

The Need to Reconstruct the Law to Optimize the Utilization of IKD

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Abstract. There are challenges in its implementation, as many public service institutions are unable to accept Digital Population Identity as a service requirement due to incomplete legal foundations. This research employs a qualitative approach with both normative and empirical juridical methods. Data collection is conducted through structured interviews with prepared questionnaires, supplemented by a review of relevant literature. Data analysis involves data editing, presentation, and conclusion drawing. The research findings reveal that Digital Population Identity still faces implementation challenges, with many user institutions such as banks and the police unable to accept it, continuing to require physical copies of national ID cards as service prerequisites. This issue arises due to the legal basis being the Minister of Home Affairs Regulation. Therefore, it is crucial to incorporate Digital Population Identity into the revision of Law Number 23 of 2006 concerning Population Administration, as amended by Law Number 24 of 2013, to establish a strong legal foundation. This would ensure that all public service providers accept Digital Population Identity with the same legal validity as physical national ID cards.

Keywords: Reconstruction, law, digital population identity, transformation.

1 Introduction

Population administration matters are not a basic service but are the basis of all services. In the "1945 Constitution Article 28 section (1)" the second amendment and Article 34 paragraph (3) of the fourth amendment have ordered that the state is obliged to serve each resident and occupant to satisfy their essential necessities with regards to public administrations and further developing local area government assistance. In this way, the execution of public administrations did by state authorities in different assistance areas, particularly those including the satisfaction of social liberties and fundamental local area needs, must be carried out in accordance with the mandate of the 1945 Constitution Articles 28 and 34,[1] so that the state, in this case the government, must be present to provide population administration services right up to the doors of the house from passive stelsel to active stelsel.

Objectives of providing population administration services:

1. Provides identity validity.
2. Provide protection for the civil rights status of the population.
3. Providing national population data and information.

4. Realizing orderly and integrated population administration on a national basis.
5. Provide population data which becomes a basic reference for other related sectors.

Digital Population Identity is electronic information used to represent population documents and return data in digital applications via smartphone. This IKD can be downloaded via Playstore or Appstore in light of Pastor of Home Issues Guideline Number 72 of 2022 concerning Principles and Particulars for Equipment, Programming and Electronic Populace Character Card Spaces and the Execution of Computerized Populace Personality.

In order to simplify public services, budget efficiency and to reduce the time for population administration services, and eliminate illegal levies, population administration services which were previously manual have been transformed into digital. Beginning with the issuance of Pastor of Home Undertakings Guideline Number 19 of 2018 concerning Working on the Nature of Adminduk Administrations, White Paper for printing Family Cards as per Clergyman of Home Issues Guideline Number 109 of 2019 concerning Structures and Books Utilized in Populace Organization, Utilization of Electronic Marks as per Pastor of Home Issues Guideline Number 7 of 2019, ADM copies the ATM model like a regular bank as per Clergyman of Home Undertakings Guideline Number 7 of 2019 concerning On the web Populace Organization Administrations and to work on the nature of populace organization administrations, Clergyman of Home Issues Guideline Number 95 of 2019 concerning Populace Organization Data Frameworks was given and toward the start of the year In 2022, Computerized Populace Character will start to be presented as per Priest of Home Issues Guideline Number 72 of 2022 concerning Principles and Particulars for Equipment, Programming and Electronic Character Card Structures and the Execution of Computerized Populace Personality.

IKD is an application for presenting population documents equipped with a QR Code, which is an encrypted two-dimensional matrix code used for verification and validation, by scanning the QR Code using a device, This Qr code is only known to officers from the Populace and Common Enrollment Administration. So the IKD applicant must first coordinate with an officer from the Population and Civil Registration Service to gain access to the IKD application on the applicant's device. The Digital Population Identity application not only contains the Digital KTP but also the Family Card, BPJS Health, BPJS Employment, vaccine certification from the Ministry of Health, taxpayer number, Healthy Indonesia Card and also the location of the general election location.[2]

The process flow for making an IKD is as follows:

1. The applicant has a smart cellular telephone device.
2. The applicant installs the IKD application which can be downloaded from the Playstore or Appstore.
3. The applicant registers on the IKD application by filling in their NIK, email and cellphone number and finally a photo for face verification.
4. The applicant scans the QR code which can be obtained by coordinating with the Dukcapil employee.
5. The applicant will receive an email containing a pin code and link.
6. The applicant activates the IKD based on the pin and activation link provided via email.

