

JURIDICAL ANALYSIS OF POLICE REGULATION NUMBER 6 OF 2023 CONCERNING POLICE RECORD CERTIFICATES (SKCK) AT THE DELI SERDANG CITY POLICE

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Abstract

This study aims to analyze the legal regulation concerning the addition of BPJS Health membership as a requirement in the issuance of a Police Clearance Certificate (SKCK), to review this policy from the perspective of state administrative law in terms of legality and the protection of citizens' constitutional rights, and to examine the juridical and social implications of its implementation at the Deli Serdang City Police (Polresta Deli Serdang). The location for data collection in this study was Polresta Deli Serdang. Data were collected through document study. The data sources used in this research were secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials. The research method employed was normative legal research using a statutory approach and a conceptual approach. Data analysis in this legal research was conducted using qualitative analysis. The results of the study indicate that, formally, the addition of BPJS Health membership as a requirement has a legal basis; however, substantively, it raises issues related to the principles of proportionality, justice, and non-discrimination in public services. The implementation of this policy also affects public access to SKCK services, particularly for lower- and middle-income groups. Therefore, policy evaluation and regulatory harmonization are necessary to ensure that the provision of public services continues to guarantee legal certainty and the protection of citizens' rights.

Keywords: *Police Regulations; Police Clearance Certificate (SKCK); BPJS Health; State Administrative Law; Public Services*

1. INTRODUCTION

The implementation of the requirement for active participation in the BPJS Health program as a prerequisite for the issuance of a Police Clearance Certificate (SKCK) as regulated in Regulation of the Chief of the Indonesian National Police Number 6 of 2023 has generated various dynamics in society. In North Sumatra Province, particularly in the City of Medan, this policy has been implemented since August 1, 2024. Applicants for an SKCK are required to show proof of being an active BPJS participant. For members of the public who are not yet registered, the police direct them to immediately register through the Mobile JKN

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application and make contribution payments through payment partners such as Indomaret or digital banking services.

However, the implementation of this policy is not free from various challenges. People from lower-middle economic groups complain about the additional administrative and financial burdens that must be borne in order to fulfill the BPJS participation requirement. Those whose status is not yet active or who are in arrears in contribution payments experience obstacles in accessing an SKCK, which directly affects employment or educational opportunities. This situation raises the potential for discrimination against citizens who are not yet able to fulfill such participation requirements.

Although the objective of this policy is to increase BPJS participation coverage and ensure health protection for the entire community, its implementation raises questions from a juridical perspective. Does the addition of the BPJS participation requirement in processing an SKCK have a strong legal basis and not exceed the authority of the police institution? Furthermore, it is necessary to examine whether this policy is in line with the principles of administrative law, such as the principles of legality, proportionality, and non-discrimination, and does not hinder citizens' rights to obtain fair and equal public services.

Therefore, a juridical study of this policy is important, not only to assess the legal validity of the additional requirement, but also to ensure that the fundamental principles of the rule of law such as legal certainty, non-discrimination, and public benefit remain safeguarded in the practice of public administration. The addition of requirements that are not in line with higher regulations or that contradict the spirit of protecting citizens' human rights may constitute maladministration that harms the public and weakens public trust in state institutions.

2. METHODOLOGY

The location of data collection in this research was at the Deli Serdang Police Resort (Polresta Deli Serdang). In this research, data collection was carried out through document study. The data sources used in this research consisted of secondary data comprising primary legal materials, secondary legal materials, and tertiary legal materials. The research method used was normative legal research with a statutory approach and a conceptual approach. The data analysis used in this legal research was qualitative analysis.

3. RESULTS/CASE STUDY/EXPERIMENT/DEMONSTRATION/APPLICATION FUNCTIONALITY

Provisions regarding the requirements for issuing an SKCK are explicitly regulated in the Police Regulation, including the addition of an administrative requirement in the form of active BPJS Health participation. This additional requirement creates legal dynamics because historically the SKCK has only been related to a person's criminal record, not aspects of social security.

The norm of adding the BPJS Health participation requirement in Police Regulation Number 6 of 2023 cannot be separated from the national policy on social security, which is mandatory for all citizens. This obligation originates from Law Number 40 of 2004 concerning the National Social Security System, which mandates universal participation.

Article 14 of Law Number 24 of 2011 concerning BPJS affirms that every person, including Indonesian citizens, is required to become a participant in the social security program. This provision has subsequently been used as an argumentative basis by the government and state institutions to integrate BPJS participation into various public services. Police Regulation Number 6 of 2023 normatively includes active BPJS Health participation as one of the supporting documents in applying for an SKCK. The formulation of this norm indicates a paradigm shift in public services that no longer stand alone but are integrated with policies from other sectors.

The legal construction of this additional requirement needs to be analyzed from the perspective of the hierarchy of laws and regulations as regulated in Law Number 12 of 2011 as amended by Law Number 13 of 2022. In this hierarchy, a Police Regulation is subordinate to a law and must comply with higher norms.

Juridically, the authority of the Police to regulate the requirements for issuing an SKCK is a delegated authority derived from Law Number 2 of 2002 concerning the Indonesian National Police. This law provides room for regulating technical aspects of police services through internal regulations.

Such technical regulation is in principle permissible as long as it does not conflict with higher laws and regulations and does not violate the fundamental rights of citizens. Therefore, the addition of the BPJS Health requirement must be tested to determine whether it remains within the limits of legitimate authority. Provisions regarding the SKCK as a form of public service must also comply with Law Number 25 of 2009 concerning Public Services. Article 5

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of that law affirms that every citizen has the right to obtain fair, non-discriminatory, and transparent public services.

