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PROBLEMS OF CREATION CRIME THROUGH THE USE OF DEMOCRATIC DATABASE SYSTEMS IN E-ID

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This study aims to analyze the policy of crime prevention based on population database system in E-ID program. This research uses normative research method use legislation and conceptual approach. The legal materials use primary and secondary legal materials which analyzed deductively. The result of the study explains that the E-ID database system that contains the complete information of a citizen, including the criminal record should be a reference in the prevention of crime that has been done. The policy model is to integrate the e-ID card program as an integrated population administration system with police agencies, prosecutors, and especially prisons. Law enforcers will easily get information related to each person's resident document. The document will also include a track record of someone who is constantly updated at all times who will help the community to monitor the actor of crimes.

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INTRODUCTIONS

One of the great objectives Republic of Indonesia as mandated by the Preamble of 1945 Constitution is to protect the entire nation and the entire Indonesian blood sphere. The meaning of the sentence shall be interpreted as the State's great responsibility in fulfilling the right of its citizens to be in a safe, comfort and orderly condition. But the social reality in society today, the State is required to see the condition of the State that is prone to crime in various forms along with the times.

The changes of recent conditions require governments to establish clean, authoritative, transparent governance and be able to respond effectively to changing demands in line with technological advances in order to realize the goals of the nation and state as mentioned earlier. The change in question is to take advantage of the development of information technology.

The demand to become a more modern person of the nation has been demonstrated through the creation of the electronic identity card (e-ID card) program. The program is designed to integrate all resident documents in one complete database system, so it no longer requires other document files to become inefficient when in use. This has been attempted in several countries using a single identity, such as Malaysia which has MyKad (electronic ID Malaysia) as well as an identity card, as well as driving license, basic medical data, public key infrastructure, e-cash, and transit card. Thai e-ID is applied as identity card, medical history, certificate of authentication, e-border pass, and online services. Then Portugal, five existing national cards (identity card, tax card, social security card,

health service user card, voters card) is replaced into one e-ID card.

In principle, the electronic ID card program is backed by a conventional ID card making system in Indonesia that allows one to have more than one ID. In fact, with armed with multiple ID cards is also possible someone to commit crimes in various places without even knowing the traces of previous crimes. In the perspective of criminology, identity fraud through the duplication of conventional ID card can be a person's entrance to a repeated crime So this dual identity is certainly a problem that can destroy the order of life in society because of the potential to give birth to recurrent criminals or recidivists.

Regulation in Indonesia, in relation to the actual recidivists the Criminal Code has provided a system of complaints to the recidivists in accordance with Article 486 of the Criminal Code, where it can be punishable by a third more punishment than a normal punishment by noting that an act of its kind the same thing he did in less than 5 years serving after the sentence imposed. This weighting system is an explanation of the theory of retaliation in which the criminal is given for the purpose of the deterrent effect to the actor of the crime in the State's efforts to protect the security and public order. However, this weighting system would be ineffective if the government was unable to elaborate the complexity of the causative factor of the crime and resolve it, due to the unavailability of concrete and single information that could be easily accessed by law enforcement.

In relation to the availability of integrated information, the Ministry of Justice and Human Rights, in this case has built the Penitentiary Database System

(SDP) as the embodiment of the modernization of prison services which includes the track record of inmates. Simply put, this SDP provides detailed information on the identity of prisoners, such as fingerprints, physical characteristics, data on the date of entry of detainees, the period of one-third of detainees, half of criminal offense, two thirds of the criminal term even the presence of prisoners in what blocks can be easily identified.

Utilization of SDP and E-ID with the same model but its different functions and domains give hope to the implementation of crime prevention policy especially for dangerous or recidivist recurrent villain. Although the current action has not been seen to be actual and maximized to the optimization and utilization of the two systems, this research tries to provide solutions related to crime prevention through the integration of all database systems in one container, whether from the police, prosecutors, public institutions, or from other systems, in the form of E-ID card. Thus, the original e-ID only kept the resume and showed authentic proof of the person's residence, then became the database of one's criminal record and became the most important part of the law enforcement system in Indonesia.

RESEARCH METHODS

The presentation of this paper is the result of research using normative research method. The author only conducts literature research by examining the legal material obtained through document studies by reading, quoting, adapting and comparing against some primary legal materials and secondary legal materials in the form of research results and other relevant materials.

The approach used is the conceptual approach and the law approach. Furthermore, the results of the study were analyzed using deductive method and subsequently poured in the form of research report.

