

Legal Analysis Of Death Certificate Determination Through The District Court In The Perspective Of Population Administration (Decision Study No. 407 / Pdt.P / 2025 / PN Bks)

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Abstract

This study aims to analyze the legal basis and consideration of judges in determining the application for the issuance of death certificates through the Bekasi District Court in Decision No. 407/Pdt.P / 2025 / PN Bks. This application was submitted by Sri Haryati as the wife of the late Bambang Sarwono Hadi who died in 1995 but was never registered with the Department of Population and Civil Registration (Disdukcapil). Because of the delay in reporting, the applicant must take the path of court determination in accordance with the provisions of Article 44 of Law Number 24 of 2013 concerning Population Administration and the Circular Letter of the Directorate General of Dukcapil number 472.12/932/DUKCAPIL of 2018. The research method used is normative juridical approach, by examining the legislation and analyzing the legal facts in the decision. The results showed that the judge took into account the formal and material aspects of the application by confirming the citizen's right to a document of residence. This ruling affirms the role of the court as a corrective instrument against the negligence of the population administration that has not been reported for a long time.

Keywords: Death Certificate, Court Determination, Population Administration, Citizen Rights.

1. INTRODUCTION

The Unitary State of the Republic of Indonesia is a legal state as enshrined in Article 1 Paragraph (3) of the Constitution of the Republic of Indonesia year 1945, which implies that the entire implementation of the life of the nation and state must be based on law (Pasal 1 Ayat 3 UU 1945).one of the important aspects of the rule of law is the guarantee of legal certainty in the field of Population Administration, which concerns the basic right of every citizen to be legally recognized as a legitimate subject of law (Soetandyo Wignjosoebroto, 2023). Population administration is the main instrument in the construction of the modern legal system, since through civil registration, the state can recognize the identity of each citizen and provide targeted public services (Dwidjowijoto, Riant Nugroho, 2023). in the context of Indonesian positive law, this provision is regulated in Law Number 23 of 2006 concerning Population Administration which was later

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amended by Law Number 24 of 2013 (UU No. 23 Tahun 2006). The law affirms that the recording of important events such as birth, marriage, divorce, death, and the recognition of the child must be reported to the implementing agency so that it can be recorded in the population register (Ulfa Nur Faiqoh,2024).

One of the important forms of events that have a wide legal impact is the recording of death. Death registration is not only an administrative function, but also has legal consequences on a person's civil status, including inheritance rights, pension rights, and the legal status of heirs (Jannah, Nurul & Hidayat,2024). With the issuance of a death certificate, a person is legally considered deceased, so his civil rights and obligations pass to the heirs. However, in practice there are still many Indonesians who neglect to report the death of their family members to the Department of Population and Civil Registration (Fadhil Fauzi, 2025). Such negligence can be caused by various factors, such as low legal awareness, limited information about Population Administration procedures, or lack of understanding of the importance of population documents as legal evidence (Sri Rukmini,2022).

The delay in reporting raises administrative problems, because Disdukcapil cannot issue a death certificate without a valid legal basis if the report is made after passing the specified time limit, which is 30 days from the date of death as stipulated in Article 44 paragraph (1) of Law Number 24 of 2013. To overcome this condition, the government through a letter from the Directorate General of Population and civil registration of the Ministry of Home Affairs number 472.12/932/DUKCAPIL in 2018 provides a legal solution, namely that any reporting of death registration that has occurred for a long time must be accompanied by a court determination (Aminah Pohan,2023). Thus, the role of the District Court becomes important as an institution authorized to provide legal basis for the issuance of late-reported death certificates.

The case in the Bekasi District Court decision number 407 / Pdt.P / 2025 / PN Bks is a concrete example of the application of these provisions. In this case, Sri Haryati, a civil servant, applied to the Bekasi District Court so that her husband, Bambang Sarwono Hadi, who died in a traffic accident in 1995, could be issued a death certificate. The deaths were never reported to the Bekasi city Disdukcapil due to family negligence, even though the death certificate was needed for the management of inheritance rights and other family Administration. This application raises important questions about how the legal basis for the application for the issuance of a death certificate through the court and how the consideration of the judge in granting the application. Normatively, the judge in the case of a quo affirms

that the application can be accepted because it meets the formal and material requirements as stipulated in the law on Population Administration and Book II of the Technical Guidelines for the administration and technical of the General Civil and Special Civil Courts of the Supreme Court of the Republic of Indonesia (Mahkamah Agung R, 2023).

From the sociological point of view, this case reflects the weak legal awareness of the community on the importance of reporting important events in civil life (Religius Sarumaha, 2020). Not a few citizens who have just realized the urgency of the death certificate when facing legal issues, such as inheritance, pension, or proof of family status (Dewi, Ratna, 2023). In fact, the death certificate has a vital function as a means of authentic proof as stipulated in Article 1868 of the Civil Code, which states that the authentic certificate is the perfect proof for the parties and their heirs (Renaldi dkk, 2023). The phenomenon of late reporting of death also shows the gap between the ideal law (*das sollen*) and the law applicable in practice (*das sein*) (Satjipto Rahardjo, 2022). On the one hand, the state has provided adequate legal instruments to ensure the order of Population Administration. But on the other hand, the implementation of these norms is still often ignored by the public due to cultural factors, bureaucracy, and low legal literacy. Therefore, the establishment of a court becomes a corrective means that restores legal certainty to citizens who were previously negligent of their administrative obligations.

