

The Existence of Incompatience in Passport Manufacture Services Reviewed Through The Principles of Good Governance and Existing Regulations

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ABSTRACT

This study aims to analyze the existence of the principles of good governance and conformity with existing regulations regarding the process of making passports. This study uses a qualitative descriptive method with an empirical juridical approach. The empirical juridical approach is a literary approach that is guided by regulations, books or legal literature as well as materials related to the problems and discussions in writing this paper. The results of this study indicate that the implementation of passport services is still incompatible with existing laws such as Regulation of the Minister of Law and Human Rights Number 8 of 2014 concerning Ordinary Passport and Passport-like Travel Documents. This is proven where there are still immigration offices that do not mandate the rules that apply in the law.

ABSTRAK

Penelitian ini bertujuan menganalisis eksistensi prinsip *good governance* dan kesesuaian dengan peraturan yang ada mengenai proses pembuatan paspor. Penelitian ini menggunakan metode deskriptif kualitatif dengan pendekatan yuridis empiris. Pendekatan yuridis empiris adalah pendekatan kepustakaan yang berpedoman pada peraturan-peraturan, buku-buku atau literatur-literatur hukum serta bahan-bahan yang mempunyai hubungan permasalahan dan pembahasan dalam penulisan tulisan ini. Hasil penelitian ini menunjukkan bahwa pelaksanaan pelayanan paspor masih terdapat ketidaksesuaian dengan Undang-Undang yang ada seperti Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 8 Tahun 2014 tentang Paspor Biasa dan Surat Perjalanan Laksana Paspor. Hal ini terbukti dimana masih ada kantor imigrasi yang tidak mengamanahkan aturan yang berlaku di Undang-Undang.

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I. INTRODUCTION

Indonesia as a developing country has many breakthroughs for the welfare of its citizens in improving its public services (Saggaf & Saggaf, 2018). One of the government sectors that will be discussed here is the country's immigration sector. The Indonesian immigration sector is held by the Directorate General of Immigration. The Directorate General of Immigration also has many breakthroughs to fulfill its duties and functions as a public service provider. The Directorate General of Immigration as the spearhead of the agency responsible for immigration in Indonesia is obliged to increase the implementation of a series of immigration activities in order to achieve public satisfaction with transparency in the field of immigration services, accountability and high responsiveness in handling incoming complaints from the public (Christian, 2021). In supporting the efficiency of the performance of the Directorate General of Immigration, it is necessary to have an implementing unit that

specifically handles immigration issues itself. In this case, the existing task force unit is the immigration office (Wirasto et al., 2015).

The Immigration Office or commonly referred to as Kanim is a work unit under the auspices of the Ministry of Law and Human Rights, and operates in the immigration sector (Kurniawan et al). The Immigration Office takes on a role in terms of public service and oversight of immigration law enforcement, which is related to state sovereignty. When viewed from the perspective of public services, one of the main missions of the Immigration Office is to provide services related to Immigration products such as issuance of travel documents, residence permits, and monitoring of foreigners. Success related to this service will be the duty of the public relations party, and of course it is hoped that it will be accepted by all levels of society.

The concept of public service, purpose, and its recorded functions is that public service provides services in the sector of basic needs related to the needs of society. In this regard, the form of service and method of service performed is a crucial matter because it involves the interests of the community. Of course, in this case, the level of satisfaction from the public towards immigration officers is a reference and an important factor that needs to be considered in immigration services. This has become something common that there are several aspects that can be used as a reference in terms of quality improvement and the realization of efficient public services. In this case, existing quality improvements can be in the form of innovations made in each task force unit of the Directorate General of Immigration itself.

The existence of innovation at the immigration office is expected to create a new breakthrough for existing services, including in terms of passport making services. However, in its implementation in the field, the passport making service experienced several discrepancies which resulted in existing regulations. Therefore, in this short essay, we will discuss this discrepancy seen through the existence of the principles of good governance and conformity with existing regulations regarding the process of making passports.

II. METHOD

This study uses a qualitative descriptive method with an empirical juridical approach (Afrizal, 2014). The empirical juridical approach is a literary approach that is guided by regulations, books or legal literature as well as materials related to the problems and discussions in writing this paper. The data needed in this writing is secondary data as the main data and primary data as supporting data. Secondary data, namely data obtained from library research, secondary data obtained by studying and reviewing the literature, and laws and regulations. Secondary data in this study consisted of books, scientific journals, websites. The primary data in this study are from the Law of the Republic of Indonesia Number 6 of 2011 concerning Immigration and Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 8 of 2014 concerning Ordinary Passport and Travel Letters Like Passport.

