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# Human Rights Approach to Improve Passport Services for Vulnerable Groups in Indonesia

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## Abstract

Immigration offices and units in Indonesia are committed to improving passport services, particularly for vulnerable groups by applying a human rights approach. These commitments are justified by the enactment of Regulation Number 2 of 2022 regarding Human Rights-Based Public Services and Circular Letter of the Directorate General of Immigration Number: IMI-UM.01.01-2435 of 2018 on Facilities for Vulnerable Groups in Passport Issuance Based on Human Rights Dimensions. This underpins the responsibility of the Directorate General of Immigration to provide services following human rights principles, regardless of any conditions. This study aims to explore the coherence between passport services provided for vulnerable groups and the principles of human-rights-based public services. In addition, this study also provides recommendations to improve passport services for vulnerable groups. A qualitative approach is used to analyze primary data obtained from field observations and interviews with immigration authorities and communities sampled from the South Jakarta immigration office, as well as secondary data collected through relevant documents. The results found that while most of the services provided for vulnerable groups have been implemented following the human rights-based public service principles, it is still constrained by factors, such as, lack of dissemination and disclosure of information regarding the priority service, uneven distribution of supporting facilities, lack of training of immigration officials in providing human rights-based services, limited features for vulnerable groups on the online passport application 'm-passport', and the shortage of officers who master the sign language.

**Keywords:** Human Rights, Public Service, Passport

## 1. Introduction

Modernization and globalization have brought significant improvements to countries worldwide, including Indonesia. One of the sectors that has benefited from this development is the government, particularly in the development of human rights and democracy. Advancements have led to major bureaucracy reforms, or known as 'Bureaucratic Reform.' Since the 'bureaucratic reform' era, the delivery of public services has been a focal point, particularly because public service serves as an indicator of good governance. Good governance is simply defined in public administration as the process of maximizing public interest (Keping, 2018). A Key feature of good governance is that it is a form of collaborative approach to manage public affairs which involves the state and its

citizens. Good governance has six essentials, including, legitimacy, transparency, accountability, rule of law, responsiveness, and effectiveness (Keping, 2018).

Based on Act Number 25 of 2009 regarding Public Services, public services is the activity of meeting the needs of citizens for their goods and/ or administrative services provided by government officials. In this context, public servants (i.e., central, regional, state-owned enterprises, and regional state-owned enterprise agencies) are responsible for meeting the needs of the community and implementing the provisions of laws and regulations. The task of providing services for the public is not an easy one, since carrying out public services encompasses critical issues, such as, the rule of law, human rights protection, protection of minorities, and protection of social values (Spicker, 2009).

Fair access to public services is fundamental for democratic states and societies (Bell & Gilke, 2024). In the context of a democratic state, the government which manages public services upholds democratic principles. However, improving the quality of service for the community is a challenging task, particularly with the increasingly complex society and growing awareness of democracy ideals (Pasaribu & Briando, 2019). Democracy which is accepted as the world's dominant form of government and as an international system built by democratic ideals today is facing a greater threat than ever before (Audretsch & Moog, 2022).

Democracy is a fundamental principle underpinning the administration of the government of Indonesia. In essence, democracy is a form of government from the people, by the people, and for the people. This is in line with Indonesia's 'Pancasila Democracy', which emphasizes that political power is entirely in the hands of its people, and governance involves the active participation of its citizens. Conceptually, a government's legitimacy relies upon the support of its people.

From the broad concept of democracy, Dahl identified five important criteria for the functioning of the democratic process, which includes (Dahl, 2015):

1. The effective participation of the citizens;
2. An equal right to vote;
3. Clarity and understanding of government policies;
4. An exclusive power to determine the government's agenda; and
5. Community involvement or inclusion.

These principles guarantee democratic justice, meaning that every citizen can fulfill his or her rights and receive equal treatment in every public administration.

