



Application of the Principle of Contrarius Actus Towards the Cancellation of Population Documents by the Population and Civil Registration Service

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Abstract

Population documents, as State Administrative Decrees (KTUN) issued by the Population and Civil Registration Service (Disdukcapil), play a fundamental role in establishing the personal and legal status of Indonesian citizens. However, errors in their issuance — arising from false information, duplicate data, or official oversight — necessitate cancellation mechanisms that uphold material truth and legal certainty. This normative legal study examines the application of the *contrarius actus* principle in the cancellation of population documents and analyzes the normative conflict between the administrative authority of state officials and the absolute authority of the judiciary. The study finds that the *contrarius actus* principle, as operationalized under Minister of Home Affairs Regulation Number 108 of 2019, grants the Head of the Population and Civil Registration Service the authority to cancel documents administratively without a court order, particularly for purely administrative errors such as duplicate data and editorial mistakes. However, this application represents a meaningful shift from the classical doctrine of *contrarius actus*, which emphasizes procedural equivalence rather than mere internal administrative authority. A normative conflict persists between this ministerial regulation and higher-level instruments, including Presidential Regulation Number 96 of 2018 and Law Number 24 of 2013, which require a legally binding court decision for the cancellation of civil registration certificates. The study concludes that regulatory synchronization between the Ministry of Home Affairs and the Supreme Court is essential to clearly delineate administrative from judicial authority in document cancellation, thereby ensuring legal certainty for all citizens.

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Introduction

The Unitary State of the Republic of Indonesia, which is based on Pancasila and the 1945 Constitution of the Republic of Indonesia, is essentially obliged to provide protection and recognition for the determination of personal status and legal status of every Population Event and Important Event experienced by Residents who are inside and/or outside the territory of the Unitary State of the Republic of Indonesia. Indonesian citizens as referred to in Article 26 paragraph 1 of the 1945 Constitution of the Republic of Indonesia state that those who are Citizens are native Indonesian people and people of other nations who are legalized by law as citizens.

Various population events, including changes in address, moving to permanent residence or moving to limited residence, as well as changes in the status of foreigners from limited residence to permanent residence and several other important events such as birth, death, marriage, divorce, including adoption, recognition, and legalization of children, are basically events that must be

reported and known to the government because they have implications for changes in identity data or population certificates. Likewise, changes in citizenship status, change of name and other important events. Therefore, every Population Event and Important Event requires valid evidence for administration and recording in accordance with the provisions of the law.^[1]

In Article 1 number 1 of Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration (Hereinafter referred to as the Population Administration Law), it states that "Population Administration is a series of activities for arranging and regulating the issuance of Population documents and Data through Population Registration, Civil Registration, management of Population Administration information and utilization of the results for public services and development of other sectors."^[2] Meanwhile, point 3 in the same article states, "Indonesian citizens are native Indonesian people and people of other nations who are legalized by law as Indonesian citizens."^[3] Meanwhile, number 8 in the same Article states, "Population Documents are official documents issued by the Implementing Agency which have legal force as authentic evidence resulting from Population Registration and Civil Registration services."^[4]

The aim of population administration is to provide identity validity and legal certainty through population documents in every population event experienced by residents. Every citizen/resident has the right to obtain population documents, equal services in population registration and civil registration, protection of personal data, legal certainty regarding ownership of documents, information regarding data resulting from population registration and civil registration for themselves and/or their families and compensation and restoration of good name as a result of errors in population registration and civil registration as well as misuse of personal data by implementing agencies.^[5]

Population documents are State Administrative Decrees (KTUN) because it is issued by an authorized government agency or official (Population and Civil Registration Service) and has legal consequences for individuals or civil legal entities. A State Administrative Decision (KTUN) is a form of administrative decision made by government officials in carrying out government functions. This decision has a direct impact on the rights and obligations of citizens in various aspects of life, for example population administration, business licensing, education, health, and other public services. KTUN has a legally binding impact on the community, so its validity and legality must be in accordance with applicable administrative law principles. Based on Article 1 number 3 of Law Number 51 of 2009 concerning State Administrative Courts, a KTUN must fulfill certain elements, such as being concrete, individual, and final, and having legal consequences for certain individuals or legal entities.^[6]

As the institution responsible for public order and security, the government has a responsibility to provide legal clarity. One effort to achieve this is through the provision of Population Documents to all Indonesian citizens. Population Documents not only provide legal clarity but also provide comfort and legal protection by clarifying the identity and status of residents.^[7] The government uses this identity to manage population data, provide public services, and ensure public security and order.

Public service practices in population administration demonstrate that the issuance of population documents is often subject to error. This necessitates corrective mechanisms, including the cancellation of population documents, to uphold the material truth and legal certainty of issued population documents. Errors in the issuance of population documents can stem from several factors, including false information from applicants, duplicate data, and human error by authorized officials. This results in the issued population documents being legally flawed.

Population documents issued due to errors are still considered valid and effective until there is a report from the applicant or the public regarding the legal consequences arising from the population document. Based on the principle of *Presumptio Iustae Causa* or the principle of *het Vermoden van Rechmatigheid*, a principle that was originally found in administrative law and was later included as one of the principles in administrative justice. This principle states that for the sake of legal certainty, every state administrative decision issued must be considered correct according to law, therefore it can be implemented first as long as it has not been proven otherwise and declared by the administrative judge as an unlawful decision.^[8]

In order to facilitate the practice of canceling problematic population documents, the Directorate General of Population and Civil Registration of the Ministry of Home Affairs has made a policy to facilitate public services, namely the cancellation of population documents without going through the courts based on the principle of *contrarius actus*. Provisions regarding the application of the principle of *contrarius actus* are contained in the Regulation of the Minister of Home Affairs Number 109 of 2019 concerning the Implementing Regulations of Presidential Regulation Number 96 of 2018 concerning Requirements and Procedures for Population Registration and Civil Registration. This is in line with the philosophical principle that the welfare of the people is the highest law (*salu populi suprema lex*). The normative basis for the cancellation of KTUN is specifically regulated in Article 66 Paragraph (1) of Law Number 30 of 2014 concerning Government Administration which stipulates that decisions can only be canceled if there are defects in authority, procedures and / or procedures.

The principle of *contrarius actus* refers to actions taken by a State Administration agency or official that can, without going through a court process or automatically, annul a State

¹ AD. Basniwati and Galang Asmara, *Population Law*, Pustaka Bangsa, Mataram, 2020, p. 74

² See Article 1 number 1 of Law Number 24 of 2013 Amendment to Law Number 23 of 2006 concerning Population Administration

³ See Article 1 number 3 of Law Number 24 of 2013 Amendment to Law Number 23 of 2006 concerning Population Administration

⁴ See Article 1 number 8 of Law Number 24 of 2013 Amendment to Law Number 23 of 2006 concerning Population Administration

⁵ Prio Nugroho, et al, *Population Administration Services on Weekends and Evenings by the Semarang City Population and Civil Registration Service*, Semarang Law Review (SLR) Journal, vol. 3, no. 2, 2022, p. 39.

⁶ Talita Sembiring, et al. *Legal Review of State Administrative Decisions Containing Elements of Fraud (Bedrog) Based on Decision Number 117/G/2024/Ptun.Mdn*, *Jurnal Dimensi Hukum*, vol. 9, no. 3, 2025, p. 96.

