H Head Of Sub Section Services Population Registration, Wednesday 5 July 2019.
22. Interview with Lola, Head Of Section For The Government North Padang.
23. Interview with Mr. Beni on 16 March 2018 at 11.00 WIB.