

# The Effectiveness of the Organization of the Population Administration According to Law no. 23 of 2006 Year Residency Administration

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**Abstract:** *The purpose of this research is to know and analyze the effectiveness of Law no. 23 of 2006 on Population Administration relating to the registration of residents in Wajodan Regency to determine the factors that affect the effective or ineffective implementation of Law no. 23 of 2006 on Population Administration relating to the registration of residents in Wajo Regency. The results of this study indicate that Administrative Settlement related to the registration of inhabitants in Wajo Regency after the enactment of law No. 23 of the year 2006 About the administration of the Settlement have not been effective, because of the sanctions have not been applied along with regard to moving come residents, especially when residents come not reporting to the implementing agencies in the area of the purpose for publishing the affidavits move coming. Factors that influence the effective or not effective implementation of law No. 23 Of 2006 Year Population Administration relating to the registration of inhabitants in Wajo Regency includes the factor structure (structure) and popular culture (legal culture).*

**Keywords:** The Effectiveness, Population, Administration

## 1. Introduction

The Unitary State of the Republic of Indonesia pursuant to Pancasila and the 1945 Constitution of the State of the Republic of Indonesia is essentially obliged to provide protection and recognition of the determination of the personal status and legal status of any important resident and event events experienced by persons residing within and / or outside territory of the Unitary State of the Republic of Indonesia.

Indonesia is one of the most populous developing countries, as an archipelagic country of Indonesia has uneven distribution of the population, many of the problems that are the result of population dispersal often arise and urge the government to immediately take a policy. Besides, the large population growth factor and its uneven distribution and the low quality of the population also become a problem related to population in Indonesia. High human resources cause various problems such as poverty, health and unemployment.

The residents are Indonesian citizens and foreigners who settled in Indonesia while the citizens of Indonesia are the people of the Indonesian nation and the people of the foreign nation which is legal with the law as citizen.

The United Nations Convention expressly guarantees the right of every citizen to form a family and to continue the offspring through legitimate marriages, obtaining citizenship, ensuring freedom of religion and choosing a place of residence in the Territory of the Unitary State of the Republic of Indonesia and abandoning it, and shall be entitled to return. The Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia are essentially obliged to provide protection and recognition of the determination of the personal status and legal status of any important population and events experienced by people residing within or outside

the territory of the Unitary State of the Republic of Indonesia.

Population events, among others, change of address, move to settle, stay limited, change of status of stranger to stay fixed to stay and important events such as birth, stillbirth, death, marriage, and divorce, including appointment, recognition, children, and changes in citizenship status, change names and other important events experienced by a person is an event that must be reported because it brings the implications of change of identity data or residence certificate. For that reason, any major population and event events require valid evidence for administration and recording in accordance with the provisions of the law.

Current population issues have become an actual issue in Indonesia along with the increasing complexity and dynamics of global population. Population problems facing Indonesia have led to a fundamental paradigm shift in population policy in Indonesia.

A prominent population problem in the future is a matter that can not be ignored. The future of the population will be the higher level of education that he or she has to rescue. The consequences of this situation can already be estimated more and more job seekers, while the available employment is very limited. People living in urban areas will be more and more likely to generate, density, congestion, job opportunities and other common problems.

Other problems related to demographics, such as the recording of vital events in Indonesia, are not carried out by one department, but by several departments depending on the type of data. For example, birth events recorded by the Ministry of Religious Affairs, population migration by the Ministry of Justice. The Department of Health records the statistics of death and the causes of death. The Central Bureau of Statistics collects the data and publishes it in the Population Registration series. Although vital statistical data

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are compiled by several departments, but at the lower levels the data is recorded by the village head

The population problem as described above, reflects the impact of the failure to build a good population administration system. Therefore, the government issued a policy of Law no. Law No. 23 of 2006 on Population Administration, which is expected to provide benefits, among others, to design educational programs, health and other services that require accurate population data, for the purposes of development planning in the provision of socio-economic facilities, such as home provision sickness, puskesmas, markets, educational facilities and so forth, for funding or aid allocation such as per capita subsidy allocation, allocation of education aid fund, health, determination of General Allocation Fund and so forth.

The existence of Law no. 23 of 2006 on Population Administration, Article 106 states that Civil Registration for European Groups, Civil Registration for Chinese Groups, Civil Registration for Indonesian Groups, Civil Registration for Indonesian Christian Groups as well as regulations on the amendment or addition of surnames shall be revoked and declared not apply. Population Administration as a system is expected to be organized as part of the administration of the state. In the interest of the people, Law no. 23 of 2006 on Population Administration fulfillment of administrative rights, such as public services and protection relating to population documents, without any discriminatory treatment.