In a globalized world, human rights serve as a normative conception. It has a critical role in supporting an independent country, recognizing national identity, empowering human resources, promoting gender equality, encouraging democratic inclusion, protecting personal rights, and advancing the country itself (Gauri & Gloppen, 2012). Human rights are closely related to the progress of the state. A human rights approach may minimize poverty and inequality both at a national and global level by upholding human rights, increasing moral pressure, and encouraging citizens to maintain their dignity in the political, legal, and social spheres. In other words, a human rights-based approach works on two sides of the 'supply and demand' of the state's development (Gauri & Gloppen, 2012).

As the fundamental ideology of Indonesia, the fifth precept of Pancasila mentions 'social justice for every Indonesian citizens'. This implies equal rights and opportunities for every Indonesians in every administration, without any distinction, including access to public services. Article 34 of Act Number 39 of 1999 regarding Human Rights also provides a legal basis for active citizen participation and inclusion in governance and access to every service provided by the Indonesian government.

As an agency providing services to the community in the form of granting passports, the immigration offices in Indonesia are dedicated to improving their passport services while simultaneously upholding the rights of the

holder. Since the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 2 of 2022 regarding Human Rights-Based Public Services was enacted, immigration offices and units in Indonesia have applied a number of innovations to support policies improving service quality align with human rights principles and to meet public expectation. The regulation defines human rights-based public services (P2HAM) as public services provided by offices or units based on P2HAM criterias with regards to principles and laws concerning human rights. These services include, economic rights, social rights, cultural rights, civil and political rights, as well as the rights of vulnerable groups.

'Vulnerable groups' are those categorized as elderly (aged more than 60 years), children aged less than 5 years, pregnant or lactating women, people with disabilities, people with special needs, and people who are sick or ill. This group is given priority in the context of human rights-based passport services because they have limited access and opportunities of receiving such services compared to the general public. Immigration offices and units provide a 'priority' passport service to these group, allowing them to obtain passports through the 'priority' passport service. This service allows them to apply for their passport without the necessity to register as a regular applicant. Through this service, applicants are given the ease of access to directly submit their passport application to the immigration office or unit. A special lane is provided for this 'priority' service which is separate from regular passport applicants.

However, despite efforts to constantly improve services that have been put in place, a lack of evaluation of the policy still persists. Evaluation and assessment of the extent to which the implementation of the passport services for the vulnerable groups adheres to the human rights principles and improve services are still limited, thus a comprehensive evaluation method needs to be developed.

The Indonesian government has a grand design for bureaucratic reform to achieve world-class public services, as stated in the Presidential Regulation of the Republic of Indonesia Number 81 of 2010. The regulation contains the grand design of bureaucratic reform from 2010 to 2025, which is divided into three main phases. The first phase (2010-2014) focuses on strengthening public service regulations, the second phase (2015-2019) focuses more on improving service performance, and the last phase (2020-2025) prioritizes on the realization of dynamic public services.

In the current phase today, the immigration agency is faced with complex issues and challenges, mainly related to hierarchical and organizational issues. These issues weakens policy and budget formulation, and in turn, lead to the non-fulfillment of many aspects of the grand design, specifically in terms of providing services to citizens (Purnomo, 2018). The current administration focuses on implementing dynamic public services, especially on issues of transparency, promptness, and accessibility. However, this challenge is constrained by the limited resources faced by the Directorate General of Immigration. Inline with the current administration's vision, public services (i.e., passport services) should be improved. Protection, especially for vulnerable groups, requires robust legal or regulatory frameworks rooted in human rights principles, and be effectively implemented (Susilo, 2020). This is intended to create equality and accessibility that can be directly benefited by them.

This study will explore the concept of human rights-based public services that prioritize human rights approaches to protect, fulfill, enforce, and promote human rights in public service. Regarding passport services for vulnerable groups, this study attempts to address the following question: 'To what extent do the passport services for vulnerable groups adhere to the concept of human rights-based public services and what recommendations can be given to improve the service?'. The purpose and significance of this research are to analyse the coherence between passport services for vulnerable groups and the principles of human-rights based public services and provide recommendations to improve the service.