2 Method

The method used in writing this journal is a descriptive research method by conducting interviews, namely holding questions and answers with competent sources regarding the problem objects in this journal in order to obtain and support secondary data.[3] The interview method used was the guided interview method, namely using a guideline for a list of questions that had been prepared in relation to the problem being studied. Area The meeting was directed at the Metro City Populace and Common Enrollment Administration and was likewise completed by perception and writing concentrate on to acquire essential legitimate materials and auxiliary lawful materials as legal guidelines, books, articles and diaries connected with the examination object.[4]

3 Results and Discussion

The aftereffects of a meeting with the Top of the PIAK Division of the Provincial Populace and Common Library Office of Metro City expressed that the presence of "Dukcapil Go Advanced" signifies executing an electronic mark (TTE) or computerized signature. The implementation of Digital Population Identity is carried out to save service time, so that residents can process their population documents more quickly. The signature process does not need to wait for the Head of the Population and Civil Registry to be in the office, because documents can be signed by the Head of Service or an authorized official at the Population and Civil Registry Service from anywhere and at any time 24 hours a day and 7 days a week, no longer bound by time and space. The aim of implementing Digital Population Identity is to simplify public services and make people happy and reduce unnecessary bureaucracy. TTE documents are guaranteed to be authentic and do not need to be legalized. Because digital documents are equipped with QR codes that can be scanned on Android or Apple based cellphones, this minimizes the risk of document loss, because if the physical document is damaged, people just have to reprint it if they still have the file. IKD aims to follow the application of information and communication technology regarding population digitalization, increase the use of population digitalization for the population, simplify and speed up public or private service transactions in digital form, and secure ownership of Digital Population Identity through an authentication system to prevent falsification and data leaks. The IKD function is for identity proof, identity authentication and identity authorization.[5]

IKD Function:

1. Application for Printing Family Cards.
2. Request to Print Biodata of Indonesian Citizens.
3. Changes in Blood Type/Blood Types of Indonesian Citizens.
4. Transfer Certificate (Individual).
5. Broken/Split Family Card.
6. The Indonesian citizen's birth certificate does not yet have a NIK.
7. Indonesian citizens' birth certificates already have a NIK.
8. Death certificate.

In the future, all population administration services will gradually be processed from the IKD application. This IKD application is also the entry point for MPP Digital. Metro City is among the 24 regencies/cities in Indonesia that are pilot projects for MPP Digital.

In 2022, the Digital Population Identity Application will be launched, an official application issued by the Directorate General of Population and Common Enlistment, Service of Home Undertakings, which can be downloaded on the Play Store and App Store under the name Digital Population Identity with the logo of the Ministry of Home Affairs of the Republic of Indonesia.

The obstacles and challenges faced in implementing IKD:

1. To download the IKD application, people can only access it from Android and iOS-based smartphones, while not all people have smartphones, especially the elderly and people with less economic capabilities.
2. Residents must come to the Department to activate the IKD because they have to scan the barcode for security when using the IKD.
3. To access you must have an internet network. Not all areas have a good internet network.
4. Citizens must have an electronic mail address, not all people do, there are still many who do not understand technology, and the elderly are not used to technology.
5. There are concerns among members of the public about their personal data being leaked and it being used by irresponsible individuals.
6. Not all people have a quota to install the IKD application.

The consequences of a meeting with the Head of Population Enrollment, Director General of the Ministry of Home Affairs stated that all community data is guaranteed to be secure using IKD. Other people will not be able to enter someone's account in the application because it uses a PIN that is only known to the person concerned. Apart from that, strict verification and validation is also carried out using facial recognition technology so that confidentiality is guaranteed. So that this IKD can be used by all Public Service Providing Institutions in Indonesia, the Director General of Dukcapil, Ministry of Home Affairs has sent 2 letters as follows:

1. To the Governor of Bank Indonesia Number 400.8.1.2/8614/Dukcapil regarding the application for the use of IKD as proof of identity in banking services.
2. To the Chairman of the Board of Commissioners of the Financial Services Authority (OJK) regarding the Application for Using IKD as proof of Identity in Financial Services Services.