⁷ Tryanti, W & Frinaldi, A. *Effectiveness of E-Government Implementation in Population Services at the Padang City Population and Civil Registration Office*, *Ranah Research: Journal of Multidisciplinary Research and Development*, vol 1, no. 3, 2019, p. 425.

⁸ SF Marbun, *State Administrative Justice and Administrative Efforts in Indonesia*, FH UII Press, Yogyakarta, 2015, p. 222.

Administrative Decision that has been issued. The principle that the State Administration agency or official that issued the State Administrative Decision has the authority to automatically annul its decision without involving the courts.^[9] This provides the Executive Officer (Disdukcapil/Ministry of Home Affairs) with the authority to cancel flawed decisions without going through the courts.

The administrative application of the *contrarius actus* principle requires critical analysis to determine the legitimate limits of official authority and its impact on legal certainty, especially considering the potential for dualism of authority with the judiciary. Furthermore, the cancellation of population documents through the *contrarius actus* principle has not clearly regulated the limits of the population documents that can be canceled. Various regulations related to the cancellation of population documents, including population registration and civil registration documents, require a legally binding court decision and/or ruling as the basis for canceling, changing, or correcting population documents. In practice, legal uncertainty is often found in society. For example, when people submit name change applications to the District Court, several District Court decisions reject the applicant's application. Meanwhile, Article 53 of Presidential Regulation Number 96 of 2018 concerning Requirements and Procedures for Population Registration and Civil Registration requires a legally binding court decision.

Based on the description above, it can be seen that there is uncertainty regarding the norms for canceling population documents based on the *contrarius actus* principle and canceling population documents through the courts. This creates a policy conflict between bureaucratic efficiency and legal protection for citizens. It is important for the author to analyze this. "Application of the *Contrarius Actus* Principle in the Cancellation of Population Documents by the Population and Civil Registration Service".

The problems discussed in this research are how is the principle of *contrarius actus* applied to the cancellation of population documents by the Population and Civil Registration Service and what are the limits of the authority to resolve normative conflicts between the absolute authority of the court and the attributable authority of State Administrative officials in the cancellation of population documents.

2. Research Method

The type of research used is normative legal research, namely a method or method used in legal research that positions law as a system of norms. The normative system in question includes legislation, legal theories, legal norms and legal principles, court decisions, agreements, and doctrines (teachings). Normative research can also be called library legal research.

3. Discussion

3.1. Application of The Principle of *Contrarius Actus* Towards the Cancellation of Population Documents By The Population And Civil Registration Service

3.1.1. The Principle of *Contrarius Actus* in the Population Administration Legal System in Indonesia

The principle of *contrarius actus*, derived from Latin, is also known as *consensus contrarius* (contrary action, contrary law). *Contrarius actus* refers to an action taken by a state administrative body or official who issues a State Administrative Decree automatically or automatically has the authority to revoke the State Administrative Decree. This principle is a legal term.

Dalam the case of previous actions (*actus primus*) being cancelled or abolished, in other words *contrarius actus* has the same legal force as *actus primus*. For example, the issuance of a law can only be revoked through the issuance of a law that explains the law being revoked or amended, and cannot be revoked through regulations under it, administrative actions can only be revoked or amended by other administrative actions that explain such things, in addition to that, legal transactions can only be canceled through other legal transactions, the concrete action is that a contract agreement can only be changed or canceled by a similar contract agreement.^[10]

The legal consequences of a legal act can be terminated by the same legal act that gave rise to the legal consequences. This is a principle that emerged and developed in the continental European legal tradition (civil law tradition) and is called *contrarius actus* or *contrarius consensus*. The use of the term *contrarius consensus* was traced historically by Carlos Alberto Chinchilla Imbett. In his research, he concluded that classical sources do not use a univocal term to refer to *contrarius consensus*. Other terms include *contraria voluntas*, *dissensu*, and *dissensu contrario*. Even in other sources, the terms *abire*, *discedere*, and *recedere ab emptione* are used.^[11] This diversity of terms is due, firstly, to the principles applied in resolving cases not requiring a permanent name; secondly, to the incomprehensibility of Roman law from a strict translation perspective because the language of Roman law has a wealth of synonyms and terms; and thirdly, to the lack of systematic elaboration or recognition of modes of termination of obligations.^[12]

Hans Ankum in his writings stated that the principle of *contrarius actus* was put forward by Gaius:

"consentaneum enim visum est verbis factam obligationem posse aliis verbis dissolvi" or "because it has been held consistently, that an obligation created by (formal) words can be dissolved by other (formal) words".^[13]

Knütel, in modern German Romanesque literature, refers to this principle as "Konträrprinzip" or "Prinzip der formalen Korrespondenz." He explains that: in Roman law there was a rule of experience with several applications according to

⁹ Chakim Lutfi M, "Contrarius Actus" Legal Dictionary, Constitution Magazine, Number 126, 2017, p. 78.

¹⁰ Chakim Lutfi M, Op Cit, p. 78.

¹¹ Carlos Alberto Chinchilla Imbett, 'Contrarius consensus': terminación del contrato por mutuo acuerdo en la experiencia jurídica romana, Revista de Derecho Privado, 2015, p. 83-84.

¹² Ibid., 84-85.

¹³ Hans Ankum, Was *Acceptilatio* an Informal Act in Classical Roman Law?, in John W. Cairns and Olivia F. Robinson, Critical Studies in Ancient Law, Comparative Law and Legal History, Hart Publishing, Oxford, 2004, p. 8.

which the legal effects of a legal act could be terminated by a contrary legal act with the same formalities.^[14] William Livesey Burdick explained this principle when discussing marriage law. According to him, marriage is created by consent, but it can also be terminated/annulled by consent, either by mutual consent or the will of one of the parties. In this case, it states that "If an obligation had been entered into by the expression of solemn words, it could be extinguished only in the same way, namely by the "unsaying" of the words in the same way and manner in which they had been originally spoken."^[15]

Herbert Hausmaninger and Richard Gamauf also explain this principle in their version that: the *contrarius actus* ("contrary act") refers to the principle of reciprocity by which a change of legal condition that is brought about by a formal act can be reversed by a reciprocating contrary act.^[16]

Although in history this principle was used to resolve legal cases civil as explained by Hans Ankum, However Over time, this principle has also been applied to resolve cases arising in the field of public law, particularly state administrative law. In fact, some literature on state administrative law even now explicitly refers to it as the principle of state administrative law.