## **2. Method**

This research applied a qualitative approach with a descriptive and interpretive method to comprehensively address the research question. Processes and outcomes (i.e., interaction patterns between individuals in an organization and work procedures) are the emphasis in a qualitative research (Anggito & Setiawan, 2018). A qualitative

approach is more suitable to study humans in an organizational context, because this approach allows for exploration of the meaning beneath their interactions and experiences (Dooris et al., 2020). This research also applied an interpretive method to analyze data, involving interpretation of what the researchers observed, heard, and understood. A number of factors may intertwine when analyzing with an interpretive method, including, individual history, background, and previous knowledge (Creswell & Poth, 2016).

The instruments used in this research were observations, interviews, and analysis of relevant documents. Observation was conducted in June of 2023, which focused on immigration officers carrying out services to vulnerable groups. In a qualitative study, the number of participants involved is not limited (Phillips, 2021). Interviews were conducted *via* a semi-structured interview towards five participants. Interviews serve not only to obtain information, but also applied as a tool to understand the participant's perspectives and meaning of their world (Mahat-Shamir et al., 2021). Relevant documents reviewed and analysed were regulations, laws, procedures, articles, and reports. Reduction, classification, and triangulation procedures were utilized for data analysis and provide validity of the collected data.

The research took place at South Jakarta Immigration Office. This location was chosen as the research location because it is considered representative of the population of passport delivery for vulnerable groups in Indonesia.

### 3. Results

Human Rights are rights inherently and naturally possessed by every human being since their beginning of life. These rights act as a gift to live, maintain life, and life in this world (Qamar, 2013). These rights become values that are prioritized above authoritarian power (Audretsch & Moog, 2022). In the context of the state, the interrelationship between human rights and legal framework is closely intertwined. One may argue that legal systems that are effective in a state or country fosters the upholding of the human rights of its citizens, and *vice versa* the enforcement of human rights serves as an indicator of the legal system's efficacy. As a *rule of law*, the law has the preeminent position, obligatory to all citizens without exception, making it a tool to realize ideas and conceptions regarding justice that are contingent upon the value of human rights (Qamar, 2013). Therefore, the protection of human rights is a fundamental component of the rule of law in Indonesia.

Global development and the modernization have significantly impacted Indonesian, promoting the development of democracy and human rights regime across various aspects of life, from, ideology, politics, economy, socio-culture, defense to security. According to the perspective of international law and international relations, human rights gained momentum after the second world war and earned its legitimacy with the establishment of the 'Universal Declaration of Human Rights' (UDHR) in 1948. UDHR, considered to be the fundamental international human rights law, embodies the freedom and rights of every individual.

The principles of democratic justice and human rights in Indonesia are recognized, upheld, and protected due to their incorporation within the state's ideology (Pancasila), constitution, and Act Number 39 of 1999 regarding Human Rights. This legal framework is a basis for citizens to exercise their rights and to obtain proper services from the government.

Since 2014, passport service in Indonesia has undergone reforms. One of them is the issuance of Standard Operational Procedure (SOP) Number IMI.2-GR.01.01-1383 regarding Online Issuance of New Passports in the Integrated Passport Service System (SPPT), which emphasizes the ease of passport application. Other innovations subsequently emerged to improve services to the community, such as, passport services on weekends (weekend service), passport services in the morning and evening outside working hours (early morning service and sunset service), and collective passport service.

However, among the innovations, the immigration agency overlooked crucial components, which includes, democracy, citizenship, and human rights. Departing from the 'New Public Service' paradigm, immigration service innovations should incorporate democratic and citizenship values. The inclusion and participation of citizens is crucial to determine the course of society based on moral principles, which is then referred to as 'civic

virtue' (Denhardt & Denhardt, 2007). This virtue encompasses active involvement in governance, participation, and prioritization of the organization's best interest (Ficapal-Cusí et al., 2020).