Overall, the provisions set forth in this Law include the rights and obligations of Population, Organizer and Implementing Agencies, Population Registration, Civil Registry, Data and Document of Population. Population Registration and Civil Registration At the time of the state in an emergency, provision of legal certainty, and protection of personal data of the population. In order to ensure the enforcement of possible violations, both administrative and criminal material provisions, the Act also provides for provisions concerning the procedures of investigation and arrangements concerning Administrative Sanctions and Criminal Provisions.

## 2. Formulation of the Problem

- 1) How is the effectiveness of the Organization of the Population Administration according to law No. 23 of the year 2006 about Adimistrasi population with regard to the registration of inhabitants in Wajo Regency?
- 2) what factors affect the effective or not effective implementation of law No. 23 of the year 2006 about Adimistrasi population with regard to the registration of inhabitants in Wajo Regency?

## 3. Theoretical Framework

The law effectively means a positive legal impact occurs. Thus the law reached his target in the guide or change human behavior (behavior that it becomes law). One of the most important attempts to make the law effective and have a positive legal effect is to set sanctions. Sanctions are actually a stimulus to do or not do. Sometimes, sanctions are

formulated as an agreement or rejection of a particular behavioral pattern within a society. Thus, there are negative sanctions and positive sanctions. Narrowly negative sanctions mean a punishment, whereas positive sanctions are a reward (as a result of certain legal compliance). [Satjipto Rahardjo. 2000. *Ilmu Hukum. Bandung* : Citra Aditya Bakti, Bandung, p 25] In reality, it is not very easy to establish that certain laws will be effective, if they are accompanied by sanctions (both positive and negative).

In order for the law to really affect the behavior of citizens, then the law should be disseminated as widely as possible so institutionalized in society. The existence of certain communication tools, is one of the requirements for the spread and institutionalization of the law. Legal communication can be done formally, that is through an ordinance that is officially organized. In addition, there are informal informal or informal arrangements. This is one of the limits in the use of law as a means of altering and regulating behavior. These include what is called diffuse, ie the dissemination of certain cultural elements within the society concerned.

## 4. Discussion

The results of research on population growth rate of Wajo Regency, in 2017 Population and Civil Registration Agency, recorded population growth rate reached 0.20% per year. Based on the sub-district, the highest population growth rate occurred in Tempe sub-district at 0.32%, followed by Sabbangparu sub-district with 0.24%, Maniangpajo sub-district 0.22%, Majauleng sub-district 0.21%, Gilireng District and tanasitolo 0, 20%, Pammana and Sajoanging sub-districts are 0.19%, Belawa sub-district is 0.17% while the lowest growth in Penrang is 0.11%. The population growth of Wajo Regency is not caused by high birth rate, but more due to migration factor, because Wajo Regency is a trading district and is a student district of school destination especially in pesantren.

Population density in Wajo district, with an area of 2506 km<sup>2</sup>, Wajo Regency inhabited by 454,946 people or with a density of 182 inhabitants / km<sup>2</sup>. Population density in Wajo regency decreased from 189 inhabitants / km<sup>2</sup> in 2016 to 182 people / km<sup>2</sup> by 2017 or decreased by 7 people / km<sup>2</sup>.

Implementation of population policy in Wajo District must refer to the rules set by the Central Government. Decree of the Minister of Home Affairs No. 44 of 1992 concerning the Improvement of Civil Registry Office of Type C District to Type C Civil Registry B, in Kabupaten Wajo, a Civil Registry Office was formed, which was a merger of the separation from the Governmental Section of the Regional Secretariat of Wajo Regency. The previous Department of Population and Civil Registration was the Civil Registry Office which still joined the Section of Governance of the Wajo District Secretariat. This goes on until 2009 '

In general, population administration has two functions namely the legal function of the first to provide legal certainty, guarantee justice and provide welfare of the population in accordance with human dignity, Documents relating to the population, especially identity cards that must

be owned by the community in order to obtain legal certainty in doing a legal and regulatory action Registration functions, acknowledges and validates the civil status of a person and establishes micro data for the development process for the formulation of population-oriented policies. Population documents, especially Identity Card, also have a registration function that aims to legalize a person's civil status. Wajo district is the center of trade activity, this is one of the pull factors that cause many people to come to it. The desire to get a better income to meet the needs of life is the main cause of people to come to Wajo District as the emergence of meatball traders, the emergence of claw clothing seller to try his fortune and fortune in Wajo District. Another factor is the educational and recreational facilities and infrastructure available.