FINDINGS AND DISCUSSIONS

Model of Population Administration in Indonesia

Indonesia, which has a population of the world's top five, would require a population administration organized from the central to the region. Population administration is becoming increasingly important because it is always in contact with every activity of life in Indonesia. Among them are the legislative election, presidential election, regional head elections, taking care of the vehicle's letters, taking care of the land certificates, and so on.

Juridically, in relation to population policy, the government through the Act. No. 23 of 2006 which has been amended by Act No. 24 of 2013 on Population Administration. Population administration in question is a series of activities of structuring and controlling in the issuance of documents and population data through the registration of the population, civil registration and management of population information and utilization of the results for public services and development.

The Act on Population Administration contains the regulation and the establishment of a system reflecting the reforms in the field of Population Administration known as the Information and Population Administration System (SIK) in 2010-2014. The SIK Program is a bureaucratic and governance reform agenda that is a top priority in the National

Medium Term Development Plan (RPJMN) for 2010-2014. The agenda of bureaucracy and governance reform related to population data is the determination of Population Identity Number (NIK) and development of SIAK with the first application on the identity card by no later than 2011. So came Permendagri Number 25 Year 2011 concerning Guidelines for Assessment, Development and Management of Information System Administration Population regulates the user population data that can be utilized by data users for the purposes of policy formulation in the field of government and development and to support other public services.

The population data management model is then planned through the use of the Population Identity Number (NIK) owned by each person with different numbers. NIK is the identity of the Indonesian population and the key to access in verifying and validating data of one's identity. As a key access to population services, NIK is developed towards a single identification for every resident. NIK is unique or unique, single and attached to a person who is registered as a resident of Indonesia and directly related to all population documents.

In order to facilitate the access of the community and also as an authentic proof of a person's residence, the NIK-based information of each resident is then issued in the form of Identity Card (ID). But along with the development of information technology, then the normal ID model is then updated by integrating online via electronic-ID card. As for the definition, according to Article 1 Verse (14) of the Population Administrative Law; "Electronic Identity Card, hereinafter abbreviated as E-ID card, is a Citizenship Card with a chip that is the official identity of the population

as a self-proof issued by the implement institution."

Government policy in replacing ID card with E-ID card is also motivated by conventional manufacturing system previously done in Indonesia that enables a person that can have more than 1 (one) ID. This is due to the absence of an integrated service system basis that can collect population data from all over Indonesia. This fact allows residents to have double IDs which in their use can be misused and can not be accounted for. For example: to avoid taxes, deliberately hiding their true identity to conduct terrorist activities and others. So, to overcome these duplicates as well as to create a single identity card then create a program E-ID card based on NIK which means one person only has one NIK one E-ID card because E-ID card contains information that when detail about the owner of E-ID centered in a national population data.

Government Policy in Making E-ID Card

Ministry of Internal Affairs is currently implementing e-ID card program based on Population Identity Number (NIK). The program is expected to address multiple data and process redundancy issues as well as the use of distinct unique identity numbers on various databases and public service application systems used by many agencies. Currently there are at least 28 types of unique identity numbers that make up the "information islands" with different

database, application builder and operating system¹.

Basically, e-ID card is single because there is fingerprint (biometric) and chip in it so it can not be duplicated (is smart card). Practically, biometrics in e-ID cards are useful for identifying identity, that is, the data contained in the documents shows the identity of the concerned population in a timely and accurate manner; and as self-authentication, as a means of ensuring documents belong to the person (preventing document falsification, as well as preventing duplicate documents, and having an independent Data Security System) and as a password for individual residents.

While the Chip in e-ID is useful as a necessary electronic data storage tool of the population, including biometric data; the data contained in the Chip can be read electronically with any particular device (reader) anywhere; can function for various needs (multipurpose) with Chip referred (ID Card, ATM, Access Card) and relatively easy to be integrated with other system.

Then this e-ID card has a capacity of 4-8KB, containing NIK data, name, place and date of birth, sex, religion, marital status, blood type, address, occupation, nationality, photograph, validity period, place and date issued, , as well as the names and numbers of officers of officials who signed it which is not much different from the conventional ID.

According to the Indonesian Institute of Population Studies and Observers, if we look at the spirit of using e-ID cards that aim for efficiency and provide various benefits, the choice of chips on e-ID card in the

country today is not possible to obtain other benefits. As can not be used for various government programs that may appear later, such as medical record, criminal record, data collection TKI, BLT, and others. "Although it has stored the fingerprint data in it, but the verification function can only be done by the Ministry of Home Affairs. Public places that want to implement higher security such as hotels or buildings, can not use e-ID card for verification, "he said, in his statement to detikINET², the concerns as well as answering statement from Husni Fahmi, Head of e-ID Program from BPPT who previously said that chip on e-ID deliberately selected with a mini-capacity of only 4 KB because it will only enter a handful of data.