Secondary data and primary data obtained will be processed in several ways, including: Data examination, data classification, and data systematization, which is done by compiling and placing data on each subject by looking at its type and its relationship according to the problem so as to make it easier in the discussion. In addition, data analysis in this study used qualitative methods. Research using qualitative methods departs from assumptions about reality or social phenomena that are unique and complex. In the qualitative method there is a certain regularity or pattern, but it is full of variations (diversity). After obtaining secondary data, namely in the form of primary, secondary and tertiary legal materials, then it is processed and analyzed using qualitative methods, namely re-exposition with inductive and/or deductive systematic sentences to be able to provide a clear picture of the results of the analysis of problems according to applicable regulations, finally expressed in a descriptive form.

III. RESULT AND DISCUSSION

1. Implementation of Passport Services in Indonesia

Immigration is a translation from Dutch *immigratie* and Latin *immigratio*. The word immigration consists of 2 (two) syllables, namely in which means in and migration which means moving, coming, entering or bringing. Thus it can be said that the meaning of immigration is bringing people into a country (Wilsonotomo & Aji, 2018). Based on Law no. 6 of 2011 concerning Immigration Article 1 paragraph (1) that Immigration is a matter of the traffic of people entering or leaving Indonesian Territory and its supervision in order to uphold state sovereignty. In order to be able to cross from and to a country's territory a travel document is required.

The definition of travel documents in Law no. 6 of 2011 concerning Immigration that Travel Documents are official documents issued by authorized officials of a country, the United Nations, or other international

organizations to travel between countries that contain the identity of the holder. Travel documents of the Republic of Indonesia regulated in Law no. 6 of 2011 concerning Immigration consisting of a Republic of Indonesia Passport, hereinafter referred to as a Passport, is a document issued by the Government of the Republic of Indonesia to Indonesian citizens to travel between countries which is valid for a certain period of time and a Travel Document in the form of a Passport of the Republic of Indonesia, hereinafter referred to as a Travel Document in the Form of a Passport is a passport replacement document that is given under certain circumstances which is valid for a certain period of time.

A passport is a state document which apart from being a travel document also functions as proof of one's citizenship when outside the territory of the country, in which there are several meanings from the principles of international law regarding the sovereignty of a country (Fahroy, 2017). An interesting fact about passports is that ordinary people often underestimate these state documents so that their passports are lost or damaged. Some examples of cases of lost or damaged passports that the authors found in the field included disasters (floods, fires and earthquakes), passports were not kept in a safe place so that they were contaminated with other substances that caused physical damage to passports, and it is not uncommon to find people who lost his passport due to forgetting or scattered.

In terms of its own service, passport services in Indonesia have kept up with the times where there are so many new policies that have been implemented by the Directorate General of Immigration including online passport applications (Wilonotomo & Putra, 2018). Currently, the online passport application is a system that makes the applicant arrange their schedule to go to the immigration office so that they can carry out the procedure for making their passport according to the schedule they set in the application. Therefore, nowadays, there is no "walk-in queuing system" anymore, applicants have to book their places online.

The online passport application in Indonesia has its own name called APAPO. Throughout the time since it was first launched, the online passport application has offered a faster, more accurate, effective impact on increasing the quality of immigration office services. In addition, One APAPO account can be used for up to five passport applications so applicants do not need to create as many accounts as they want to make. Also, currently, applicants can apply for their passport through a phone application called Whatsapp but it is only available for android users. The Whatsapp reservation method is basically similar to an online reservation. However, the Whatsapp reservation system is only available for 4 immigration offices, such as the Immigration Office First Class Non Border Control in Central Jakarta, the Immigration Office Class One Non Border Control Tangerang, the Immigration Office Class One Non Border Control Bogor, and the Immigration Office Class One Special Border Control Batam .