AD Belinfante and Boerhanoeddin Soetan Batoeah, call this principle *contrarius actus* *Similiter fit*: a requirement for the occurrence of administrative legal actions and also applies to their withdrawal or amendment.^[17] Meanwhile, A'an Efendi and Freddy Poernomo explained that the principle of *contrarius actus*, namely a legal situation that is born by the actions of a government agency/official (with regulations or decisions) can only be changed or canceled by the government agency/official that gave birth to the legal situation and with the same action, namely with the same regulations or decisions at the time of giving birth to the legal situation that will be changed or canceled.^[18]

Philipus M. Hadjon and Tatiek Sri Djatmiati provided a similar explanation to the previous one, namely the principle of *contrarius actus*, namely that the State Administrative Agency or Official who issued the State Administrative Decree also has the authority to cancel it. Both emphasized that this principle applies even though the State Administrative Decree does not contain a safeguard clause that usually reads: If in the future there is an error or mistake, this Decree will be reviewed.^[19] From this explanation, it is clear that these two experts place *contrarius actus* as the inherent power of administrative officials. Based on this explanation, the principle of *contrarius actus* in this study is that the administrative agency or official that issues a decision also has the authority to revoke it. They provide an understanding that, the principle of *contrarius actus* in administrative law is defined as the authority inherent in the state administrative body or official who issued the state administrative decision can also cancel the decision, although in the state administrative decision there is no regulation regarding the usual safeguard clause, this can usually be found in various types of state administrative decisions which usually include the clause "if in the future it turns out that

there is In its application in the field, if the state administrative decision issued by the state administrative official contains a legal defect or administrative error, then the one who has the authority to revoke it is the state administrative official who issued the decision through a state administrative decision that has the same equality or a higher level. This is different if the law prohibits it. Therefore, state administrative officials must carefully look at the applicable legal provisions.

Basically, the principle of *contrarius actus* applies automatically to state administrative officials without having to be mentioned explicitly in the law. When referring to the provisions of Article 33 paragraph (3) of Law Number 30 of 2014 concerning Government Administration which states that "Revocation of Decisions or Termination of Actions as referred to in paragraph (2) must be carried out by: (a) the Agency and/or Government Official who issued the decision and/or Action; or (b) the Agency's superior and/or Superior of the Official who issued the decision and/or action if at the completion stage of administrative efforts."

Article 64 and Article 66 of Law Number 30 of 2014 concerning Government Administration provide certain criteria for state administrative officials in the case of revoking a state administrative decision that they have issued, as a correction if there is a decision that is later found to be flawed in it. The criteria in Article 64 and Article 66 regulate if there is a flaw in authority, a flaw in procedure, a flaw in substance, as also regulated in Article 64 of Law Number 30 of 2014 concerning Government Administration.

The application of the *contrarius actus* principle in the cancellation of population documents is regulated in Article 38 paragraph (2) and Article 89 paragraph (2) of the Regulation of the Minister of Home Affairs Number 108 of 2019 concerning the Implementing Regulations of Presidential Regulation Number 96 of 2018 concerning the Requirements and Procedures for Population Registration and Civil Registration.

3.2. The Authority of the Population and Civil Registration Service to Cancel Population Documents Based on the Principle of *Contrarius Actus*

Population is the most important resource for every country. Population issues are a primary focus of development. Nearly every development activity, both sectoral and cross-sectoral, always involves the population. In development, the population is both the subject and the object. The population is a national asset for managing natural resources. This implies that the quality of the population must be a primary concern for a country in governance and development.

Population data is the basis for measuring population potential. In Indonesia, population data is obtained from hierarchical administrative records, starting at the neighborhood unit (RT), village/sub-district, district, regency, provincial, and central levels. If data from the lowest level is invalid, data at the central level will also be invalid. This is the importance of population administration governance. Good population administration governance will

¹⁴Ibid

¹⁵William L. Burdick, *The Principles Of Roman Law And Their Relation To Modern Law*, The Lawyers Co Operative Publishing, New York, 1938, p. 235.

¹⁶Herbert Hausmaninger and Richard Gamauf, *A Casebook On Roman Property Law*, Oxford University Press, New York, 2003, p. 90.

¹⁷AD Belinfante and Boerhanoeddin Soetan Batoeah, *Principles of State Administrative Law*, First Edition, Bina Cipta, Indonesia, 1983, p. 97.

¹⁸A'an Efendi and Freddy Poernomo, *Administrative Law*, Second Edition, Sinar Grafika, Jakarta, 2019, pp. 67-68.

¹⁹Philipus M. Hadjon and Tatiek Sri Djatmiati, *Op Cit* pp. 83-84.

be achieved if it is carried out in an orderly manner.^[20]

The state's duty through the government is to provide good public services. Fulfillment of public needs is defined as the fulfillment of citizens' civil rights through population administration. According to Law Number 24 of 2013, population administration is a series of activities to organize and regulate the issuance of population documents and data through population registration, civil registration, management of population administration information, and utilization of the results for public services and development of other sectors. From this definition, it is known that population administration includes activities of population registration, civil registration, and management of population administration information. Population administration is the responsibility of the government, both at the central and regional levels according to the scope of their duties and authorities.

Population administration covers population events and significant events. Population events include changes in address, relocation to permanent residence, limited stay, and changes in status for foreigners from limited to permanent residence. Important events include birth, stillbirth, death, marriage, divorce, and the adoption, recognition, and legalization of children. Important events also include changes in citizenship status or name changes. These events must be reported and registered with the Population and Civil Registration Office because they have implications for changes in identity data or population certificates.

Population administration concerns the lives of all citizens from birth to death. It becomes necessary when citizens are required to possess population documents, which are then used to fulfill various requirements and obligations in various activities. These activities include attending school, obtaining a resident identity card (KTP), traveling abroad, seeking employment, getting married, and even after a citizen's death. Because of the strategic role of population administration, the quality of population administration services needs to be improved. The government has implemented various policies, programs, and activities to improve the quality of population administration services.

Population Documents are official documents issued by the Implementing Agency which have legal force as authentic evidence resulting from Population Registration and Civil Registration services.^[21] The purpose of issuing population documents is to provide protection and recognition for determining the personal and legal status of every Population Event and Important Event experienced by Residents within and/or outside the territory of the Unitary State of the Republic of Indonesia. Furthermore, population documents aim to improve public services, ensure orderly administration, and provide accurate data for development planning and government policy.

There are two types of population document services, namely population registration and civil registration services. Based on Article 1 number (1) it states "Population Registration is the recording of Population biodata, recording of Population Event reports, and data collection of Population vulnerable to Population Administration as well as the issuance of Population Documents in the form of identity cards or

population certificates." This is interpreted as the activity of registering and/or recording population data and changes thereto, marriage, divorce, death, population transfer, issuance of population identification numbers, temporary population identification numbers, family cards, population identity cards, population registration certificates, as well as population data management and counseling.^[22]

The output of population registration services is as follows:

1. Resident biodata
2. Family card, resident identity card, and
3. Child Identity Card (KIA)
4. Other population certificates
5. Certificate of arrival and departure
6. Limited stay certificate.

Population registration activities begin with recording reports of population events through the following activities:

1. Issuance of population identification number
2. Change of address
3. Moving within the territory of the Republic of Indonesia
4. Moving between countries
5. Cross-border residents
6. Population registration for vulnerable population administration
7. Population reporting

From the various activities that have been carried out in the context of recording the reporting of population events, the following was then issued:

1. population identification number (NIK),
2. family card (KK),
3. resident identity card (KTP),
4. child identity card (KIA), and
5. other population certificates.