In fact, the Population Administration Act does not limit any data that may be included in the chip. Benchmarks from the implementation of electronic ID (e-ID) in various countries have been used for state efficiency, so the cards are replaced with 1 e-ID card. Like Malaysia which has *MyKad* (electronic ID Malaysia) as well as identity card, as well as driving license, basic medical data, public key infrastructure, e-cash, and transit card. Thai e-ID is applied as identity card, medical history, certificate of authentication, e-border pass, and online services. Then Portugal, five existing national cards (identity card, tax card, social security card, health service user card, voters card) were replaced into 1 e-ID card. While in Indonesia, although it has budgeted up to Rp 6.6 trillion, e-ID card seems still limited as a tool of identity. Not yet integrated with

¹ Edhy Sutanta. 2012. "Distribusi Basis Data Kependudukan Untuk Optimalisasi Akses Data: Suatu Kajian Pustaka". *Jurnal Ilmu Komputer* - Volume 5 - No 1 - April 2012. Yogyakarta : UGM press.

² www.detik.com/detikINET/2010/02/03.E-ID.html diakses pada tanggal 10 Mei 2017

driver's license, medical history, bank account and more³.

In view of Article 64 Verse (3) of the Population Administrative Act, "In the ID card as referred to in paragraph (1) there is provided a space for loading the security code and electronic recording of the Critical Events" referred to as important events, described in Article 1 Verse (17) of the Law on Adminduk, " is an event experienced by a person including birth, death, stillbirth, marriage, divorce, child recognition, child authorization, adoption, name change and citizenship change."

Government inconsistencies in accommodating all person's personal information as ordered by law need to be corrected immediately. Then e-ID card must also be designed so that not only contains the identity alone, but also contains other track record that can assist the community in preventing a crime.

Role and Position of e-ID card in Crime Handling

Criminal policy or criminal politics is a rational attempt to tackle crime. This criminal politics is part of a law enforcement policy that is part of social politics, which is the effort of the community to improve the welfare of its citizens⁴. Preventing crime is part of criminal politics, this criminal politics can be interpreted in the narrow, broader and broadest sense. Sudarto⁵ explains:

1. In a narrow sense the criminal politics is described as a whole of

principles and methods, which form the basis of reaction to a criminal offense in the form of a criminal.

2. In a broader sense it is the overall function of the law enforcement apparatus, including the workings of the courts and the police.
3. While in the widest sense it is the whole policy, which is done through legislation and official bodies aimed at upholding the central norms of society.

Efforts to tackle crime can be done through the courage of the government by empowering the population documents containing information related to a person's criminal record. The document in detail will show the records or narrations of a person who can then be taken into consideration in enforcing the law.

In the Minister of Internal Affairs Regulation No. 25 of 2011 on Guidelines for the Study, Development and Management of Population Administration Information System regulates the data demographic user. Article 59 paragraph (2) provides that population data can be utilized by data users for the purposes of policy formulation in the field of governance and development and to support other public services. So e-ID card program that is a single residence document should be used as a reference by the government in conducting its policy, including in the field of law enforcement.

Moreover, this e-ID program is supported by the existence of SIAK that

³ <http://inet.detik.com/read/2010/02/03/114100/1291793/398/2/e-ID-indonesia-kalah-canggih-dari-malaysia> diakses pada tanggal 10 Mei 2017

⁴ Barda Nawawi Arif. 2003. *Kapita Selekta Hukum Pidana*. Bandung : PT Citra Aditya Bakti.

⁵ Sudarto. 2006. *Kapita Selekta Hukum Pidana*. Bandung: PT. Alumni.

integrated also been supported by the cooperation between the Ministry of Home Affairs with Directorate General of Correctional Ministry of Law and Human Rights can utilize the data of residence e-ID card. That way, the government will easily conduct prevention and supervision of criminal acts. In addition, e-ID card has also been equipped with biometric technology in the form of fingerprints are also supported by the automated fingerprint identification system (AFIS), facial photos, and iris so that it can be used for the purposes of investigation in case of identification if the ex-prison commits a criminal act again .

For that e-ID card today should be in addition to the interests of population data collection to facilitate the election process but also focuses on the prevention of crime by integrating the system to the police data which facilitates pro-judicial process for the actors of criminal acts. In accordance with the theory of relative theory of criminalization (theory of objective punishment). This theory stems from the basis that criminal law is a tool for upholding the order in society and in enforcing that order is necessary criminal. In this theory criminal is a tool to prevent the emergence of a crime, with the aim that the order of society is maintained⁶.

