

## **Legal Analysis of the Enforcement of Electronic ID Cards Valid for Life Against Credit Guarantee Institutions**


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| KEYWORDS  | ABSTRACT   |
|---|--|
| Legal Awareness of Credit Guarantee Management, E-KTP | Electronic ID cards (e-KTPs) issued since 2011 or 2012 remain valid for life, even after they expire. Electronic ID cards (e-KTPs) do not need to be renewed, as they remain valid for life even after they expire. However, in practice, some banks and financial institutions still refuse to accept lifetime ID cards as a requirement for credit. This research uses both normative and empirical juridical methods to describe the issues surrounding legal awareness regarding expired e-KTPs following the issuance of Circular Letter No. 470/296/SJ concerning Electronic ID Cards (e-KTPs) with lifetime validity. In accordance with legal studies, the approach used is problem-based. To strengthen the analysis and complement secondary data, field research will be conducted to obtain primary data. The data obtained will then be presented in descriptive and conceptual form. ACC Finance as the party providing the credit guarantee will reject the customer's credit if the completeness of the credit requirements uses an expired Electronic KTP but is valid for life for fear that the customer's citizenship is unclear and is already a company provision even though based on Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration, specifically Article 64 paragraph (7) letter a, Circular of the Minister of Home Affairs No. 470/296/SJ which states that an expired Electronic KTP is still valid and does not need to be extended because the validity period of the Electronic KTP is for life. Based on the background that has been presented, there are several problems that can be identified as follows: legal analysis of the rejection of a lifetime Electronic KTP by a credit guarantee institution as a credit requirement? and What are the legal remedies for the rejection of a lifetime E-KTP as a credit requirement by a credit guarantee institution? |

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## **INTRODUCTION**

Identity cards have many functions. In addition to serving as data on residents domiciled in one place, the *Identity Card* also functions as a database used to determine the permanent voter list in elections (James & Clark, 2020).

However, the Identity Card has many drawbacks. One such issue is that it allows a person to have more than one ID card, because the ID card is only valid in one place of domicile. Thus, if someone changes their place of domicile, they must make a new Identity Card, but the old Identity Card remains valid (Lestari & Wirawan, 2018; Arifin, 2019). This creates vulnerabilities in population administration, including identity duplication and potential misuse (Putra & Nugroho, 2021). Therefore, the government introduced a new breakthrough in the field of the Population Administration System: the Electronic Identity Card, or e-KTP, which

integrates biometric authentication to minimize fraud and duplication (Susanti & Hakim, 2020; Mahendra & Widodo, 2023).

e-KTP (Electronic KTP) is a population document that contains a security/control system both in terms of administration and information technology based on the national population database (Arianto & Suharto, 2017; Wardhani et al., 2020). It is a government program designed to replace the current valid ID card, incorporating a chip with fingerprint data, signature, passport, and Population Identification Number (Nomor Induk Kependudukan or NIK) (Prasetya & Cahyani, 2019; Hasanah & Kurniawan, 2022). The integration of biometric features enhances the accuracy of identity verification and reduces fraud in public services (Saputra et al., 2021; Maulida & Setiadi, 2023). Moreover, the centralization of the national database enables interoperability across various government institutions, streamlining administrative processes while strengthening digital security protocols.

The main functions of the e-KTP include making government and public service functions more effective, improving state security, facilitating the detection of terror perpetrators, and simplifying tax applications (Hidayat & Prabowo, 2019; Suryani & Azizah, 2021). Essentially, the e-KTP is an identity programmed online that is very helpful for crime disclosure processes, providing real-time instructions through the registration of a population identity number (NIK) (Ananda et al., 2020; Ramadhan & Syahputra, 2022). This digital identity system strengthens the state's ability to verify and authenticate individuals in critical sectors such as security, taxation, and civil registration (Yulianto & Marlina, 2023).