Furthermore, based on Article 1 number 2 it states "Civil Registration is the recording of Important Events experienced by a person in the Civil Registration register at the Regency/City Population and Civil Registration Service or the Technical Implementation Unit of the Population and Civil Registration Service". Civil registration is basically a series of activities to record events related to a person's civil affairs including registration of birth, marriage, and divorce (for those who are not Muslim), child recognition, child legitimization, child recognition and legitimization, adoption, and death.^[23]

Based on Article 31 of Presidential Regulation Number 96 of 2018 concerning Requirements and Procedures for Population Registration:^[24]

Civil Registration Services consist of:

- a. birth;
- b. stillbirth;
- c. marriage;
- d. annulment of marriage;
- e. divorce;
- f. divorce annulment;
- g. death;
- h. adoption;
- i. child recognition;

²⁰ Zudan Arif Fakhrulloah, "Towards a Society with Orderly Population Administration", PT. Cempaka Putih, Klaten, 2018, p. 1.

²¹ See Article 1 number 8 of Law Number 24 of 2013 Amendment to Law Number 23 of 2006 concerning Population Administration.

²² See Article 1 number 1 of Law Number 24 of 2013 Amendment to Law Number 23 of 2006 concerning Population Administration.

²³ See Article 1 number 2 of Law Number 24 of 2013 Amendment to Law Number 23 of 2006 concerning Population Administration.

²⁴ See Article 31 of Presidential Regulation Number 96 of 2018 concerning Requirements and Procedures for Population Registration.

- j. child validation;
- k. name change;
- l. change of citizenship status;
- m. Other Important Events;
- n. correction of deeds; and
- o. cancellation of deed.

Population documents are State Administrative Decrees (KTUN) because it is issued by an authorized government agency or official (Population and Civil Registration Service) and has legal consequences for individuals or civil legal entities. The Population and Civil Registration Service is the agency responsible for population administration. Their authority to issue population documents can relate to various aspects of population administration. Furthermore, the issuance of population documents by the Population and Civil Registration Service must comply with applicable laws and take into account the principles of justice and the public interest. Furthermore, the cancellation of population documents must be based on clear legal considerations and in accordance with established procedures.

In Article 1 number 9 of Government Regulation Number 37 of 2007 concerning the Implementation of Law Number 23 of 2006 concerning Population Administration, it states: "A State Administrative Decision is a written decision issued by a state administrative body or official containing state administrative legal actions based on applicable laws and regulations, which are concrete, individual and final, which have legal consequences for a person or civil legal entity."^[25] The first state administrative decision was introduced by a German scholar, Otto Meyet, with the term *verwal-tungsakt*. This term was introduced in the Netherlands with the name *beschikking* by van Vollenhoven and CW van der Pot, who were considered by several authors such as AM. Donner, HD van Wijk/Willem Konijnenbelt, and others as "devader van het modern beschikkingsbegrip".^[26] *Beschikking* is a government decision for concrete and individual matters (not intended for the public) and has long been the main legal instrument of government.^[27] Theoretically, in State Administrative Law, population documents are constitutive decisions which are stated in the term *beschikking welke aan persoon, een instelling of een zaak een status verlenen, waardoor op die persoon of die zaak bepaalde rechtsregel van toepassing worden* (decisions which give status to a person, institution or company and therefore that person or company can apply certain legal rules).

The issuance of population documents is often not free from errors. This results in the need for a correction mechanism including the cancellation of population documents to uphold the material truth and legal certainty of the population documents issued. In the process of cancellation of population documents by the Population and Civil Registration Service, it can be done without going through the courts based on the principle of *contrarius actus*. The legal basis for the application of the principle of *contrarius actus* to the cancellation of population documents is stated in the Regulation of the Minister of Home Affairs Number 108 of 2019 concerning the Implementing Regulations of Presidential Regulation Number 96 of 2018 concerning

Requirements and Procedures for Population Registration and Civil Registration. Article 38 paragraph (2) states "in addition to the provisions as referred to in the provisions of letter a, the cancellation of population registration documents can also be done without going through the courts/*contrarius actus*. In addition, Article 89 paragraph (2) states "in addition to the provisions as referred to in paragraph (1) letter a, the cancellation of Civil Registration certificates can also be done without going through the courts/*Contrarius Actus*."

From the provisions of the above articles, it can be explained that the cancellation of population documents can be done without going through the courts. However, there is a contradiction between Presidential Regulation Number 96 of 2018 concerning Requirements and Procedures for Population Registration and Civil Registration implemented by the Regulation of the Minister of Home Affairs Number 108 of 2019 concerning Implementing Regulations and Presidential Regulation Number 96 of 2018 concerning Requirements and Procedures for Population Registration and Civil Registration.

The application of cancellation of population documents is based on Article 66 paragraph (1) of Law Number 30 of 2014 concerning Government Administration which states:

The decision can only be canceled if there are defects:

- a. authority;
- b. procedures; and/or
- c. substance.

Based on the above article, the State Administrative Official, in this case the Head of the Population and Civil Registration Service, has the authority to cancel issued population documents without going through the courts. Doctrinally, the principle of *contrarius actus* is interpreted as a principle of procedural balance between the act of making and the act of canceling an administrative decision. Philipus M. Hadjon and Tatiek Sri Djatmiati emphasize that the cancellation of a state administrative decision must be carried out through a mechanism equivalent to the one when the decision was issued.

However, the normative findings of this study indicate that the meaning of the *contrarius actus* principle in Indonesian population administration regulations has shifted in meaning or expanded in interpretation. In the practice of population administration, this principle is not merely interpreted as the equality of cancellation procedures with issuance procedures, but rather as the authority of the Population and Civil Registration Service to cancel its own documents through administrative mechanisms without a court order.

This interpretation fundamentally differs from the classical doctrine of the *contrarius actus* principle, which emphasizes equality/similarity, not merely internal authority. This shift in meaning has significant legal implications for the legal construction of population document cancellations in Indonesia.

- a. Cancellation of Resident Registration Documents
- b. Cancellation of Civil Registration Certificate

Article 72 paragraph 1 of Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006

²⁵ See Article 1 number 9 of Government Regulation Number 37 of 2007 concerning the Implementation of Law Number 23 of 2006 concerning Population Administration.

²⁶ Ridwan HR, "State Administrative Law", Rajawali Pers, Depok, 2020, p. 140.

²⁷ *Ibid*, p. 141.

concerning Population Administration explicitly states, "Cancellation of a Civil Registration Certificate is carried out based on a court decision that has permanent legal force."

^[28]In line with the regulations above, Article 60 of Presidential Regulation Number 96 of 2018 concerning Requirements and Procedures for Resident Registration and Civil Registration explicitly states, "Recording of cancellation of Civil Registration certificates for Residents must meet the following requirements:

- a. a copy of a court decision that has permanent legal force;
- b. extract from the cancelled Civil Registration Certificate;
- c. KK; and
- d. e-KTP."

This means that the authority to cancel a deed does not rest solely with administrative officials, but also involves the judiciary. The judge conducts a material examination, equivalent to the role of a verifier when the deed is first issued. In practice, the cancellation process through the courts is even more stringent because it involves the presentation of evidence in court.

