



Implementation of Law Number 23 of 2006 Concerning Population Administration Related to Marriage Certificate Registration in Sanur Urban Village

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Article Info

Article history:

Received 25 October 2023

Received in revised form 26

November 2023

Accepted 16 December 2023

Keywords:

Implementation

Administration of Population

Registration of Marriage

Certificates

Abstract

Generally the registration of marriage as a state recognition of its people and to obtain legal certainty and civil rights of the community. Based on this, the issues raised are How to Implement Law No. 23 of 2006 concerning Population Administration related to Registration of Marriage Certificates in Sanur Village and What are the factors that are obstacles in the Implementation of Law No. 23 of 2006 concerning Population Administration related to Registration of Marriage Certificates in Sanur Village. The research method used is an empirical legal research method, using primary data types and secondary data which are further analyzed qualitatively descriptively. The results of research that has been done conclude that first, marriage that is not recorded will cause harm to certain parties. The resulting consequences of not noted marriage where the married couple did not have authentic evidence that they had carried out a legal marriage. As a result, judging from the juridical aspect, the marriage is not recognized by the government, so it does not have legal force (no legal force). Second, the factors on the implementation of the Population Administration (implementation of the Marriage Act) carried out in Sanur village have not been able to realize the Administration Order, have not fully run well because of the legal factors themselves, Law Enforcement factors, supporting facilities or facilitation factors, community factors, and cultural factors.

Introduction

Based on the provisions of Article 26 of the 1945 Constitution of the Republic of Indonesia, it is stated that "Citizens are people of the original Indonesian nation and people of other nations who are authorized by law as citizens". The unitary state of the Republic of Indonesia, which is based on Pancasila and the Constitution of the Republic of Indonesia, is essentially obliged to provide protection and recognition of the personal status and legal status of all population events and important events experienced by residents within or outside the territory of the Unitary State of the Republic of Indonesia. Therefore, in each region there is a Population and Civil Registration Service which is useful for carrying out Population Administration. Because population data is very necessary to check the community, in this case the government's task is to carry out population administration for citizens and society.

Basically, the population administration system is a sub-system of the state administration system, which has an important role in government and development (Gorb et al., 2017). Human rights of every person in the field of population administration services, fulfillment of national, regional and local population statistics data as well as support for the development of a population administration system to improve the provision of public services without discrimination. The important events in question are events experienced by a person including

birth, stillbirth, death, marriage, divorce, adoption, child recognition and validation, name change, change of citizenship status (Rijadi et al., 2023). One of the events in question is a wedding. Marriage not only unites a man and a woman in a relationship, marriage also brings legal consequences to a relationship which involve consequences for the State, consequences for the rights and obligations of the parties when married and consequences for responsibilities towards children. This consequence can only be seen in couples who are legally married.

Marriage registration is a writing activity carried out by someone who is authorized to record authentic evidence, then the marriage carried out by someone will have juridical force. Life in this modern era demands that people obtain a marriage certificate as authentic evidence that is valid before the law, the certificate is made and published by the local population service, many areas in the Sanur sub-district have different community mindsets, some obey and some do not comply with the rules, especially in making marriage certificates.

A marriage certificate is an indication of a person's status in obtaining legal status in national and state life, but there are many problems in society, there are also obstacles that exist in making a marriage certificate (Case, 2004). The importance of legal awareness for people who do not yet have a marriage certificate is still lacking. Therefore, people should report the preparation of their marriage certificate to obtain legal status in order to obtain civil rights protection (Kamarusdiana & Aprianita, 2018). Based on data from the Denpasar City Population and Civil Registration Service, the number of Marriage Certificates owned in Sanur Village in 2020 can be seen based on official data from the Denpasar City Population and Civil Registration Service Office that there are a total of 14,347 Married Status, 9,509 have a Certificate and 4,838 do not have a Certificate. From this data, there are still many who consider a marriage certificate as something that is not yet important. Due to the lack of public awareness that a certificate is an important thing to make in order to obtain legal protection and the status of civil rights. Therefore, this research was created to find out the implementation of law number 23 of 2006 concerning Population Administration regarding the registration of marriage certificates in Sanur Village and to find out what factors are obstacles in the implementation of this law. The aim of this research is so that the public can aware of the importance of making a marriage registration certificate so that people get their rights and legal protection as a community, especially in the Sanur area.

Methods

This paper uses empirical legal research methods or legal research methods which function to see the law in a real sense and examine how the law works in society. Empirical legal research methods can be said to be sociological legal research. It can be said that legal research is taken from facts – facts that exist in a society, legal entity, and government agency.