The problem faced by the population in Wajo Regency is the increasingly narrow field of work. This problem is caused by the rapid increase of population compared to the number of employment. The impact of this problem is the increase in crime. The increasingly narrow employment causes intense work competition. For people who are unable to compete in the formal sector, they will look for jobs in the informal sector such as street vendors or hawkers

To address the various problems related to the population of the government trying to obtain accurate data on population in Indonesia to be able to create an appropriate mapping to address demographic problems both locally and nationally. Population Registration is the recording of population biodata, recording of the reporting of Population events and data collection of Vulnerable Population Population and Publication of Population Document in the form of identity card or Surat Keterangan Kependudukan in the form of identity card. The management of population registration is the responsibility of the city/ regency government, where in the implementation begins from the village as the spearhead of the registration of the population, so that every citizen is registered administratively and in accordance with Law no. 23 of 2006 concerning the Admission of Population.

Information System of Population Administration), is an information system which is arranged based on procedures and based on information and communication technology which aim to organize population administration system in indonesia, this system covers population data and civil registration. [Ahmad Winarto, *Persyaratan Mengurus Dokumen Penting Untuk Warga*, Malang, 2009, p.15] The existence of population administration system will produce accurate population data, in terms of population, economic level, education, etc. so that with accurate data tersebut useful for the implementation of policies or other government programs. The Population Document is an official document issued by the Office which has the legal power as authentic evidence resulting from the civil registration service and civil registration. Administration in the broad sense is the whole process of activities to achieve goals, while the administration in a narrow sense is the whole process of service to achieve goals. Population administration is a series of activities and structuring and controlling in the issuance of documents and population data through population registration, civil registration,

information management Population administration and utilization of the results for public services and development of other sectors. The managing organizer is the government, provincial and district / municipal governments responsible and authorized in the administration of residence.

Implementation of civil registration service includes recording of Birth Event, Recording of Death Event, Identity Card making Service, Family Cardmaking Service, Born Dead, Marriage Recording, Divorce Recording, Child Recognition, Legalization, Child Appointment, Name Change, Civic Status Changes, Cancellation marriage, divorce cancellation, and other important events. [Christoher Hood. *Gaming in Targetworld: The Targets Approach to Managing British Public Services*. Washington: Jul. 2006 [www.emerald.com](http://www.emerald.com)]

Accordingly, each Population Event and Critical Event require valid evidence for administration and record keeping in accordance with the provisions of law. In accordance with the changes and developments taking place in Indonesian society, the Indonesian people are aware that a person needs to have written evidence in determining the status of a person for events or events, such as: marriage, birth of death, child confession, child endorsement, divorce, death or name change. Where as to have such status, the person shall register the event or event to the Civil Registry Agency, thereby the person shall obtain written evidence in the form of a Civil Registry Deed.

All this raises the tendency of the disordered issue of population administration. Therefore the Government of Wajo Regency through the Department of Population and Civil Registry of the City is certainly required to be able to implement Law no. Law No. 23 of 2006 on Population Administration in particular concerning the registration of the population effectively. Law no. 23 of 2006 on the Admission of Population enacted in Jakarta until now it is time to be evaluated and researched, especially in terms of registration of the population. Because society has been considered to know the rules.

To address the issue of the Effectiveness of Law no. 23 of 2006 on Population Administration relating to the registration of residents in Wajo Regency obtained the results of interviews of the executing apparatus and the community. From the results of interviews that the authors do with Safaruddin, as Head of Population Registration in the Department of Population and Civil Registration of Wajo Regency said that: "Act no. 23 of 2006 is good for substance.

The first factor to consider in determining whether the sanctions play a role in the effectiveness of the law is the characteristic problem of the sanctions themselves. What is the nature of the sanctions; whether the sanctions in the form of sanctions is quite heavy or lightweight. It is closely related to that is the perception of citizens in taking the risk, especially if it violates a rule that is accompanied by a negative sanction. If a citizen has the courage to bear the risk, especially if it violates a rule that is accompanied by negative sanctions. If a citizen has the courage to bear the risk, even if it is speculative, then it can be expected that the

sanction is immediately imposed, it is likely that the consequences will be far more effective, than if the execution is delayed.