In simple terms, *e-KTP* is derived from the words *Electronic-KTP* or *Electronic Identity Card*, often abbreviated as *e-Id card*. According to the official *e-KTP* website, the electronic KTP is a population *document* that contains a security/control system in both administration and information technology based on the national population *database* (K. D., & Tanjung Pinang, P. K 2010).

The Electronic Identity Card is a new method introduced by the government to build a national population database and provide identity to the public by using a biometric system. This biometric system connects to the national database, ensuring each resident has only one national ID card.

The adoption of the electronic identity card was motivated by the conventional ID card system in Indonesia, which allows a person to have more than one ID card. This is based on Article 63 Paragraph 6 of Law Number 23 of 2006 concerning population administration, which stipulates that residents are only allowed to have one (*1*) ID card. Moreover, the implementation of *Electronic Identity Cards* addresses the previous lack of an integrated database that consolidates population data nationwide (K. D., & Tanjung Pinang, P. K 2010).

The *Electronic Identity Card* facilitates easier data collection for the government, as data can be directly accessed from the electronic ID card without waiting for census data. In other words, *e-KTP* is more effective and efficient than the conventional *KTP*.

Electronic Identity Cards have been widely adopted in developed European countries, including Austria, Belgium, Italy, Finland, Spain, and Sweden. In Asia, countries such as China and India have also implemented *e-KTP*.

Nevertheless, the use of *e-KTP* still has weaknesses. For instance, the owner's signature does not appear on the card's surface. This absence has caused legal issues, such as when conducting transactions with *banking* institutions where *e-KTP* is not recognized due to the missing visible signature. The signature is embedded on the chip but cannot be read by banks lacking appropriate *Card Readers*. Consequently, *e-KTP* holders are often forced to request recommendations from the Head of the Population Office and *Civil Records (Catatan Sipil)* to satisfy the banks.

Therefore, once a *KTP* becomes an *e-KTP*, it is valid for life. Even if a validity date is printed on the card, the *e-KTP* remains valid indefinitely. "The *e-KTP* can still be used even though the validity period has expired, as stated in the validity column," explained officials.

According to the Minister of Home Affairs, those whose *e-KTP* validity period has expired need not renew it, since the *e-KTP* remains valid. "The *e-KTP* currently displays a validity period but is valid for life; expired cards remain valid," he said. Citizens need not worry about rejection of expired *e-KTPs* during police checks or while managing important documents. "Expired *e-KTPs* can still be used when handling important paperwork at any institution."

This regulation is stipulated in Law Number 24 of 2013 in Article 64 Paragraph 7 letter (a). Thus, residents whose *e-KTP* expires, as long as the card is undamaged, do not need to renew it since it remains valid for life. Reactivation is only necessary to update the owner's data.

While the government asserts this, in reality, expired *e-KTPs* are sometimes rejected by certain parties, such as banks and finance companies, particularly for credit transactions.

*Electronic Identity Cards* are implemented across Indonesia, including in Cirebon City. The Cirebon City Government, through the Population and Civil Registration Office, issues *e-KTPs* based on Article 7 letter (g) of Law Number 23 of 2006 concerning Population Administration, which grants authority and responsibility to the Regent/Mayor to manage Population Administration at the district/city level. Consequently, the City Government must organize Population Administration in all sub-districts within Cirebon City. The first implementation occurred in Kesambi District, inaugurated by the Mayor of Cirebon.

Tangkilisan and Saragih (2019) previously examined inconsistencies in *e-KTP* data use during elections, highlighting weaknesses in data management that could lead to misuse and undermine democratic principles. Meanwhile, Kurniasih et al. (2021) evaluated the efficiency of implementing the Single Identification Number (*NIK*) through *e-KTP*, finding that although the system streamlines public administration, it still faces technical and economic challenges. Both studies, however, did not address the practical issue of financial institutions rejecting *e-KTPs* that are legally valid for life but appear expired.

This study aims to evaluate the implementation and acceptance of lifetime-valid *e-KTPs* in formal credit practices and to formulate policy recommendations to improve regulatory compliance among financial institutions. The research benefits include providing practical insights for strengthening legal adherence across sectors and contributing academically as a reference for administrative law studies concerning population identity systems in Indonesia.