Results and Discussion

Implementation of Law Number 23 of 2006 concerning Population Administration regarding Registration of Marriage Certificates in Sanur Village

Population is actually the main thing And of all development problems. Starting from development activities, both sectoral and cross-sectoral, that are directed and related to the population, or in other words, the population must be both the subject and object of development. a population administration because population administration at birth requires a fairly long process. So this is an important focus in formulating implementation through to the evaluation process.

Population administration is directed to fulfill everyone's human rights in the population sector without discrimination through professional public services. So far, public services provided

by government agencies or bureaucracy are still not optimal and unsatisfactory. In fact, population administration that is carried out using a professional system will facilitate various matters that the community needs in the form of public services. That is why the issue of population administration is one of the problems that needs more attention.

That in order to realize the desires, hopes and noble ideals in public service, the plan is expressed in the vision and mission, as for the vision of the Department Population and Notes Civil Denpasar City, namely: "The realization of orderly population administration with excellent service within the framework of Denpasar, a creative, insightful city. culture in balance towards harmony". In line with the vision, the development mission is a more concrete explanation to support the realization of the Department's vision Population and Registration Denpasar City civil services are: (1) Develop policies and systems and carry out population registration and civil registration to collect population data, issue identities and authorize changes in status in order to realize orderly population administration; (2) Connecting and integrating policies and information systems so that they are able to provide population data and information that is complete, accurate and fulfills public and development interests; (3) Develop legal institutions, institutions and community participation that support the process of population registration, civil registration and management of population information in order to provide certainty and protection in accordance with the rights of the population; (4) Formulate population development policies that are harmonious, harmonious and balanced between quantity/growth, quality and distribution with natural carrying capacity and environmental capacity; (5) Develop population planning as a basis for planning and formulating regional development policies that are oriented towards improving the welfare of the population through increasing public awareness of the importance of population administration.

The aim of efforts to develop a Population Administration Information System from the regional to the central level is an information system that can accommodate, process, store and retrieve and distribute types of population data from all aspects and activities of government organizations, especially in this case the Denpasar City Government through Denpasar City Population and Civil Registration Service.

According to the author, the provisions above make it clear that the law has ordered every marriage to be recorded. Having an ambiguous meaning in legal language, if marriage registration is mandatory, then the regulations regarding the obligation to register marriages should be accompanied by sanctions for any violators. Regarding the imposition of sanctions and/or fines for parties who do not register marriages, positive law in Indonesia does not regulate this.

According to the author, when linked to the theory of legal certainty for the community, Law Number 23 of 2006 concerning Population Administration, which in its implementation in each region is supported by Perda/Perwali, for Sanur sub-district itself, all population administration is also regulated in Denpasar Mayor Regulation Number 14 of 2018 Concerning the Requirements and Procedures for Population Registration and Civil Registration with the aim of registering marriages, in order to protect a wife's rights so that a man is automatically detected how many times he has been married, and when the marriage produces a child or children. Legal certainty is guaranteed by the government when registering a marriage, a husband/wife cannot remarry without permission from their partner, besides that, marriage registration guarantees a child's right to obtain legal certainty by obtaining the child's birth certificate.

Marriages that are not registered will cause losses for certain parties. The consequences of not registering a marriage are where the husband and wife do not have authentic proof that they have entered into a valid marriage. As a result, seen from a juridical aspect, the marriage is not recognized by the government, so it has no legal force. Related to this, the marriage is not protected by law, and is even considered to have never existed. The state cannot provide protection regarding marital status, marital property, inheritance, and other rights arising from a marriage, because to prove the existence of a wife's rights, it must first be proven that there is a marriage between the wife and her husband.

Factors that are Obstacles in the Implementation of Law Number 23 of 2006 concerning Population Administration Regarding Registration of Marriage Certificates in Sanur Village

Own Legal Factors

Laws in the material sense are written regulations that are generally applicable and made by legitimate Central or Regional Authorities. Regarding the enactment of this law, there are several principles whose aim is to ensure that the law has a positive impact, etc. Respondents' responses to information on civil registration deed requirements are easy to obtain.