Thus, decision number 407/Rev.P / 2025 / PN Bks is not only important from a juridical point of view, but also from a social and administrative perspective, as it shows how the court functions not solely as a dispute resolution institution, but also as a guarantor of citizens' administrative rights. Based on this background, this study will further examine the legal basis and consideration of judges in the determination of death certificates through the District Court and its implications for the protection of citizens' administrative rights.

2. RESEARCH METHOD

This study uses a normative juridical approach, which is an approach that examines the principles, norms, and doctrines of positive law (Ariman Sitompul, 2022). Primary legal materials consist of: Law No. 23 of 2006 on Population Administration; Law No. 24 of 2013 on amendments to law no. 23 of 2006; letter of the Directorate General of Dukcapil number 472.12/932/DUKCAPIL of 2018; Bekasi District Court decision number 407 / Pdt.P / 2025 / PN Bks. Secondary legal materials include books, journals, and scientific articles related to Population Administration Law. The analysis of the data was carried out in a normative qualitative way, by interpreting the legislation and applying it to concrete cases in court decisions.

3. RESULT AND ANALYSIS

A. Legal Basis For Determination Of Death Certificate

Article 44 paragraph (1) of Law No. 24 of 2013 states that the recording of death must be reported no later than 30 days from the date of death by the family or the head of the RT to the implementing agency (Reny Puspitasari,2009). If the time limit is exceeded, reporting must be based on a court determination (Merlin Swantamalo Magna,2025). This provision aims to maintain the validity of population data and prevent misuse of identity by certain parties (Dwidjowijoto, Riant Nugroho, 2023). In the A quo case, the delay in reporting deaths for almost 30 years caused Disdukcapil to be unable to directly issue death certificates without a legal basis from the court. Thus, the application submitted by Sri Haryati is in accordance with the applicable legal mechanism (Sulistyowati dkk, 2024).

In addition, Book II of the administrative and technical Technical Manual of the General Civil and Special Civil Courts of the Supreme Court of the Republic of Indonesia (2023 edition) also confirms that this kind of application is submitted to the District Court in the applicant's domicile area. because the applicant is domiciled in Bekasi, the Bekasi District Court is authorized to examine and decide the case.

B. Legal considerations of judges in Decision No. 407 / Rev.P / 2025 / PN Bks

Bekasi District Court judges consider that the applicant's application meets the formal and material requirements as follows:

- a) Legal Standing Of The Applicant. The applicant is the legal wife of the late Bambang Sarwono Hadi as evidenced by the quotation of marriage certificate number 38/38/IV/84 issued by the Ministry of Religious Affairs.
- b) 2. The Truth Of Death. The judge considered that the death of the deceased was proven juridically through evidence in the form of a police certificate, a corpse examination letter from Cipto Mangunkusumo Hospital, and a funeral certificate from the head of Jatirahayu Village, Bekasi.
- c) 3. The right to a document of residence. The judge affirmed that every resident has the right to a population document as stipulated in Article 2 letter A of Law Number 23 of 2006.
- d) 4. The Principle Of Administrative Protection. The judge argued that this determination is a form of protection of the administrative rights of citizens who are neglected due to administrative negligence of the family.

With this consideration, the judge granted all applications and ordered the Bekasi city Disdukcapil to record the death of the deceased and issue his death certificate.

C. Juridical And Administrative Implications Of The Verdict

Decision Number 407 / Rev.P / 2025 / PN Bks has three important legal implications, namely:

- a) Affirm the authority of the District Court in assessing the validity of important events that are reported late;
- b) b. Provide legal certainty for the family in the management of civil rights such as inheritance, pension, and transfer of rights;
- c) c. Strengthening the principle of Good Governance in the field of Population Administration, where the right to a population document is part of the constitutional rights of citizens.

Thus, the role of the courts is not only to establish formal justice, but also to guarantee administrative certainty that has a direct impact on the well-being of citizens.

4. CONCLUSION

Decision Number 407 / Rev.P / 2025 / PN BKS emphasized the importance of legal mechanisms in resolving delays in recording death events. The judge is based on Article 44 of Law Number 24 of 2013 and the letter of the Directorate General of Dukcapil of 2018, and considers authentic evidence from the applicant. The establishment of the court becomes a form of protection of the administrative rights of citizens to obtain legal and legal documents of residence. Thus, this ruling reflects the functions of corrective administrative justice capable of closing legal voids resulting from administrative negligence, as well as strengthening the principle of legal certainty and protection of citizens ' rights within the framework of the national legal system.

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