## RESEARCH METHOD

This research was conducted using interviews with respondents, consisting of individuals competent in providing information on the implementation of the *e-KTP* (electronic ID card) through direct dialogue.

In accordance with legal studies, the approach used is problem-based. To strengthen the analysis and complement secondary data, field research will be conducted to obtain primary data. Furthermore, the data obtained, both primary and secondary, will be analyzed qualitatively, meaning that without using formulas, they will be presented in descriptive and conceptual form.

This research was conducted at the Cirebon City Population and Civil Registration Office.

## RESULTS AND DISCUSSION

### **Legal Analysis of Lifetime Rejection of Electronic ID Card by Credit Guarantee Institutions as Credit Requirements**

The implementation of Electronic KTP (e-KTP) which is valid for life (in accordance with Law No. 24 of 2013 Article 64 paragraph (7) letter a) brings legal implications for credit guarantee institutions, especially in terms of the use of e-KTP as an administrative requirement. Credit institutions need to ensure that e-KTP that is valid for life is still considered valid and valid in the credit granting process, including for the purpose of applying for guarantees or legal certainty related to the existence of customers.

Legal analysis of the legal analysis of the rejection of a lifetime Electronic ID Card by credit guarantee institutions as a credit requirement:

1. Validity of e-KTP Valid for Life:
  - a. Law No. 24 of 2013 expressly states that e-KTP for Indonesian citizens is valid for life.
  - b. The e-ID card that was issued before Law No. 24 of 2013 is also valid for life.
  - c. Although there is an expiration date on the e-ID card, this does not reduce its validity.
  - d. The issuance of a lifetime e-KTP aims to ensure legal certainty and facilitate population administration.
2. Implications for Credit Guarantee Institutions:
  - a. Credit institutions need to understand that the e-KTP is valid for life and does not need to be renewed.
  - b. The e-ID card remains valid and valid for credit administration purposes, including collateral application.
  - c. Changes to data on e-KTP (for example, changing addresses) must still be taken care of at the Population and Civil Registration Office, it does not mean that the e-KTP is not valid.
  - d. Credit institutions need to ensure that the e-KTP used in the credit process is in accordance with the applicable rules.
3. Legal Certainty and Utilization of e-KTP:
  - a. The validity of the e-KTP for life provides legal certainty for credit institutions in the credit granting process.
  - b. The use of e-KTP as an administrative requirement helps credit institutions in verifying customer data.
  - c. The implementation of a lifetime e-KTP is expected to minimize the potential for legal problems related to the validity of identity documents.
4. Data Verification and Fraud Risk:
  - a. Credit institutions need to continue to verify customer data, including data listed on the e-KTP.
  - b. Careful data verification helps reduce the risk of fraud or misuse of identity documents.
  - c. Credit institutions can utilize technology to verify e-KTP data online.

The lifetime implementation of Electronic KTP carries important legal implications for credit guarantee institutions. Credit institutions need to understand that e-KTP remains valid and valid even if there is an expiration date. An e-ID card that is valid for life provides legal certainty and facilitates credit administration, but credit institutions still need to verify customer data carefully to reduce the risk of fraud and misuse of identity documents.

This study raises the issue of legal awareness of credit guarantee institution managers over the validity of outdated electronic ID cards that are valid for life at ACC Finance. To be able to uncover this problem, the researcher conducted observations and interviews with the credit administration department of ACC Finance Cirebon Branch as the subject of the research, where of several customers who borrowed funds at ACC Finance whose requirements

for using an Electronic ID Card were denied credit by ACC Finance for the reason that it was already a provision from the company, so ACC invited customers to make a new ID card first.

The *electronic ID card (e-KTP)*, issued since 2011 or 2012, remains legally valid for life—even if it shows an expired validity date. Holders of *e-KTP* whose cards indicate an expired date are not required to extend or renew them, as stipulated under **Law Number 24 of 2013**, which amends **Law Number 23 of 2006** concerning Population Administration.