With the help of online passport applications, every immigration officer across Indonesia becomes more efficient and effective especially when they are dealing with areas that have so many populations such as Jakarta or West Java. After I underwent field work practice, I saw the benefits of the emergence of an online passport application at the immigration office where I carried out field work practice, namely the First Class Border Control Immigration Office in Bandar Lampung. Benefits such as applicants don't have to wait in the morning to get service so they don't have to wait long and applicants come according to their schedule according to the time, date, and also the exact location of the immigration office. In addition, for immigration officials, the emergence of online passport applications has increased effectiveness and time management because the documents required to apply for a passport have already been specified in the online application so that applicants only need to submit the documents they need to apply for their passport, and if not, they will be instructed to bring documents and come to the office after they have documents they did not bring. In addition, interviews and photo sessions run faster than ever, thanks to effective time management thanks to the advent of online passport applications.

Therefore, in my opinion, this policy should have been improved and run more efficiently than now, especially in the era of the Covid-19 pandemic where all activities that were carried out offline have now become online. In the era of the Covid-19 pandemic, an immigration officer must have a breakthrough so that every passport applicant is not affected by the virus, which means that social interactions held in the office must be reduced. In my opinion, this kind of problem can be solved by making all passport applications online not just an application to reserve the date when they come to the office. To make this happen, an accurate application is needed that can detect the authenticity of the applicant's identity card, family card, and birth certificate. In addition, photos and fingerprints can be included in the application. The hardest part of this kind of method is where it requires an app that can auto-interview or even detect whether the applicant is lying or not. In my opinion the interview session should be replaced with multiple questioners to be completed by the applicant where the asker includes some deceptive questions and are more like psychological questions than basic questions and answer questions.

2. Passport Service in Indonesia is Associated with Good Governance

In this case, it is necessary to have an effective service from the immigration office in Indonesia as a means of servicing passports. Optimal service is closely related and is the main thing in realizing good governance in the work area of the immigration office (Ramadhanti, 2021). Servants themselves can be described as efforts to serve the needs of other people who get rewards or services. Optimal service can be assessed through the level of satisfaction or fulfillment of needs obtained by the applicants. Governance is a system of values, policies and institutions where the interaction of society, government and the private sector influences and manages economic, social and political affairs. So Good Governance itself is a system of values, policies and institutions that prioritizes the nature of openness, transparency and good values in establishing interactions with all public sectors (Ayuningtyas, 2021). Good Governance is the goal of establishing an integrity zone. This program is a manifestation of bureaucratic reform to organize a system that regulates the implementation of quality, effective and efficient Kemenkumham organizations, so as to be able to provide appropriate, efficient and professional services to the community.

In the reform era in Indonesia, Good Governance began to be implemented and began to be a change in the government system which encouraged a clean democratic process. With this in mind, Good Governance can be expected to become one of the Reform tools that can be applied absolutely in the new government. The implementation of good governance during the development of the reform, which has been around for about 12 years, can be said to be imperfect and not in line with the goals and aspirations of the reform itself. Good Governance has two main products, namely, budget management and accounting and in both cases there are still many frauds. However, despite the fact that there are still deficiencies in budget management and accounting, this does not mean that Good Governance does not produce any positive impact. These positive impacts include starting to implement transparency of information regarding the State Revenue and Expenditure Budget (APBN) to the public so that the public can easily find out and can also easily participate in creating policies and in the process of supervising the management of the APBN and SOEs. Therefore, this can continue to be a reference for managerial accountability from the public sector so that it can be better and more credible in the future.

In this case, proving that passport services are in accordance with the concept of good governance is evidenced by the existence of the principles of good governance. Here are the existing principles:

a. Community Participation

In this principle, the whole community has a role in making decisions directly or through official representative bodies that represent their interests. In the case of passport services, the community can express their aspirations which means that community participation has been represented. This access can include public meetings, press conferences, as well as consultations regarding passport services which can be done through social media or in person at the immigration office

b. Establishment of the Supremacy of Law

In the process of achieving the goals of Good Governance, a commitment to upholding the rule of law must be included through a number of characteristics such as legal supremacy, legal certainty, responsive law. for example the regulations contained in Permenkumham Number 8 of 2014 Article 22 which states that an ordinary passport can be issued within four working days after the interview is conducted. However, the facts on the ground say that applications for passports can be completed no later than three working days. This proves that there is no legal certainty or rules that are not implemented in the field at immigration offices in Indonesia.

c. Transparency

Transparency is an open attitude towards all behavior and policies from the government (Valerisha & Putra, 2020). This will ensure the creation of two-way loyalty between the government and the people through the availability of information and ensure simplicity in obtaining guaranteed information. In terms of passport services in Indonesia, transparency is not clearly visible. This can be seen from the fact that there are still many government systems, institutions and information that cannot be reached by interested parties, so they cannot be understood and monitored, especially in the case of passport services.