Indeed, in order to cope with crime through criminal records information has been tried to be built by the government through the manufacture of Database Penitentiary System (SDP) in Directory General of Prison (Ditjenpas) Ministry of Law and Human Rights. SDP is an

application that serves as a tool of work according to the needs of UPT, KANWIL and DITJENPAS which aims to:

1. Establishing a Prisoner Database / National Prisoner
2. Providing quality information to support decision making
3. Improve service

In this online SDP, we provide detailed information on the identity of prisoners, such as fingerprints, physical characteristics, data on the entry date of detention, one-third of the detainee, half criminal, two thirds of the criminal term even the presence of the prisoner in what block with his roommate anyone can be identified with easy.

However, when looking at the history of the government's own struggle to implement e-IDs in order to compose a single document, the existence of the SDP becomes ineffective. As a result, so far the government is still not fully capable of implementing crime prevention policies, especially the recidivists, due to the absence of optimization and utilization of both systems, because now both the system is still running in the function domain in its respective region.

Therefore, it is necessary to integrate the e-ID card program as an integrated population administration system with police agencies, prosecutors, and especially prisons. The information systems already available in each institution should be reported and integrated to be included in the e-ID document. So that the e-ID card that originally only keep a resume, one's criminal

⁶ Adami Chazawi. 2001. *Pelajaran Hukum Pidana Bagian 1*. Jakarta: PT Raja Grafindo.

record can be used in law enforcement system in Indonesia.

Practically, later e-ID card that has been integrated will close a person's gap to disguise its true identity. Thus, e-ID cards are expected to prevent a person from committing crimes by falsifying identities, such as terrorism, illegal immigrants. In addition, the single and e-ID identifiable nature of e-readers makes it easier to publish documents because it is easier to document citizens and misuse of population documents can be reduced.

Model of Crime Handling Through e-ID Card

The process of investigation used so far, especially in the case of uncovering the actors of criminal acts that are not known identity but obtained the description of the face of the actor or his fingerprint, the investigator using the comparison data in the form of data of former inmates, recidivists or fugitives. If no data matches the identity of the actor, then the police will include it in the person's search list. So in this case e-ID cards can play a role to show the identity of a person as a criminal.

Identity Card Identification in e-ID cards that use biometrics to verify and validate the system through the introduction of physical characteristics or human behavior. There are many safeguards in this way, including fingerprint (fingerprint), eye retina, DNA, face shape, and tooth shape. Identity Card Identification in e-ID card is not only by using face image and fingerprint but also iris eye so e-ID data is guaranteed more accurate and difficult to duplicate or falsified.

Documents in this e-ID card will also be ideal if used as a reference in enforcing the

law against actors of crimes perpetrated (recidivist). The recidivist itself is a dangerous criminal. For example, for example A commits the killing of another person and is found guilty of violating Article 338 of the Criminal Code by imprisonment for 7 years, then after A has finished his sentence, he persecutes another person. In this case, the Penal Code provides a system of denunciation to a person repeating his crime under which under Article 486 of the Criminal Code he may be punished with a third more punishment than a normal punishment by noting that the same kind of deed is committed in less than 5 years after serving the sentence imposed.

In the punishment process given to the recidivist, police and prosecutors can then use e-ID cards to see the criminal record of a recidivist. This record can later be used as legal evidence, having previously fulfilled the conditions specified in the Criminal Procedure Code as well as the ITE Law because the e-ID document is an electronic document, so it needs to be purified first into a printed document to be legitimate as evidence.

Through the use of e-ID cards, the police and prosecutors are expected to be more effective in cracking down on the actors of the recidivists, whether in the process of investigation, investigation or prosecution by using criminal penalties. Furthermore, this e-ID document should also be a consideration for the judge to consider the provisions of the recidivist as well as the evidence contained in the e-ID card in executing the actor.

In order to realize the purpose of the State protecting the entire Indonesian people from all forms of criminal acts that will damage the order of life in the community, the government must dare to make e-ID card

as a rule model of policy in the prevention of crime in Indonesia.

CONCLUSIONS

The e-ID card program which includes information on population and criminal record of each person must be optimized their roles and functions through an integrated system, both at the police level, the prosecutor's office, and in prisons to implement the crime prevention policy based on e-ID card. Thus, the police with the help of the public can do the prevention of crime, as well as supervision for the actors of criminal acts that have been out of prisons and are still in fugitive the police so that it can be quickly arrested and executed.

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