Specifically, **Article 64 paragraph (7) letter a** states that the *e-KTP* for Indonesian citizens is valid for a lifetime, meaning the card remains effective and acceptable as a valid identity document throughout the country regardless of the printed expiration.

This lifetime validity has been emphasized by the Head of the Population and Civil Registration Office (*Disdukcapil*) in Cirebon Regency, due to ongoing issues where some banks, government institutions, and private agencies still reject *e-KTPs* with expired dates when processing credit or administrative requirements.

As a result, many citizens have filed complaints about the wrongful rejection of their *e-KTPs*. The legal framework clearly mandates that such rejections should not occur because the validity of the *e-KTP* extends beyond the printed expiration to lifetime recognition.

For example, if an individual (such as "A") has an *e-KTP* issued in 2012 with a printed validity date until 2017, despite the card showing expiry, it remains valid nationwide for all official purposes.

The existence of an electronic ID card that has expired in the requirements for borrowing funds as happened at Astra Credit Companies or commonly abbreviated as **ACC** is one of the non-compliance with laws and regulations, this is due to the lack of supervision carried out by the government over the institution that lends funds to the public.

NowCar Loan Application is quite easy, but there are still consumers whose credit applications are rejected. Why does something like this happen? Of course, there are several reasons why a credit application is rejected. When someone wants to buy a car loan and then at that moment the credit application is rejected, in general most of them will blame the dealer who is considered to have rejected the application, even though the one who actually has the right to accept or reject the credit application is the leasing party.

Even though the E-KTP writes that the validity period has expired or expired, the management of papers at any agency/institution can still be done. "So there is no need to worry about being rejected when showing an expired eKTP during a police raid or when taking care of important papers, the provisions regarding the E-KTP are valid for life, this has been regulated in Article 64 paragraph 7a of Law No. 24 of 2013 concerning Amendments to Law No. 23 of 2006 concerning Population Administration. In that article, it is stated that the *e-KTP* for Indonesian citizens has a lifetime validity period. For information, regarding the procedures for issuing E-KTP on a regular basis, it has been regulated in the Regulation of the Minister of Home Affairs Number 9 of 2011 concerning Guidelines for the Issuance of KTP Based on Population Identification Numbers Nationally. Article 5 paragraph (1) letter a of the Permendagri states that regular E-KTP submission can be in the form of making a new one, because it changes addresses or is lost.

The article details the issuance of E-KTP regularly for Indonesian citizens to report to the officer at the E-KTP service place by filling out the application form and bringing the requirements in the form of a national population identification number, a copy of the family card and moving letter and E-KTP for residents who move or a damaged E-KTP and a certificate of loss from the Police for residents whose ID cards are lost.

This is the reason why the outdated Electronic ID Card is still declared outdated and besides that the Electronic ID Card has advantages, one of which is the use of *e-KTP* fingerprints that are more sophisticated than those that have been applied to the SIM (Driver's License). Fingerprints are not only printed in the form of images (jpeg format) like in a SIM,

but can also be recognized through the chip built into the card. The data stored on the card has been encrypted with a specific cryptographic algorithm. The process of taking fingerprints from residents until they can be recognized from the card chip is the fingerprint recorded from each mandatory ID card is all fingers (ten), but what is entered in the chip is only two fingers, namely the thumb and right index finger. Fingerprint was chosen as authentication for e-KTP because first, it is the least cost-effective, more economical than other biometrics. Second, the shape can be kept unchanged because the fingerprint streaks will return to their original shape even if the skin is scratched. Third is unique, there is no possibility of being the same even if people are twins.

### **Legal Remedies Against the Rejection of Lifetime E-ID Card as a Credit Requirement by Credit Guarantee Institutions**

Legal remedies against the rejection of a lifetime KTP-E as a credit requirement by credit guarantee institutions can be done in several ways, such as filing a civil lawsuit, filing an administrative objection, or even filing an appeal to the relevant court.