This letter from the center was followed up in the regions by issuing Metro Mayor Circular Number 005/SE/D-11/2023 concerning Digital Population Identity, [6] if service users or the public show Digital Population Identity, it can be accepted, because its function is the same as e-KTP. physically and is a national program. This circular letter is addressed to Forkopimda, Heads of Regional Apparatus Organizations, Heads of Ministry of Religion Offices, Chairs of Religious Courts, Heads of BUMN, Heads of BPJS, heads of Financial Institutions, Heads of Banks, Heads of Cellular Operator Branches. However, in reality it cannot be effective at the center and in the regions because banks still use e-KTPs as a service requirement as well as in the police to process SIMs. Banks cannot yet use IKDs because there are no regulations from the center that allow using IKDs as a substitute for KTPs. electronically and likewise with other public service providers both at the center and in the regions, they are worried about being subject to sanctions from the central office.

In Indonesia, the legal basis for IKD is Ministerial Regulations regulated in Law Number 12 of 2011 as amended by Law Number 15 of 2019 concerning the Establishment of Legislative Regulations. This law regulates statutory regulations, starting from the principles of formation, drafting techniques, writing formats and other provisions. As is known, in Article 7 section (1) of Law Number 12 of 2011 concerning the Formation of Legislative Regulations, the types and hierarchy of Legislative Regulations are regulated legally. Referring to this article, the types of

Legislative Regulations included in the hierarchy have been ordered according to their position from highest to lowest. However, there are still other regulations that are outside the hierarchy of these Legislative Regulations. Regulations that are not included in the hierarchy are regulated in Article 8 paragraph (1) and Ministerial Regulations are one of them. Article 8 section (2) of Law Number 12 of 2011 only provides recognition of the existence of Ministerial Regulations and their legal force. Ministers as assistants to the President have the authority to form regulations which are also called Ministerial Regulations.[1] This is formed in Article 8 area (2) of Regulation Number 12 of 2011 concerning the Arrangement of Administrative Guidelines. Alluding to this article, apart from being issued based on the authority of the Minister, Ministerial Regulations can be issued due to orders or mandates from higher laws and regulations.

Maria Farida stated that in essence, ministerial regulations as a legal instrument are needed in the context of administering state government, including to implement the provisions of statutory regulations above which are expressly ordered (delegated), or because of the existence of government policies which need to be stated in the form of regulations. which is in the nature of implementing higher regulations [8].

The procedure for forming a Legislative Regulation covers the planning stage, drafting stage, discussion stage, ratification or stipulation, promulgation stage and the final stage is the dissemination stage. A Legislative Regulation must go through all these stages or procedures.

However, because the legal basis is still in the form of a Ministerial Regulation where there are no sanctions and legal consequences related to rejection of this IKD and the language in this Ministerial Regulation in article 18 section (1) Every Resident who already has a physical e-KTP can have a Digital Population Identity. Language can mean whether you can have or not have, so it is necessary to make changes to Law Number 23 of 2006 as amended by Law Number 24 of 2013 concerning Population Administration so that it has a strong legal basis so that all public service providers no longer exist. those who refuse to use IKD have the same validity as Electronic KTP.[7]

To speed up IKD services in Metro City, Regional Population and Civil Registry Office of Metro City is also taking the ball to existing agencies, to schools, musrenbang, hospitals, banks, prisons and the private sector. Each district/city Regional Population and Civil Registry Office Service has a target for making IKD from the Central Government which must be met every year. Metro City is targeting that by 2023, the number of Digital Population Identities will be 35,000 (thirty five thousand) while the national target is 50,000,000 (fifty million) people. By 2026, it is planned that by 2026 the entire population of Indonesia will have digital population identity. For the elderly and residents who do not have smartphones, electronic KTPs (double track system) are still printed, Regional Population and Civil Registry Office of has also opened a consultation and complaints service to receive people who want to consult or who have problems using IKD services.

4 Conclusion

IKD can make it easier for the public and public service institutions to carry out public service processes because it has several advantages, namely ease of access, budget savings and can cut bureaucracy. However, its implementation is still not effective at the center and in

regional areas, user institutions such as banks and police are not yet willing to accept Digital Population Identity.

Several efforts have been made, namely the Director General of Dukcapil, Ministry of Home Affairs, has sent 2 letters as follows:

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This letter from the center was followed up in the regions by issuing Metro Mayor Circular Number 005/SE/D-11/2023 concerning Digital Population Identity, if service users or the public show Digital Population Identity it can be accepted, because its function is the same as a physical e-KTP and is national program.

However, because the legal basis is still in the form of a Minister of Home Affairs Regulation, it is necessary to make changes to Law Number 23 of 2006 as amended by Law Number 24 of 2013 so that it has a strong legal basis so that all public service providers no longer refuse to use IKD has the same validity as e-KTP.

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