However, the regulations below allow the cancellation of a civil registration certificate without going through the courts/contrarius actus. This is stated in the Regulation of the Minister of Home Affairs Number 108 of 2019 concerning the Implementing Regulations of Presidential Regulation Number 96 of 2018 concerning the Requirements and Procedures for Population Registration and Civil Registration. Article 89 paragraph (2) states "in addition to the provisions as referred to in paragraph (1) letter a, the cancellation of a Civil Registration certificate can also be done without going through the courts/Contrarius Actus."

The procedure for canceling a civil registration certificate carried out in the territory of the Unitary State of the Republic of Indonesia or outside the territory of the Unitary State of the Republic of Indonesia without going through the courts/contrarius actus includes:

- a. The applicant fills out and signs the reporting form and submits the following requirements:
 1. extract from the cancelled Civil Registration Certificate;
 2. supporting documents that confirm the cancellation;
 3. Family Card;
 4. e-KTP; or
 5. letter of absolute responsibility.
- b. service officers verify and validate the reporting forms and requirements as referred to in letter a;
- c. service officers record data into the population database; and
- d. Civil Registration officials at the Regency/City Population and Civil Registration Office or the Regency/City Population and Civil Registration Office UPT or the Republic of Indonesia Representative Office revoke the Civil Registration certificate extract; and
- e. Civil Registration officials at the Regency/City Population and Civil Registration Office or UPT of the Regency/City Population and Civil Registration Office or Representatives of the Republic of Indonesia issue a register of Civil Registration certificates and extracts of

Civil Registration certificates in accordance with the application. ^[29]

The above procedure formally meets the contrarius actus principle, meaning that there is a cancellation mechanism by the issuing official, namely the Head of the Population and Civil Registration Office. However, when tested against the parameters of procedural equivalence, a significant imbalance is found. The process of issuing a civil registration certificate requires verification of administrative completeness and an examination of material truth by the civil registration official, while the cancellation process through the contrarius actus mechanism is simply based on the applicant's Absolute Accountability Letter (SPTJM) without the obligation of further proof.

4. Limitations on the Authority to Resolve Normative Conflicts Between the Absolute Authority of the Court and the Attributional Authority of State Administrative Officials in Cancelling Population Documents

4.1. Absolute Authority of the Court in Cancelling Population Documents

Law Number 23 of 2006 concerning Population Administration, which has been updated through Law Number 24 of 2013, stipulates that the state is present to guarantee the accuracy of population data through the civil registration and registration process.

Population documents are authentic deeds. According to Article 1868 of the Civil Code (KUHPerdota), an authentic deed is one drawn up in a form prescribed by law by or before a competent public official at the location where the deed was drawn up. Due to its authentic nature, this document has perfect evidentiary force. Therefore, any attempt to annul or declare the document invalid must undergo an equally stringent legal process. This is where the role of the judiciary lies, ensuring that annulment is carried out for the sake of justice and legal certainty.

The Population and Civil Registration Service is obligated to continuously verify and validate data. However, when a document has been issued and is subsequently challenged by the public or the subject of the document due to legal flaws or inaccuracies, formal legal procedures in court are mandatory. The state may not unilaterally revoke a document that grants legal status to an individual without a transparent verification process.

Article 72 of the Population Administration Law provides a mechanism for canceling population documents, namely civil registration certificates, through the courts. Article 72 paragraph (1) states, "Cancellation of Civil Registration Certificates is carried out based on a court decision that has permanent legal force." It is not stated specifically which court has absolute authority, between the District Court and the State Administrative Court. However, in terms of practice in the field, population documents issued containing procedural, authority and substance defects are examined and decided by the State Administrative Court. Meanwhile, population documents concerning the civil consequences of a person are examined and decided by the District Court.

²⁸ See Article 72 paragraph 1 of Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration.

²⁹ See Article 89 paragraph (4) of the Minister of Home Affairs Regulation 108 of 2019 concerning Procedures, Requirements and Procedures for Population Registration and Civil Registration.

The dualism regarding absolute authority to revoke population documents stems from the dual nature of these documents. On the one hand, population documents are State Administrative Decrees (KTUN) issued by government officials, which are concrete, individual, and final. On the other hand, the substance of these documents concerns an individual's civil status.

The mechanism for canceling population documents reflects the principle that civil registration certificates are the product of public officials subject to the principle of *presumptio iustae causa* (presumed valid until a court decision states otherwise). Therefore, implementing agencies may not arbitrarily cancel certificates without a judicial review.

The fact that a civil registration certificate can be annulled by the court due to legal defects demonstrates the weakness of the verification and control system within the civil registration process. This inconsistency naturally raises questions about the data validation mechanisms implemented by the Population and Civil Registration Service, as well as the potential for negligence or even abuse of authority by certain parties involved in the process.

The issue of legally flawed civil registration certificates also directly impacts civil rights. When a civil registration certificate is revoked or declared invalid, the individual risks losing access to public services, education, social security, and legal recognition of their identity.

The District Court, as a general court, has broader authority to examine the material truth of a civil case. In cases of population certificate cancellation, the grounds often cited are not simply administrative errors, but rather claims that the data contained in the certificate is false or inconsistent with biological reality.

Another example is case No. 22/Pdt.P/2021/PNSel, which occurred in East Lombok Regency. Although the object of the dispute was a product of a state administrative official, the District Court retained the authority to adjudicate because the core issue was proving civil rights regarding name changes and public service rights. This demonstrates that if a dispute requires review of civil evidence such as a marriage certificate from the Religious Affairs Office, witness testimony regarding a birth, or proof of ownership, the District Court has absolute jurisdiction.

The process of canceling population documents in the District Court can be pursued through two forms: a petition (voluntair) or a lawsuit (contentiosa). The choice of which route depends largely on whether or not there is a dispute of interest with another party.

A petition is a claim for rights that is not subject to dispute, and involves only one party, known as the applicant. "No dispute" here means there is no disagreement; the party concerned is not seeking a trial or a decision from a judge, but rather a ruling from a judge regarding the status of a matter, thereby achieving legal certainty that must be respected and recognized by all.^[30]

In relation to this application, Retnowulan Sutantio in the book *Civil Procedure Law in Theory and Practice* explains

that in cases where there is no dispute, the judge issues a decision or what is usually called a declaratory decision, namely a decision that is of a stipulating or explanatory nature only.^[31]

Meanwhile, Yahya explained that a voluntary application or lawsuit is a civil matter submitted in the form of an application signed by the applicant or his attorney and addressed to the head of the District Court. The characteristic of a petition is its reflective nature, meaning it's solely for the benefit of the individual, without involving any other parties. Examples include petitions for adoption, consignment, name change, guardianship, and so on. Because the application process is purely administrative, there is no adjudication process like a lawsuit hearing. Therefore, as long as the administrative requirements are met, the application is highly likely to be granted.^[32]

An application is filed when there is no dispute with another party. The primary focus of this pathway is to obtain legal certainty or a judicial ruling regarding a status. In population administration, applications are typically filed to correct significant editorial errors or name changes that require a court ruling to be legally binding and recognized by other agencies, in this case the Population and Civil Registration Office.