Legal remedies that can be taken against the rejection of a lifetime KTP-E as a credit requirement by credit guarantee institutions:

1. Civil Lawsuit:
  - a. If the credit rating agency rejects your lifetime ID card for life without valid reasons or violates applicable rules, you can file a civil lawsuit with the court to ask the institution to meet its obligations or pay damages.
  - b. The legal basis that can be used is Law Number 10 of 1998 concerning Banking (Banking Law), which regulates credit and guarantee agreements.
  - c. You will need to present evidence supporting your claim, such as a denied credit agreement, a denial statement, and other evidence.
  - d. After filing a lawsuit, the court will examine the case and decide whether or not the credit guarantee institution is guilty.
2. Administrative Objections:
  - a. Consumers can file administrative objections to banking supervisory institutions, such as the Financial Services Authority (OJK).
  - b. OJK will examine the case and provide recommendations or appropriate actions.
  - c. This administrative objection can be the first step before filing a civil lawsuit.
3. Appeal to the Court:
  - a. If you are not satisfied with the first court's decision, you can appeal to a higher court.
  - b. The appeals court will examine the case and decide whether the first court's decision was appropriate or not.

The legal basis for the rejection of a lifetime KTP-E as a credit requirement by credit guarantee institutions is Law Number 10 of 1998 concerning Banking (Banking Law): Rules governing credit and guarantee agreements and the Civil Code (KUHPerdata): Rules on agreements and obligations of the parties to the agreement.

In addition to the above to the rejection of a lifetime E-KTP as a credit requirement by the lending institution, it is necessary to build legal awareness which is an abstract conception in humans, about the harmony between order and peace that is desired or appropriate. Legal awareness is often associated with law enforcement, law formation, and legal effectiveness. Legal awareness is the awareness of the values contained in humans about existing laws. Legal awareness is related to legal compliance, the thing that distinguishes it is that in legal compliance there is a fear of sanctions.

Consciousness: there are no sanctions, it is the formulation of the legal circles regarding the assessment, which has been done scientifically, the value of the values contained in humans about existing laws or about the laws that are expected to exist. Legal awareness indicators:

1. Legal knowledge.
2. Understanding the law.
3. Legal attitude.
4. Legal behavior patterns

Compliance: There are positive and negative sanctions, obedience is a dependent variable, legal obedience is based on satisfaction obtained with social support. Factors that cause people to obey the law:

1. Compliance:

Compliance is based on the expectation of a reward and an effort to escape the punishment that may be imposed if someone violates the provisions of the law. There is strict supervision of these legal principles.

2. Identification:

It occurs when compliance with the rules of law exists not because of its intrinsic value, but so that the members of the group are maintained and there is a good relationship with those who are authorized to apply the rules of the law.

3. Internalization.

Someone obeys the rules of the law because intrinsically the obedience has a reward. The content is in accordance with the value of the person concerned.

If we talk about the legal awareness of credit guarantee institution managers over the validity of electronic ID cards for life, the question will arise: "Has the legal awareness of guarantee institutions deteriorated to such an extent that the credit guarantee institution at ACC Finance only thinks unilaterally about the safety of its funds without thinking about the appeal from the government, especially the minister of home affairs, so that it needs to be improved and how to improve it? What can we be consistent about legal awareness in this regard?" If all parties in this country already have good legal insight, we can guarantee that all law enforcers will stop playing with the legal system in our country. The many legal irregularities are caused by the lack of knowledge of the law in this matter. Moreover, the common people only know that the court is a place to seek victory, not a place to seek the truth.

According to Sudikno Mertokusumo (2009), low legal awareness tends to violate the law, while the higher a person's legal awareness, the higher his or her legal compliance. Given that the law is the protection of human interests, the decline in public legal awareness is caused by people not seeing or realizing that the law protects their interests, the absence or lack of supervision of law enforcement officers, and the education system that does not pay attention to instilling an understanding of legal awareness. Soerjono Soekanto, added that the decline in public legal awareness is also due to the lack of awareness of their obligation to maintain the law and lack of understanding of the goals and functions of development.