The National Action Plan for Human Rights defined in Presidential Regulation Number 75 of 2015, which was later amended by Presidential Regulation of the Republic of Indonesia Number 33 of 2018, marked the start of human rights initiatives in the public sector. This regulation explicitly stipulates that as a standard in providing services to vulnerable groups in line with human rights principles, the Directorate General of Immigration must issue a circular letter to every immigration offices in Indonesia.

In 2018, The Ministry of Law and Human Rights of Indonesia introduced Regulation of the Minister of Law and Human Rights Number 27 of 2018 on Human Rights-Based Public Service Awards. The regulation provided procedures and mechanisms to reward immigration offices and units that succeeds to deliver essential services in accordance with human rights principles. Certain criterias were specified in this regulation, such as, accessibility, availability of officers, availability of facilities, and compliance of employees with established service standards. This regulation has at least set the framework, standards, and benchmark for human rights and human rights-based public services, particularly for vulnerable groups. This regulation also marked the starting point in providing reference, motivation, and assessment framework for immigration offices and units to provide human rights-based services.

In the same year, The Directorate General of Immigration also issued Circular Letter Number IMI-UM.01.01-2435 on Facilities for Vulnerable Groups in Passport Issuance Based on Human Rights Dimensions as a result of the Presidential Regulation Number 33 of 2018. The objective of this regulation is to provide basic guidelines for immigration offices, immigration office units, passport services unit, and public service malls throughout Indonesia in passport issuance for vulnerable groups.

The latest guideline regarding human rights-based public service was issued in 2022 with the Minister of Law and Human Rights Regulation Number 2 of 2022. This regulation explicitly defined human rights, human rights principles, and the objectives of human rights-based public service. In addition, it also outlines the establishment, declaration, development, and evaluation of human rights-based public service.

One form of service provided as an embodiment of public service based on human rights dimensions is the 'prioritas' passport service (or also known as the 'priority' passport service). This service, which vary in different names as a form of innovation at each immigration office or unit, provides ease of passport application for vulnerable groups. Through 'prioritas', applicants (categorized in vulnerable groups) are able to apply for their passport directly to the local immigration office or unit (by walking-in), without the necessity to apply through the regular passport application. The applicants are given a special lane and area, separating them from regular applicants.

The workflow of the priority passport service is similar to the regular passport application or passport replacement. The priority passport service for vulnerable groups differs, in that, these groups are not required to register *via* the 'm-paspor' online application. Applicants can lodge their application directly by simply walking-in to the nearest immigration office or unit with the required documents, such as, identification card (KTP), family card (KK), birth certificate/ marriage certificate/ diploma/ baptism certificate, Indonesian citizenship certificate (for foreign nationals who have obtained Indonesian citizenship through naturalization or statement to choose the Indonesian citizenship), and latest passport (for those who have an Indonesian passport before).

The workflow of the priority passport service as referred to Standard Operational Procedure Number IMI-0006.GR.01.02 of 2022 on Services for Regular Passports, Passports for Vulnerable Groups, Passports for Persons with Special Needs or Disabilities, is illustrated in the figure below:

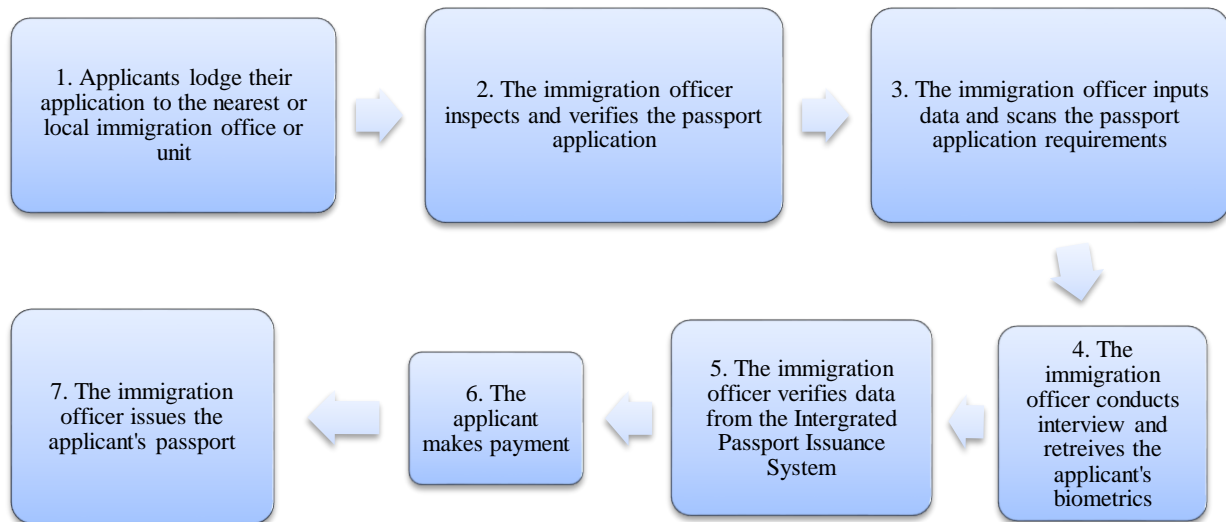


Chart 1: Services for Regular Passports, Passports for Vulnerable Groups, Passports for Persons with Special Needs or Disabilities

Source: Directorate General of Immigration, 2022

Based upon the findings from interviews with participants, a number of issues were identified in the implementation of the priority passport service, and needs to be addressed to improve service delivery to vulnerable groups. One main issue is the limited space of the immigration office or unit to provide an area to conduct the biometric collection (i.e., interview and photo process) specifically for the vulnerable groups. This limitation is caused by the office's limited budget and area to establish such a space. In addition, the lack of dissemination through social medias contributes to the lack of awareness regarding the priority passport service among vulnerable groups. These limitations brought ramifications on peoples expectation of a passport service which is supposed to adhere to human rights principles.

To address the extent of coherence between passport service intended for vulnerable groups with the concept of human-rights-based public service, the analysis is grounded by nine fundamental principles of public administration which are critical in designing and delivering service, namely (Ministry for Modernization of the State and Public Administration, 2021):

1. Active participation of citizens at every stage of the service, particularly the involvement of minorities and vulnerable groups;
2. The plan and design of policies or programs should prioritize vulnerable groups;
3. Systemmatic analysis and evaluation of the foreseeable consequences;
4. Balanced focus between the process and outcomes of the service;
5. Data privacy and security;
6. Data misuse cases should be prioritized as a serious issue to be addressed;
7. An on-going monitoring and assessment tool is available for service delivery;
8. Sustainability; and
9. Transparency, accountability, and accessibility.

### 3.1. Active participation of citizens at every stage of the service, particularly the involvement of minorities and vulnerable groups

In designing and developing service programs, the immigration agency must ensure that vulnerable groups are involved at each stage of the process, starting from the early research, development, piloting, and monitoring stage.

The aim is to eliminate the gap between the plan and actual outcomes, maladministration, and avoid discriminatory practices that may lead to human rights abuse.

Based on observations and interviews conducted, the implementation of the priority service has involved citizens from vulnerable groups, but not in every stage. Active participation of vulnerable groups is only carried out through questionnaire filling activities to assess their opinions about the extent to which these services have been able to reach them.

### *3.2. The plan and design of policies or programs should prioritize vulnerable groups*

To ensure equal access to passport service for vulnerable groups, the immigration agency is required to ensure direct accessibility to the every citizen without intermediaries. Service delivery should be direct, easily accessed, and free of additional costs.