4. Discussion

The legal regulation concerning the addition of the active BPJS Health participation requirement in the process of issuing a Police Clearance Certificate (SKCK) constitutes part of the state's administrative authority in administering public services. The SKCK as an official police document in principle falls within the scope of the service function of the Indonesian National Police, the regulation of which is derived from delegated authority based on Law Number 2 of 2002 concerning the Indonesian National Police. The addition of the BPJS Health participation requirement as regulated in Police Regulation Number 6 of 2023 normatively has a legal basis related to national social security policy, particularly Law Number 40 of 2004 concerning the National Social Security System and Law Number 24 of 2011 concerning BPJS. Within the hierarchy of laws and regulations, the Police Regulation is valid as long as it does not conflict with higher norms and has not been annulled through a judicial review mechanism of laws and regulations.

However, substantively, the addition of the BPJS Health participation requirement raises juridical issues related to the principles of legality, proportionality, and the protection of citizens' rights in public services as regulated in Law Number 25 of 2009 concerning Public Services. The SKCK fundamentally aims to provide information regarding a person's police record, so the relevance of the social security participation requirement requires further examination. Implementation of the policy at the Deli Serdang Police Resort indicates that service officers implement the provision for the sake of legal certainty and national uniformity, although this policy often raises questions from the public. Therefore, although formally it has legal legitimacy, this regulation still requires continuous evaluation in order to align with the principles of justice, non-discrimination, and the objectives of administrative law in ensuring public services oriented toward the protection of citizens' rights.

From the perspective of Administrative Law, the addition of the active BPJS Health participation requirement in issuing the Police Clearance Certificate (SKCK) is an act of governmental administration that must adhere to the principle of legality and the general principles of good governance. The principle of legality requires that every administrative policy have a clear legal basis of authority and be relevant to the objective of the service. The

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issuance of an SKCK is the authority of the Indonesian National Police in the context of public service as regulated in Law Number 2 of 2002 concerning the Indonesian National Police and elaborated through Police Regulation Number 6 of 2023. However, from the administrative law perspective, the addition of administrative requirements must have a rational connection with the substance and purpose of the SKCK service. If the BPJS Health participation requirement does not have direct relevance to the function of the SKCK as a certificate of police records, then the policy potentially raises issues of legality, proportionality, and deviation from the purpose of authority.

Viewed from the aspect of protecting citizens' constitutional rights, the addition of the BPJS Health participation requirement also has implications for the fulfillment of the right to fair, non-discriminatory public services that guarantee legal certainty as guaranteed in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Implementation of the policy at the Deli Serdang Police Resort shows that the requirement may become an administrative obstacle, particularly for people from lower-middle economic groups, thereby potentially limiting access to SKCK services. This condition reflects tension between legal certainty and substantive justice in the practice of governmental administration. Therefore, within the framework of administrative law, this policy needs to be continuously evaluated to ensure that its implementation remains in line with the principles of proportionality, protection of citizens' constitutional rights, and the objectives of public services oriented toward ease of access and justice.

The implementation of the active BPJS Health participation requirement in the process of issuing a Police Clearance Certificate (SKCK) gives rise to juridical implications related to the principles of legality, legal certainty, proportionality, and protection of citizens' constitutional rights. Juridically, the addition of administrative requirements in public services must have a clear legal basis and be relevant to the objective of the SKCK service as a certificate of police records. If the requirement does not have direct relevance to the function of the SKCK, then it potentially creates issues of authority and indirect restrictions on citizens' rights to public services as guaranteed in Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. In addition, this policy may also create legal uncertainty and open opportunities for administrative disputes if members of the public feel administratively disadvantaged.

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From a social aspect, the implementation of the BPJS Health participation requirement affects public access to SKCK services, particularly for lower-middle economic groups and informal sector communities whose participation is not yet active. Such administrative obstacles may delay urgent needs, such as employment and educational purposes, and create perceptions of discrimination and declining public trust in police services. Although this policy has the potential to increase public awareness of the importance of the national health insurance system, such positive impacts need to be balanced with adaptive and equitable service mechanisms. Therefore, the policy of adding the BPJS Health requirement in issuing SKCKs needs to be comprehensively evaluated so as not to conflict with the principles of administrative law, social justice, and the objectives of public services oriented toward ease of access for all citizens.

5. CONCLUSION

The legal regulation concerning the addition of the active BPJS Health participation requirement in the process of issuing a Police Clearance Certificate as regulated in Regulation of the Chief of the Indonesian National Police Number 6 of 2023 formally has a normative basis of authority. This authority derives from Law Number 2 of 2002 concerning the Indonesian National Police, which provides room for the police to regulate technical aspects of public services. However, substantively, this regulation indicates an expansion of the material content of SKCK services that is not entirely directly related to the primary objective of issuing an SKCK as a certificate of a person's police record.

From the perspective of administrative law, the addition of the BPJS Health participation requirement in issuing an SKCK fulfills the principle of legality in a formal sense because it is based on prevailing laws and regulations. However, in terms of the general principles of good governance, particularly the principles of expediency, justice, and proportionality, the policy still leaves legal issues. The addition of administrative requirements that potentially hinder citizens' access to public services may result in restrictions on constitutional rights, particularly the right to legal certainty and the right to obtain fair public services.

The juridical and social implications of implementing the BPJS Health participation requirement in processing SKCKs at the Deli Serdang Police Resort demonstrate tangible impacts on society. These impacts include delays in processing SKCKs, increased

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administrative burdens for applicants, and potential inequality in access to public services for certain community groups. From the perspective of police apparatus, this policy is implemented as a form of compliance with prevailing regulations, but it has not been fully balanced with flexibility mechanisms or responsive policy evaluation in accordance with social conditions.

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