No.	Answer	Amount	Percentage
1.	Very Agree	8	32%
2.	Agree	12	48%
3.	Doubtful	2	8%
4.	No Agree	3	12%
	Number of Respondents	25	100%

Source: Primary Data processed on September 23 2021

Whereas the existing population administration regulations, the absence of sanctions in orderly administration, results in people being reluctant to obey the laws that apply in Indonesian population administration. Based on the results of an interview between the author and Mrs. Ni Komang Erni as Head of Marriage Section at the Denpasar City Population and Civil Registration Service on June 23 2021, who stated:

"The Civil Registry Population Service does not impose sanctions on people who do not register their marriages, but they are required to register for orderly administration, because at the Denpasar City Civil Registry Population Service all requests for recording important events are free of administration fees. Regarding delays in people registering their marriages, currently they don't have to make a late letter, again it comes down to people's own awareness of registering important events. Like the delay in entering into a marriage but a mother gives birth to a child before the marriage, in accordance with Law Number 23 of 2006 so the birth of a child can be registered but the parents do not yet have a marriage certificate, the birth of the child will be registered as the mother's child plus legalization, so the government always advises the public that after entering into a religious marriage they must immediately report their marriage before having children. So as not to have an impact on his children and wife, it is not legally legal in the state.

Facilities or Supporting Facilities Factors

This is the most common inhibiting factor that hinders the maximum orderly implementation of population administration in Sanur Village due to a lack of resources to carry out its duties.

Includes the expertise of the implementers, information that is relevant and sufficient to implement the program, the existence of authority that guarantees that the program can be directed as expected, as well as the existence of supporting facilities that can be used to carry out program activities such as funds and infrastructure. Inadequate human resources (number and ability) result in the program not being able to be implemented perfectly because they cannot carry out supervision properly and improve the skills/abilities of implementers to carry out the program.

So Article 34 Paragraph (1) of Law Number 23 of 2006 concerning Population Administration, is not working well because people ignore it if they don't need it right away. Respondents' responses to the services of Population and Civil Registration Office officers were optimal and timely.

No.	Answer	Total	Percentage
1.	Very Agree	2	8%
2.	Agree	3	12%
3.	Doubtful	15	60%
4.	No Agree	5	20%
	Number of Respondents	25	100%

Source: Primary Data processed on 23 September 2021

The table above explains that of the 25 (twenty five) community respondents in Sanur Subdistrict, 80% of respondents were less than satisfied with the service of service office officers, especially in terms of recording Marriage Certificates. The obstacles in this case are employees at the Population and Civil Registration Office of Denpasar City. Committed negligence as expressed by several people.

According to Ni Luh Witi Antari, as a resident of Sanur Subdistrict on October 7 2021, who stated that, I already have a Marriage Certificate, but there is a lack of initial letters for writing my name, so it does not match what is written on my KTP, which is correct, Ni Luh Witi Antari However, it says Luh Witi Antari. I just realized that when I wanted to make my child's birth certificate, my first name was not written, so I had to process the name correction on the Marriage Certificate in a longer process.

October 7 2021, I stated that it took a long time for me to process my child's marriage certificate. Initially I went straight to the Denpasar city civil registration office, it was stated that they did not accept face-to-face processing, all administration can be accessed via the web address and filling in the form at the Village/Lurah office, so I didn't understand what was meant, after leaving the Denpasar capil I went to the sub-district and looked for my friend to ask for help registering my child's marriage certificate, which had been in the process for a week and was said to be still being processed at the Denpasar City Capil.

In the author's view, the implementation of administrative order is highly desired by all administrative administrators or administrators because administrative work requires timeliness, clarity of work, openness and simplicity so that those served are satisfied. It is very unfortunate that this name typing error is a small problem but has an impact on the quality of service of Denpasar City Population and Civil Registration Service employees. So there are reasons that will influence the public service process at the Denpasar City Population and Civil Registration Office.

Facilities or Supporting Facilities Factors

Facilities are one of the factors that influence policy implementation. Adequate facilities and infrastructure greatly influence the successful implementation of a policy. Policy implementers must have facilities and infrastructure so that the activities carried out can run effectively and efficiently.

Facilities that support the implementation of government programs include reporting Marriage Certificates, but based on the results of observations in the field, facilities to support the implementation of work programs related to Marriage Certificates, there are still problems with provision and facilities. The application system, which often experiences problems, makes it very difficult to carry out the registration process, resulting in delays.

Based on the results of observations made by the author, there are complaints from people who have come all the way to the Denpasar City Population and Civil Registration Service office, but due to the Covid-19 pandemic, face-to-face meetings are limited and all population administration arrangements can be accessed through the online registration of the City Population and Civil Registration Service. Denpasar <https://taringdukcapil.denpasarkota.go.id/index.php>. Many people do not understand technology, where people already think that the online process is difficult before entering the website, they have to register, create an email account first, then create a web account and so on, this causes people who previously did not have a Marriage Certificate to be reluctant to register, apart from It is not uncommon for disruptions to occur in the internet system.