In its implementation, the passport service delivery for vulnerable groups at the immigration office and unit has been recognized by applicants. Passport applicants from vulnerable groups receive priority in the service, such as in terms of a special lane and designated service area.

### *3.3. Systemmatic analysis and evaluation of the foreseeable consequences*

The Immigration office and unit must be able to conduct continuous analysis of the risks and consequences associated with their service and develop solutions and mitigation measures in order to continuously improve the services provided.

Based on the results of interviews and observations conducted at the immigration office, it was discovered that there are consequences of the 'priority' service, such as an expedited process, leading to resentment among regular passport applicant's that wish to be served in the same way. They complained mostly about the discriminatory practice and that there were differences in the degree of service. The immigration officer (as a participant) suggested that communicating to the passport applicants the purpose of the priority service is intended for those with urgent and legitimate needs could assist in alleviating these resentments.

### *3.4. Balanced focus between the process and outcomes of the service*

Immigration office and units must realize and recognize every stage of service, from the processing stage to the final result or product, are equally important. The development of services should not only focus on results or targets, but also needs to consider basic principles throughout the design and conceptualization process.

In practice, many aspects of the 'priority' service are not considered by immigration. Services mainly emphasize on the end result without regard to the resources and facilities required to carry out services to vulnerable groups. Most of the immigration officers have not received prior training to carry out the 'priority' service policy. Therefore, service delivery is practically based on their prior knowledge and experience.

Since a human rights approach in public service is a relatively new field for immigration, the immigration office and unit have not prepared the necessary infrastructure to support services for vulnerable groups (e.g., the allocation of designated counters, lanes or queues, and space or area).

### *3.5. Data privacy and security*

Data collected and managed in the immigration database (i.e., immigration information and management system) administered by the Directorate of Immigration Information Systems and Technology, as a whole, is well-kept and protected by a series of legal and technical support to ensure confidentiality, security, and compliance with international standards for data protection. Legal frameworks include, Act Number 6 of 2011 on Immigration, Act Number 11 of 2008 on Electronic Information and Transactions (as amended in Act Number 19 of 2016), and



Ministerial Regulation number 20 of 2016 on Personal Data Protection in Electronic Systems. Technical measures, include, encryption, network security, security testing, and compliance with legal standards.

Security and privacy of personal data are not only carried out when applicants apply for passports, but also if the public wishes to submit criticisms, suggestions, and file complaints through official channels.

### *3.6. Data misuse cases should be prioritized as a serious issue to be addressed*

The immigration agency should anticipate the possibility of security risks, such as, data breach or data falsification carried out by irresponsible parties or third parties (intermediaries) during the passport application process. This starts from the formulation, trials, to the evaluation stages.

In its implementation, the priority passport service did not identify potential threats. Immigration officers directly delivered services to vulnerable groups without involving intermediaries.

### *3.7. An ongoing monitoring and assessment tool is available for service delivery*

Constant supervision and assessment are required to ensure the protection of citizen's rights and prevent maladministration that may limit their access to their passport at the immigration office or unit.

Proactive monitoring during implementation, both for the general public and vulnerable groups, is rarely carried out. Improvements to the implementation of 'priority' services, and other immigration services, are usually carried out reactively, namely to urgent and widespread complaints. Complaints are addressed through medias or platforms officially provided by the immigration office, such as, Whatsapp, Instagram, Twitter, Facebook, telephone, and email.

### *3.8. Sustainability*

On the one hand, to ensure the involvement and inclusion of stakeholders, service providers (i.e., immigration officers) must be knowledgeable, responsible, resourceful, and willing to carry out their duties. On the other hand, vulnerable groups as the recipient of the service, should understand about their rights, how to claim them, and to whom those claims are to be addressed to if their rights are not fulfilled. This is required to ensure that accountability, transparency, participation, and non-discrimination principles are met.