The characteristic of the application process is that it is unilateral, *ex-parte*, with only the applicant and no opponent. The resulting legal product is called a Determination. The court's petition examination process is conducted *ex-parte*, a simple process that involves only hearing the applicant's statement, examining documentary evidence or witnesses presented by the applicant, and eliminating the rejoinder-duplicate and conclusion stages. After the petition is examined, the court will issue a decision or ruling (*beschikking*; decree). This distinguishes the settlement imposed by the court in a contentious lawsuit from a verdict (*award*). However, if during the petition process the judge finds any indication of a rights dispute or objection from a third party, the judge may declare the petition inadmissible and recommend that it be filed as a lawsuit.^[33]

A lawsuit is a claim for rights involving a dispute, involving at least two parties: the plaintiff and the defendant. A typical lawsuit is counterclaim, as the defendant will likely retaliate against the plaintiff.

The trial process for a lawsuit takes place in a contradictory manner, giving the defendant the right and opportunity to refute the plaintiff's arguments, while the plaintiff also has the right to counter the defendant's objections. In other words, the trial proceeds through a process of rebuttal, both in the form of replies and conjectures.

Exceptions to the contradictory hearing can be made by default or without objection, if the party concerned fails to attend the scheduled hearing without a valid reason, despite having been legally and properly summoned by the bailiff. After the dispute hearing between two or more parties has been completed from start to finish, the court will issue a

³⁰ Nafiatul Munawaroh, Difference between Lawsuit and Application, <https://jdih.sukoharjakab.go.id/berita/detail/perbedaan-gugatan-dan-permohonan>, accessed on April 14, 2026 at 22:28.

³¹ Ibid

³² Ibid

³³ North Barito Regency, Legal Documentation and Information Network <http://jdih.baritoutarakab.go.id/berita/baca/perbedaan-gugatan-dan-permohonan>, accessed on April 14, 2026 at 22:57 WITA.

decision on the lawsuit.^[34]

M. Yahya Harahap, in his book on Civil Procedure Concerning Lawsuits, Trials, Seizures, Evidence, and Court Decisions, explains that a lawsuit involves a dispute between two or more parties. The issues raised and requested to be resolved in the lawsuit constitute a dispute or disagreement between the parties. Dispute resolution in court is through a process of rebuttal in the form of replies and duplicates. In law, the term used is civil lawsuit or simply lawsuit.^[35] There are two requirements for a lawsuit: material and formal. Material requirements relate to the content or material that must be included in the lawsuit, including the identities of the parties, the *posita*, and the *petitum*. Formal requirements, on the other hand, are requirements to comply with the rules of procedure established by law, such as not violating absolute or relative competence.

In the context of the cancellation of population documents in the form of civil registration certificates, lawsuits often take the form of lawsuits for Unlawful Acts (PMH) based on Article 1365 of the Civil Code which states "Every act that violates the law and causes loss to another person, requires the person who caused the loss due to his/her fault to compensate for the loss."^[36] The parties involved usually consist of:

1. The plaintiff is parties whose interests are harmed by the existence of the document (for example, heirs who feel their rights are threatened by a fake birth certificate).
2. The defendant is the subject who holds or benefits from the document.
3. Co-defendants are: the implementing agency in this case the Population and Civil Registration Service which issues the document.

Placing the Population and Civil Registration Service as a co-defendant is a crucial legal strategy. Government agencies need to be included as parties to ensure the decision can be effectively implemented by the relevant agency. Without the Population and Civil Registration Service's involvement in the case, the judge's decision may not be administratively enforceable within the population database system.

After the District Court issues a decision declaring a population document null and void or not legally binding, the process is not over. The decision must be entered into the civil registration system to synchronize with the population administration information system data.

The Population and Civil Registration Service is not automatically aware of a court decision. Residents who win a case are required to report the decision to the local implementing agency. Based on Article 60 of Presidential Regulation Number 96 of 2018 concerning Requirements and Procedures for Population Registration and Civil Registration, the Population and Civil Registration Service's procedures for processing cancellations based on court decisions are as follows:

1. A copy of a court decision that has permanent legal force (*inkracht*).
2. Extract of the original civil registration certificate to be

cancelled.

3. Applicant's identity documents (KK and e-KTP).

Once the report is received, Disdukcapil officers will carry out a series of internal procedures to verify the validity of the copy of the decision. This process involves SIAK (Population Administration Information System) operators, functional officials, and the Head of the Service, who will provide electronic signatures (TTE).

Furthermore, based on Article 89 paragraph (3) of the Regulation of the Minister of Home Affairs Number 108 of 2019, the technical process for canceling population documents and civil registration certificates is explained, including^[37]:

- a. The applicant fills in and signs the reporting form and submits the requirements in accordance with the provisions of the Presidential Regulation regarding the requirements and procedures for Population Registration and Civil Registration which regulates the recording of cancellation of Civil Registration certificates for Residents;
- b. service officers verify and validate the reporting forms and requirements in accordance with the provisions of the Presidential Regulation concerning the requirements and procedures for Population Registration and Civil Registration which regulates the recording of cancellations of Civil Registration certificates for Residents;
- c. officers at the Regency/City Population and Civil Registration Office or Regency/City Population and Civil Registration Office UPT record data into the population database;
- d. Civil Registration officials at the Regency/City Population and Civil Registration Office or the Regency/City Population and Civil Registration Office UPT make marginal notes on the Civil Registration certificate register;
- e. Civil Registration officials at the Regency/City Population and Civil Registration Office or the Regency/City Population and Civil Registration Office UPT revoke the Civil Registration certificate extract; and
- f. Civil Registration officials at the Regency/City Civil Registration Office or the Regency/City Civil Registration Office UPT issue a register of Civil Registration certificates and extracts of Civil Registration certificates. in accordance with the court decision.

4.2. Authority of State Administrative Officials in Cancelling Population Documents

The authority of the Head of the Service to cancel documents must be viewed in the context of strengthening the role of implementing agencies at the district and city levels. While previously many administrative actions required court orders, following the Constitutional Court ruling, Case Number 18/PUU-XI/2013 Concerning the Unconstitutionality of the Approval of the Head of the Local Implementing Agency in

³⁴ Population and Civil Registration Service of West Aceh Regency, *Name Change Without Court Order: A Lack of Oversight of the Population Administration System*, <https://disdukcapil.acehbaratdayakab.go.id/berita/kategori/berita-disdukcapil/perubahan-nama-tanpa-penetapan-pengadilan-kekosongan-pengawasan-sistem-administrasi-kependudukan>, accessed on April 14, 2026 at 23:44 WITA.

³⁵ Nafiatul Munawaroh, *Op Cit*, accessed April 15, 2026 at 09:40 WITA.

³⁶ See Article 1365 of the Civil Code.

³⁷ See Article 89 paragraph (3) of the Regulation of the Minister of Home Affairs Number 108 of 2019 concerning Requirements and Procedures for Population Registration and Civil Registration.

Birth Registration on April 30, 2013 and the enactment of Law Number 24 of 2013 concerning Population Administration, there is an expansion of administrative authority for the Head of the Service to simplify the bureaucracy, including in terms of reporting deaths and issuing birth certificates that exceed the one-year time limit. This expansion aims for efficiency, but on the other hand demands higher accountability from authorized officials.