The effectiveness of the administration of Population Administration according to Law no. 23 of 2006 on Population Administration relating to the registration of residents in Wajo Regency. In this description, the researcher limits the requirements and procedures for registration of the population. Because of the core of the registration of residents regarding the requirements and procedures of registration. Population administration is a series of activities of structuring and controlling in the issuance of documents and population data through population registration, civil registration, administration of population administration information and utilization of the results for public services and other sectors development. Therefore, the Wajo Regency Government implements it with Law no. 23 of 2006 on Population Administration. Can be in the know that the registration part of the population includes two things, namely the identity of the population and move came the population. Population identities include Family Card and Identity Card.

From the results of this study it is found that the provisions on administrative sanctions are set out in Article 89, in paragraph 1, each resident shall be liable to administrative sanctions in the form of a fine if it exceeds the time limit of the reporting of the Population Occurrence in case a) the move comes to a Foreigner who has a Limited Stay Permit or a Foreigner who has a Permanent Stay Permit as referred to in Article 17 paragraph (3); b) to move abroad for Indonesian Citizen Residents as referred to in Article 18 paragraph (3); c) moved from abroad to Indonesian Citizen Residents as referred to in Article 19 paragraph (1); d) to migrate from abroad to a foreigner who has a Limited Stay Permit as referred to in Article 20 paragraph (1); e) a change of status of a foreigner who has a Limited Stay Permit to a Foreigner with a Permanent Stay Permit as referred to in Article 21 paragraph (1); f) moving abroad for Foreigners who have a Limited Stay Permit or Article 22 paragraph (1); g) amendment to the COW as referred to in Article 62 paragraph (2); or h) extension of the identity card as referred to in Article 63 paragraph (4). Paragraph 2, the administrative penalty referred to in paragraph (1) to the Indonesian Citizen Residents shall be a maximum of Rp.1,000,000.00 (one million rupiah) and Foreign Residents at the most Rp.2.000.000,00 (two million rupiah). Article 91 described in paragraph 1 of each resident as referred to in Article 63 paragraph (5) traveling no ID card shall be imposed an administrative fine of at most Rp.50.000,00 (fifty thousand rupiah). Paragraph 2, any Foreigner who has a Limited Stay Permit as referred to in Article 20 paragraph (4) traveling not carrying a Residence Letter shall be subjected to an administrative fine of not more than Rp 100,000 (one hundred thousand rupiah), paragraph 3 the administrative penalty referred to in paragraph (1) and paragraph (2) shall be regulated in a Presidential Regulation.

Article 92 in paragraph 1 In the case of Officials in Implementing Agencies performing acts or deliberately taking actions that delay the processing of the Population

Document within the time limit specified in this Law shall be subject to sanctions in the form of an object at most Rp.10.000.000,00 (ten million rupiah) . Paragraph 2, Further provisions regarding administrative fines as referred to in paragraph (1) shall be regulated in a Presidential Regulation.

Factors influencing the effective or ineffective implementation of Law no. 23 of 2006 on Population Administration relating to the registration of residents in Wajo Regency. In the context of public services, it is argued that public services are prioritizing public interests, facilitating public affairs, shortening the timing of public affairs and giving satisfaction to the public. Public service is an activity undertaken by a person or group of people on the basis of a material factor through certain systems, procedures and methods in an effort to fulfill the interests of others in accordance with their rights. In the 1945 Constitution particularly in Article 26 paragraph (3) which reads "matters concerning citizens and residents shall be governed by law". From the sound of the article it is clear that the Act is a strong foundation for the administrative regulation of population as outlined in Law no. 23 of 2006 on Population Administration. This law is basically about to solve the six basic issues of legal, institutional, apparatus, documents and data as well as public understanding of the benefits of population documents and their mechanisms.

Regulation in the field of population registration and civil registration needs to be done with the consideration that there are still many residents who live in a particular regency / city but the identity card owned it is still located in other districts / cities. There are still many residents who do not want to report their arrival to the destination, so that at the time of arrival did not have a Certificate of Move Coming. This control is intended to provide certainty over the ownership of residence documents in accordance with the domicile or residence of the population. In its implementation, the Wajo Regency government is obliged and responsible to administer the affairs of the Regent.

## 5. Conclusion

- 1) Population Administration deals with the registration of residents in Wajo District after the coming into effect of Law no. 23 of 2006 on Population Administration has not been effective, because sanctions have not been applied as long as the residents move, especially when the residents do not report to the implementing agency in the destination area for the issuance of the certificate of moving to come.
- 2) Factors influencing the effective or ineffective implementation of Law no. 23 Year 2006 About Population Administration relating to the registration of residents in Wajo District includes the structure and legal culture.

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