According to the author, administrative violations can still occur and regulations regarding reporting Marriage Certificates are still difficult to implement. Network problems are always an obstacle, as stated in an interview obtained from Mrs. Ni Komang Erni as Head of Marriage Section at the Denpasar City Population and Civil Registration Service on June 23 2021 that: "Likewise with network problems, it has always been a problem over the years. "The main thing that definitely hinders the progress of our work is, in particular, inputting or accessing data from people who want to contain their population data".

Community Factors

Law enforcers come from society and aim to achieve peace in society. Every member of the community or group has more or less legal awareness, the problem that arises is the lack of community awareness in management and this is a form of community compliance with the rules but the community does not comply so that they blame the employees in Sanur Village for negligence, even though it is not entirely the employees' fault because the community is in charge Marriage certificates are often postponed so they don't fit into the schedule. There is a large tendency in society to interpret the law and even identify it with officers. One consequence is that the good and bad of the law is always linked to the behavior patterns of the law enforcers. The public's assumption that the law is synonymous with law enforcement has resulted in too many factual roles for law enforcement. Most people are indifferent to arranging a Marriage Certificate and want fast, effective management.

The author is of the opinion that the public ignores administrative order, even though the government has done its best in its services so that it has created a pick-up and drop-off program, but the community has not received the pick-up program to the fullest, and it is proven that 80% are not aware of the existence of a pick-up program in managing administration, especially in recording deeds. Marriage.

Cultural Factors

Legal culture (system) basically includes the values that underlie the applicable laws, values which are abstract conceptions of what is considered good and what is considered bad. These values are usually a pair of values that reflect two extreme situations that must be harmonized. The pairs of values that play a role in law are as follows: (a) The value of order and the value of peace; (b) Physical/material values and spiritual/moral values; (c) The value of permanence/conservatism and the value of novelty/innovatism

In everyday situations, the value of order is usually called interest or discipline, while the value of peace is a habit. The pair of material and moral values is also a pair of universal values. However, in reality, differences arise in society due to various influences. The influence of modernization activities in the material sector. The pair of conservatism values and innovation values always plays a role in the development of law, therefore, one party states that the law only follows changes that occur and aims to maintain the "status-quo". On the other hand, there is also a strong opinion that law can also function as a means of bringing about change and creating new things. Harmony between these two values will place the law in its proper position and role.

The author is of the opinion that from the reviews that have been described by the author, the five factors mentioned have an influence on law enforcement. Maybe the influence is positive and maybe also negative. However, among all these factors, the law enforcement factor occupies the central point. This is because laws are drafted by law enforcers and law enforcers are considered as legal role models by society. Law Enforcers in the law enforcement process should be able to apply two patterns which are a pair. Namely the isolation pattern and the integration pattern. These patterns are extreme points, so law enforcers move between these two extreme points. This means that these two patterns provide limits to the extent of the contribution of law enforcement to the welfare of society.

The author is of the opinion that if society carries out marriage according to the provisions of the applicable law, then the aim of marriage is to obtain peace, pleasure, comfort, inner and outer peace forever in married life will be realized, and in the end a happy family, which orderly administration so that there are no delays in managing all existing population administration.

Conclusion

The implementation of Law Number 23 of 2006 concerning Population Administration regarding the Registration of Marriage Certificates in Sanur Village has not been fully optimal and has not been able to realize administrative order, as well as the failure to realize Article 34 Paragraphs (1), (2), and (3) of Law Number 23 of 2006 concerning Population Administration at the Sanur Village Head Office and at the Population and Civil Registration Service of Denpasar City, even though marriage registration is an administrative obligation based on statutory regulations which aims to provide guarantees of protection and fulfillment of human rights if legal action arises in the future has implications for legal consequences so that it can be proven with perfect evidence with an authentic deed as a form of legal certainty. The factors that become obstacles in the implementation of Law Number 23 of 2006 concerning Population Administration regarding the Registration of Marriage Certificates in Sanur Subdistrict are due to the existence of its own legal factors which do not include sanctions if the community does not have orderly administration, law enforcement factors which are less than optimal in disseminating regulations and the ease of registering marriages, the most dominant factor of supporting facilities or facilities because the online system often experiences system errors which the government admits is still trying to improve the network system from year to year, the factor of society lacking awareness of the importance of

registering their marriage which provides certainty regarding the husband's legal status, wives and children, and the cultural factor of society which, if they don't need them, tends to delay taking care of all the administration, it is proven that when birth certificates are often required as a requirement for children to register for school, where the birth certificate is issued based on the existence of a marriage certificate, only then will people report their marriage.

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