This hierarchical regulatory structure shows that the authority to cancel does not stand alone, but is tied to strict validation procedures. Minister of Home Affairs Regulation Number 109 of 2019 concerning Forms and Books Used in Population Administration (Adminduk) for example, providing a specific code CP.17 for the cancellation of civil registration certificates, which indicates that every cancellation action must be formally documented in the population master book and population mutations in order to maintain data synchronization.

In state administrative law, a fundamental principle known as the principle of *contrarius actus* is recognized. This principle grants the state administrative body or official issuing an administrative decision the authority to revoke, cancel, or amend the decision if it is found to be legally flawed, whether in terms of authority, procedure, or substance. This authority is automatically attached to the position of Head of the Population and Civil Registration Service, meaning that the authority exists by virtue of the position held, regardless of the individual holding it.

The application of the *Contrarius Actus* in the cancellation of population documents is a manifestation of the government's internal control function. Based on Law Number 30 of 2014 concerning Government Administration, officials have an obligation to correct errors that have been made to ensure legal certainty for the public. In a practical context, if a Head of Service issues a population document based on data that is later proven to be false or materially invalid, then based on this principle, he has the authority to cancel the deed without having to always wait for a court decision, as long as there is no dispute between the interested parties.

However, the use of this principle is not absolute and unlimited. Public officials must continue to adhere to the General Principles of Good Governance (AUPB), which include legal certainty, benefit, impartiality, accuracy, non-abuse of authority, transparency, public interest, and good service. Failure to meet any of the AUPB elements in an annulment action can render the decision legally flawed and subject to further annulment by the state administrative court. Population documents are broadly divided into two main categories, each with distinct legal implications for cancellation: population registration documents and civil registration documents. Population registration documents encompass basic identification documents such as Family Cards (KK), e-KTPs, and Child Identity Cards (KIA). These documents are dynamic and often undergo changes in data elements due to changes in domicile or marital status. Cancellations in this category typically involve the removal of duplicate data or correction of administrative typos.

On the other hand, civil registration documents in the form of authentic deeds such as Birth Certificates, Death Certificates, Marriage Certificates, and Divorce Certificates have a more perfect evidentiary weight in the eyes of the law. Cancellation of a civil registration certificate has much more serious legal consequences because it can change a person's civil status, such as changing the status of a biological child to an adopted

child or the loss of inheritance rights. Therefore, Article 72 of Law Number 24 of 2013 emphasizes that the cancellation of a certificate must be carried out very carefully and often requires the involvement of a judicial institution if it concerns the truth of disputed material.

Cancellation of population documents is often an emergency measure to prevent wider losses. For example, the existence of a birth certificate containing data that does not correspond to the facts is categorized by the courts as an unlawful act. Without legal cancellation, such documents can be used for fraud, unauthorized insurance claims, and even manipulation in the general election process. Therefore, the authority of the Head of the Service serves as the final filter in maintaining the validity of the national data ecosystem.

Although the population bureaucracy has undergone modernization, the judiciary still plays a crucial role in the cancellation of population documents, particularly for civil registration documents stemming from civil disputes. Article 72 of Law Number 24 of 2013 explicitly states that to restore population data in accordance with its accuracy, the cancellation of the deed is required, accompanied by a legally binding court decision.

This process typically begins with a lawsuit or petition filed by a resident or a third party whose interests have been harmed by the lawsuit to the District Court or Religious Court. The court will conduct a thorough examination through the examination of evidence, including the examination of witnesses and documentary evidence, and even medical examinations such as DNA testing if necessary to prove biological relationship. After the court issues a final and binding decision, the applicant is required to submit a copy of the decision to the local Population and Civil Registration Office.

The Head of the Service's role in this mechanism is to act as the administrative executor of the court decision. The civil registration officer will make a marginal note in the Civil Registration Deed Register and revoke the old deed citation. This marginal note is crucial because it provides a legal record of the document, ensuring that even if the document is revoked, the history of its changes remains in the state archives.

One of the most significant breakthroughs in population administration services is the recognition of a cancellation mechanism without a court order, or what is often referred to as a purely administrative mechanism through the *Contrarius Actus* approach. This is regulated in detail in Articles 38 and 89 of the Minister of Home Affairs Regulation Number 108 of 2019 concerning Requirements and Procedures for Population Registration and Civil Registration. This mechanism is designed to make it easier for the public to correct documents containing obvious administrative errors or documents issued based on incorrect information, provided there is no dispute between the interested parties.

This authority provides flexibility for the Head of the Service to respond quickly to resident reports. For example, in cases of duplicate data, where a resident holds two NIKs or two Family Cards due to a system error or past reporting failure, the Head of the Service can verify and determine the cancellation of one of the documents through a verification and validation report.

The requirements for this non-judicial cancellation usually include:

1. Fill out the civil registration reporting form (F-2.01).
2. Absolute Responsibility Statement Letter (SPTJM)

- signed by the applicant with sufficient stamp duty, which states the truth of the reported data and willingness to be processed legally if fraud is discovered at a later date.
3. Excerpt of the original deed to be cancelled.
 4. Supporting documents that strengthen the reasons for cancellation, such as diplomas, parents' marriage certificates, or other valid population documents.
 5. The implementation of this mechanism in regions such as Surabaya City and Jember Regency has proven effective in expediting the resolution of data anomaly cases. However, transparency remains key; any cancellation must be documented in an official report signed by the Head of the Agency.

The Head of the Service does not execute document cancellation rashly, but rather follows a series of systematic verification and validation steps to minimize procedural errors. Based on practice at various Population and Civil Registration Services, the cancellation workflow typically follows a hierarchical process involving various work units. First, the process begins with a report or application from a resident or registration officer. Officers at the service counter conduct an initial verification of the completeness of the files and required documents. At this stage, the originality of supporting documents is the primary focus. Second, the files are then forwarded to the head of the division responsible for population registration or civil registration for in-depth validation. This validation includes cross-checking with the National Population Database through the Population Administration Information System (SIAK). Third, the Head of the Service conducts a final review of the verification results. If data is proven invalid or duplicated, the Head of the Service shall issue a cancellation notice in a Cancellation Report. Fourth, based on this determination, officers perform technical processing in the SIAK system to deactivate the canceled data and, if necessary, issue a new, corrected document.

The authority of the Head of Service to cancel population documents often intersects with the judicial sphere, triggering various important decisions and guidelines from the Supreme Court. One of the most crucial documents is Supreme Court Circular Letter (SEMA) Number 5 of 2021, which provides legal guidance for the State Administrative Chamber. This SEMA emphasizes that every request for cancellation must be based on careful consideration of whether the document contains legal defects due to incorrect or invalid information. In various cases before the State Administrative Court (PTUN), the Head of the Agency's actions in canceling a decree are often challenged. On the one hand, the court recognizes the attributive authority of the Head of the Agency to cancel through the *Contrarius Actus* mechanism under Law Number 30 of 2014 concerning State Administration. However, on the other hand, the court emphasizes that if the cancellation concerns a disputed civil status (such as the recognition of a child or the validity of a marriage), the implementing agency must still await a decision from the general court (PN or PA) to maintain legal order and avoid conflicts of authority.

When the Head of the Department refused to amend a birth certificate due to uncertainty about the evidence presented without a court ruling, this action was seen as a form of prudence in governing based on the principle of legal certainty. This demonstrates that, despite having the authority to revoke a birth certificate, the Head of the Department must

be able to distinguish between a purely administrative error and a material legal dispute.