d. Care for Stakeholders or the Business World

In the principle of good governance, the government system should provide services to all groups who have interests. In terms of field practice in the business world, the corporation has a moral responsibility in encouraging Good Governance to work well in every institution. In terms of self-managing passport services, institutional stakeholders or individuals who have strong ties to the immigration office such as good coordination between institutions in the operation of the Foreigners Monitoring Team and in terms of handling Indonesian migrant workers (PMI) with PMI and PMI's sponsors themselves

e. Based on Consensus

The principle of good governance states that any decision must be determined through a process of deliberation through consensus. The deliberation system is expected to be able to provide satisfaction to all parties and become a decision that is mutually agreed upon, so that it is able to have coercive power for all components participating in the implementation of the decision. In passport services conducted by the immigration office, decisions are taken by the head office or directly from the Directorate General of Immigration without any deliberations held from each immigration office. This has been proven where many officials were surprised by the change in the regulation on the validity period of passports to 10 years and only started researching its effectiveness after the regulation was issued.

f. Equality

In the principles of good governance, equality is the provision of the same actions and services (Majid, 2020). All residents in Indonesia have the opportunity to improve their welfare. The principle of equality is able to generate loyalty in the form of feedback from the government and the people through the availability of data and provides easy access when looking for effective information. In passport service, there are still many areas that have not been reached in terms of existing services where applicants have to travel a distance of more than 15 kilometers or more to apply for a passport, and for rural people they have to go to a city that has an immigration office to be able to get a passport making service.

g. Effectiveness and Efficiency

In the principles of good governance, effectiveness and efficiency. In supporting the matters described above, good government should be able to meet adequate standards, namely to be able to function effectively and efficiently. In terms of passport making services, existing services are quite effective with innovations aimed at facilitating passport making services to the public such as Eazy Passport.

h. Accountability

In the principle of good governance, accountability is the responsibility of the government to the people who give authority in managing their interests. monitoring the work of government officials and strictly controlling punishments. In the case of passport services, the accountability carried out by the immigration office is still found to be inconsistent with the law as described in the previous paragraph where there are still many rules that have not been channeled that have been included in the statutory rules. In addition, there are still immigration offices that do not carry out direct directives from the Law, such as the occurrence of excessive profit-taking by elements in the field.

i. Strategic Vision

Strategic vision is a strategic idea in dealing with future conditions (Permatasari, 2017). A number of leaders as well as the people can have a broad perspective regarding effective governance management in developing their people, and sensitivity regarding the needs of the people that need to be developed. In terms of passport making services, a strategic vision has been planned by each immigration office which is outlined in the form of an innovation design made by the immigration office itself which is directly led by the head of the office. This is evident where in promotion, a state civil servant who already have a high position in immigration must make a scientific work in the form of an essay or writing which must contain elements of novelty which can be done in the office where the state civil apparatus is assigned (Setiawan et al., 2021).

Through the principles of good governance, it can be seen that passport services still contain discrepancies in implementation in the field. This becomes a comprehensive basis for the Directorate General of Immigration to continue to improve its technical implementation unit, especially the immigration office so that existing services and law enforcement can run well and reach the people. This is also evident where in terms of existing regulations, as explained in the previous paragraph there are still regulations that are not mandated by the immigration office, causing confusion in the community whether these regulations can be used as a reference or not.

IV. CONCLUSSION

From the discussion above, the authors draw conclusions from the results of the analysis using the Juridical Empirical approach. Based on the theory and legal basis that has been established, the implementation of passport services is still inconsistent with existing laws, such as Regulation of the Minister of Law and Human Rights Number 8 of 2014 concerning Ordinary Passport and Passport-like Travel Documents. This is proven where there are still immigration offices that do not mandate the rules that apply in the law. This should have been prevented by implementing periodic supervision carried out by the Directorate General of Immigration directly to each immigration office or what is commonly called an audit. In addition, new innovations are needed

and increasing the effectiveness of employees in terms of passport making services so that the public can see how the performance of the Directorate General of Immigration is doing, which in this case can increase the possibility that the Directorate General of Immigration can fulfill the existing principles of good governance so that the existing service process can be goes according to what is desired because there are still many discrepancies that exist in passport services when associated with the principles that exist in good governance.

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