Generally, vulnerable groups have understood their role and capacity as the recipient of immigration services. However, the 'priority' program as a human rights-based service is perceived as a relatively new innovation, resulting in inadequate service that the immigration officers are able to provide due to factors including limited resource allocation and lack of personnel training.

### *3.9. Transparency, accountability, and accessibility*

Information on the standards and conditions of passport granting services through the 'priority' program, the rights and obligations of passport applicants, fees, and the mechanism for submitting complaints have all been properly prepared by the immigration office.

Based on the interviews and observations conducted in the field, it was discovered that the implementation of passport services for vulnerable groups ensured transparency. This can be found from service information, posters and banners displaying details of official fees, the display of passport service SOPs, service information available through social media platforms, and the availability of online complaint submissions.

However, based on interviews with participants from vulnerable groups, it was established that the dissemination and disclosure of information had not been carried out optimally by the immigration authorities. Vulnerable groups still face limitations to obtain information on the service. A main complaint is the lack of concise information

regarding the 'priority' service on social media and the office's website. This led them to directly ask the officers at the immigration office for assistance. Furthermore, it was also discovered that there were also limitations of information or features for vulnerable groups on the online passport application 'm-passport' making it more difficult for them to apply for a passport.

To ensure the coherence between the passport services for vulnerable groups and the context of human rights-based public services, certain criterias must be met as outlined in Regulation of the Minister of Law and Human Rights Number 2 of 2022 on Human Rights-Based Public Services, which include:

1. Accessibility and availability of infrastructure and/ or facilities;
2. Availability of resources;
3. Officer's compliance to service standards;
4. Innovation; and
5. Integrity.

The accessibility and availability of infrastructure and facilities are available. These include: the presence of service information banners, service information through social media platforms (such as: Instagram, twitter, website), customer service counters, online complaint submission services, special parking areas for disabled groups, lanes and counters for vulnerable groups, special toilets for the disabled, guiding blocks for vulnerable groups, lactation/ breastfeeding rooms, play area for children, signposts for 'priority' services, special seats for vulnerable groups, wheelchairs and walking sticks, and ramps to facilitate vulnerable groups.

Certain issues need to be addressed, such as, untrained officers in providing human rights-based services and shortage of officers who master sign language which is essential for the deaf.

Officer's compliance to the overall service standards has been evident through the 'Pubic Satisfaction Index' (IKM) survey, which shows satisfactory results from the immigration services delivery.

Finally, passport services for vulnerable groups have been able to meet the criteria of innovation and integrity in serving the community. This is based on the interviews conducted, which reveals that the 'priority' service program is a significant advancement in improving the quality of services, particularly in the human rights dimension, which is still relatively new in Indonesia

#### **4. Conclusion**

The passport services provided for the vulnerable groups have mostly been implemented in accordance with the human rights-based public service principles, Act Number 39 of 1999 regarding Human Rights, Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 2 of 2022 on Human Rights-Based Public Services, and Circular Letter of the Director General of Immigration Number IMI-UM.01.01-2435 on Facilities for Vulnerable Groups in Passport Issuance Based on Human Rights Dimensions.

However, there are still issues that needs to be addressed and allow room for improvement. These issues include: lack of dissemination and disclosure of information regarding the 'priority' service, uneven distribution of supporting facilities, lack of training of immigration officials in providing human rights-based services, limited features for vulnerable groups on the online passport application 'm-passport' and the shortage of officers who master the sign language.

#### **5. Recommendations**

Based on the findings, a number of recommendations are proposed:

1. To address limited infrastructure and facilities, budget expansion and procurement of supporting resources and utilization of unused spaces can be implemented;
2. To improve officer and staff's competency, it is recommended for them to be educated and trained to provide a human rights-based service;

- To improve services through the online passport application 'm-paspor', it is recommended to provide a special column to the initial features to facilitate passport application for vulnerable groups.

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