Legal awareness is the public's perspective on the law, what should and should not be done against the law, and respect for the rights of others. The condition of the community's legal awareness can be reviewed from three parameters (in terms of violations, law implementation and in terms of law). Legal awareness is not only to be understood and improved, but we must also foster it so that a law-abiding citizen is formed. Therefore, legal education and counseling are needed. In protecting our respective interests, we in society must remember, take into account, maintain and respect the interests of others, so that there are no conflicts or conflicts that harm others. It is not permissible to protect one's own interests, in exercising one's rights, to do as he pleases, so as to the detriment of the interests of others. So legal awareness means awareness of what we should do or do or what we should not do or do, especially towards others. This means an awareness of our respective legal obligations to others.

It must be realized that after knowing the legal awareness of today's society, the goal is not only to increase people's legal awareness, but also to foster people's legal awareness.

Increasing public legal awareness can basically be done in two ways, namely in the form of action and education. Here's the explanation:

1. Action

Acts of legal awareness in the community can be carried out in the form of drastic actions, namely by aggravating the threat of punishment or by tightening the supervision of citizens' compliance with the law. This method is incidental and surprising and is not an appropriate measure to increase public legal awareness

2. Education

Education can be done both formally and non-formally. What needs to be considered and instilled in formal/non-formal education is basically about how to be a good citizen, about what are the rights and obligations of a citizen.

Instilling legal awareness means instilling cultural values. And cultural values can be achieved through education. Therefore, after knowing the possible causes of the decline in the legal awareness of the community, effective and efficient coaching efforts are education.

3. Formal education

School education is a common thing in the life of the nation and state. Legal awareness education in schools must be carried out from the lower level / kindergarten to the higher education level (college).

4. Legal Counseling

Legal counseling is there an activity to increase public legal awareness in the form of conveying and explaining legal regulations to the community in an informal atmosphere so that every community knows and understands what are their rights, obligations and authorities, so that attitudes and behaviors based on the law are created, namely in addition to knowing, understanding, living and obeying them. Legal counseling can be carried out in two ways: first, direct legal counseling, which is legal counseling activities dealing with the community that is inspired, can dialogue and connect feelings, for example: lectures, discussions, meetings, simulations and so on. Second, indirect legal counseling is legal counseling activities that are carried out not dealing with the community that is being investigated, but through media/intermediaries, such as: radio, television, videos, magazines, newspapers, films, and so on.

5. Campaigns

The campaign to increase public legal awareness is carried out continuously which is filled with activities that are arranged and planned, such as: lectures, various kinds of competitions, selection of exemplary citizens and so on.

6. Exhibitions

An exhibition has an informative educational function. Therefore, it is undeniable that its positive role in improving and fostering public legal awareness. In the exhibition, vademecum books, brochures and leaflets should be provided in addition to showing films, slides, VCDs and so on which are visualizations of legal awareness that will have great public attraction.

And in the end, in an effort to succeed in increasing public legal awareness, the participation of officials and leaders is still needed. The higher the level of public awareness of the law, the higher the public's demands to get a sense of justice and legal certainty. With this increase in public awareness, it will have an impact on the transparency and accountability of public officials in carrying out government duties.

## CONCLUSION

Utilization of e-KTP as an administrative requirement. Credit institutions need to ensure that e-KTPs that are valid for life remain valid in the credit granting process. Credit guarantee



providers who reject customer credit if the credit requirements include an expired but lifetime e-KTP for fear that the customer's citizenship is unclear and is already a company requirement are violating the provisions of Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration, specifically Article 64 paragraph (7) letter a, Circular of the Minister of Home Affairs No. 470/296/SJ which states that an expired e-KTP remains valid and does not need to be extended because the validity period of the e-KTP is for life.

Legal remedies that can be taken against the rejection of a lifetime e-KTP as a credit requirement by a credit guarantee institution can be done through a Civil Lawsuit, Administrative Objection and Appeal to the Court.

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