The Head of the Service holds significant authority with equal legal responsibility. Any unilateral or procedurally incorrect revocation can result in administrative and criminal sanctions. Law Number 24 of 2013 stipulates strict criminal penalties for officials and staff involved in population data manipulation.

Article 94 of the Law states that "any person who orders, facilitates, and manipulates population data and/or population data elements can be punished with a maximum imprisonment of 6 years and/or a maximum fine of Rp. 75,000,000." Furthermore, if an official is proven to have intentionally issued or canceled a document without a valid legal basis for personal gain or that of another party, the criminal threat can reach 10 years in prison based on Articles 95B and 96A.

In addition to criminal risks, the Head of Service also faces the risk of civil and administrative lawsuits. Members of the public who feel aggrieved by a cancellation decision can file a lawsuit with the State Administrative Court (PTUN) demanding that the decision be declared null and void. Losses experienced by the public, such as loss of voting rights, difficulty accessing public services, and loss of inheritance rights due to document cancellation, can form the basis for a claim for compensation against the relevant government agency. Therefore, integrity and compliance with Public Service Standards (SPP) and Standard Operating Procedures (SOP) are the primary safeguards for the Head of Service in exercising their authority.

The cancellation of population documents, particularly birth certificates, has profound sociological and legal impacts on a person's life. A birth certificate is the gateway to the fulfillment of other basic rights. When a certificate is canceled, the child's legal status becomes vulnerable. For example, the cancellation of a birth certificate due to the falsification of the identity of the adoptive parents registered as biological parents will result in the child suddenly losing their legal relationship with their adoptive parents.

The state has an obligation to ensure that the annulment process does not result in the child losing their citizenship or becoming stateless. The principle of the child's best interests must always be prioritized. When considering annulment, courts often advise that administrative actions must not undermine the child's overall protection. Annulment must be followed by remedial measures, namely the issuance of new documents that reflect the true legal facts, thereby ensuring the child's right to identity.

In the context of inheritance law, the cancellation of a deed can undermine a person's legitimacy as an heir. An authentic deed has perfect evidentiary force, but if this force is overturned through a court decision or legitimate administrative cancellation, all civil rights attached to the document are forfeited. This demonstrates the crucial role of the Head of the Service in maintaining data accuracy, as a single cancellation decision can permanently alter the lineage and distribution of assets within a family.

In the era of digital transformation, the Head of the Service's revocation authority is now supported by sophisticated technological infrastructure. The Centralized Population Administration Information System (SIAK) allows for national monitoring of every revocation and minimizes local manipulation. The use of Electronic Signatures (TTE) certified by the Electronic Certification Center (BSrE)

ensures that every revocation document or new document issued is highly valid and difficult to counterfeit.

Digitization also simplifies reporting and transparency. The public can verify the authenticity of their population documents by scanning QR codes. For the Population and Civil Registration Office, the integrated database facilitates automatic detection of duplicate data or other data anomalies. If the system detects any inconsistencies, the Head of the Office can initiate an automatic verification process for cancellations.

The law provides residents with the opportunity to defend themselves if they feel the Head of the Department has misled them. Law No. 30 of 2014 concerning State Administration provides a mechanism for administrative remedies, including objections and appeals. Aggrieved residents can submit a written objection to the Head of the Department within a specified period of time after receiving the cancellation decision.

If the objection is rejected, residents can pursue an administrative appeal to the official's superior, the Regent or Mayor. This process is designed to resolve disputes within the executive branch before they are brought to the judicial realm. The Population and Civil Registration Office, for example, has provided complaint channels via WhatsApp, email, the Laporbup application, and the SP4N LAPOR (Regional App for Civil Registration).

A good complaints management system not only serves to handle complaints but also serves as a source of information for the Head of the Service to identify illegal practices at lower levels that may require immediate reversal. Active public participation in reporting data discrepancies is a vital component in maintaining the cleanliness of the national population database.

The authority of the Head of the Population and Civil Registration Service to cancel population documents is a strategic and sensitive executive authority. Amidst demands for fast and digital public services, this authority acts as a correction mechanism that ensures that the population identity granted by the state to its citizens is truly valid both materially and procedurally. The development of regulations from Law Number 23 of 2006 concerning Population Administration to Regulation of the Minister of Home Affairs Number 108 of 2019 concerning Procedures and Methods for Population Registration and Civil Registration shows a trend of bureaucratic simplification that gives greater discretion to the Head of Service through the principle of *Contrarius Actus*, but with the note that it must remain based on undisputed facts.

The cancellation of population documents is an instrument to uphold data accuracy, not to complicate the lives of citizens. Supported by information technology, human resources with integrity, and adherence to the general principles of good governance, this cancellation authority will continue to be a crucial pillar in realizing superior, accurate, and reliable population governance in Indonesia. The right of every citizen to possess valid documents is a fundamental right that must be protected, and the cancellation of incorrect documents is an integral part of fulfilling that right.

5. Closing

5.1. Conclusion

Based on the research that has been conducted, it can be concluded that:

1. The application of the *Contrarius Actus* Principle in the cancellation of population documents by the Population and Civil Registration Service is a policy implemented to resolve the problem of cancellation of population documents containing administrative errors such as editorial errors, duplicate data, and verification and validation errors by the Population and Civil Registration Service to facilitate the public in obtaining legal certainty. The cancellation of population documents carried out by the Population and Civil Registration Service does not reduce the authority of the Court in adjudicating cases related to Population Administration if in the process of issuing population documents there are elements of unlawful acts, procedural defects, authority defects and substance defects.
2. The limits of authority to resolve normative conflicts between the absolute authority of the court and the attributive authority of State Administrative officials in canceling population documents are dynamically divided based on the substance of the case. The District Court holds authority over material civil disputes and unlawful acts by private legal subjects. The State Administrative Court has the authority to test the validity of the actions and decisions of population administration officials from a public law perspective. The Head of the Population and Civil Registration Service as a State Administrative Official has executorial authority in canceling population documents based on the principle of *Contrarius Actus* based on the Regulation of the Minister of Home Affairs Number 108 of 2019 concerning Requirements and Procedures for Population Registration and Civil Registration.

5.2. Suggestions

Taking into account the research findings, the author makes the following suggestions:

1. The Directorate General of Population and Civil Registration of the Ministry of Home Affairs needs to synchronize the technical regulations that have been issued related to the implementation of the *contrarius actus* principle so that it can eliminate the contradiction of norms between the Regulation of the Minister of Home Affairs and higher regulations, namely the Presidential Regulation and the Population Administration Law to realize legal certainty.
2. The Directorate General of Population and Civil Registration of the Ministry of Home Affairs needs to coordinate and consult with the Supreme Court regarding the harmonization of regulations to determine the limits of errors that are considered purely administrative so that there is no overlap in examining cases of cancellation of population documents between the District Court, the State Administrative Court and State Administrative Officials in this case the Head of the Population and Civil Registration Service to ensure legal certainty. The Population and Civil Registration Service is advised to prioritize the principle of prudence in conducting verification and validation in the context of issuing population documents to maintain the validity of national population data accurately and transparently.

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