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## **Optimizing the Organization of Statistical Activities through the Revision of Law No. 16 of 1997 Concerning Statistics**

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*Received: 25-10-2023*

*Reviewed: 27-10-2023*

*Accepted: 03-11-2023*

### **Abstract**

This research to find out and study how implementation of basic statistics carried out by the Central Statistics Agency based on Law Number 16 of 1997 concerning Statistics (Statistics Law); what are the obstacles in optimizing the implementation of basic statistics and how to overcome the obstacles in implementing basic statistics optimally through reform of the Statistics Law. This research is normative legal research with a legal political and legal sociology approach, which examines the Statistics Law as positive law in the administration of basic statistics and formulates legal substance that should be implemented in the future. The data source is secondary data consisting of primary legal materials and secondary legal materials. Data collection methods use library studies and interviews. Primary legal materials and secondary legal materials are analyzed using legal analysis methods. The deductive thinking process is used to draw conclusions. The theoretical basis used as an analytical tool in reviewing research results and discussions is the theory of legal effectiveness and public policy theory. The results of this research indicate that the implementation of basic statistical activities by BPS based on the Statistics Law is not running optimally because there are obstacles, such as: low public awareness of the importance and usefulness of statistics, the application of criminal sanctions for respondents that are not effective and statistical data in ministries/ Partial government institutions. These obstacles are fundamental and cannot be overcome casuistically but must be done with comprehensive and revolutionary efforts, so efforts to overcome them are by reforming the Statistics Law so that the implementation of basic statistical activities by BPS can run optimally. From this explanation it can be concluded that in order to obtain legal certainty for both BPS officers and respondents, an article is needed that guarantees legal certainty so that if respondents refuse, they can be given sanctions which of course must be regulated in the Law on Statistics. We as authors propose and suggest that the Government can immediately update the Statistics Law and correct the weaknesses we have mentioned above.

**Keywords:** Optimization, Basic Statistics, Reform

## **Introduction**

Statistics is the science that studies the methods of collecting, analyzing, and interpreting data. According to KBBI, statistics is a collection of processed data presented in the form of numbers, tables, diagrams, graphs, etc., to provide an overview of specific information. In general, statistics is related to the decision-making process based on data, involving various methods and techniques to collect, analyze, and interpret that data.

Statistics is crucial for planning, implementation, monitoring, and evaluation of various activities in all aspects of societal, national, and state life in the national development as the embodiment of Pancasila, to advance the welfare of the people in order to achieve the nation's aspirations as stated in the Preamble of the 1945 Constitution and Article 5 paragraph (1) and Article 20 paragraph (1) of the 1945 Constitution. Recognizing the importance of statistics, steps are needed to regulate the integrated national statistical system to realize a reliable, effective, and efficient National Statistical System.

Law No. 16 of 1997 on Statistics is an Indonesian law that regulates national statistical activities. The purpose of this law is to organize systematic, integrated, and controlled statistical activities to produce accurate, reliable, and useful statistical data for planning, decision-making, and policy evaluation in various sectors.

With Law No. 16 of 1997 on Statistics, it is expected that statistical activities in Indonesia can be carried out systematically and controlled, ensuring that the generated statistical data can be used as a basis for accurate planning and decision-making at various levels of government.

Law No. 16 of 1997 on Statistics also provides a clear legal basis to maintain the confidentiality of data provided by individuals, households, companies, or other institutions to the Statistics Indonesia (BPS). This is essential to build public trust in providing the necessary data for statistical activities. Overall, Law No. 16 of 1997 on Statistics serves as a crucial foundation for organizing a reliable, accurate, and beneficial national statistical system for development in Indonesia.

There are legal norm weaknesses in Law No. 16 of 1997, namely Article 26 and Article 38 of the same law (Norm Ambiguity). In facing these weaknesses, an evaluation and update of the statistical law are necessary to ensure that the regulations can meet the evolving statistical needs and challenges in Indonesia.

From the capital to the remote areas, Indonesia is rich in important data and information presenting economic, health, food, education, transportation, and other statistical information. Through policy-making, this valuable knowledge and data can be used as a foundation for development planning. Society will benefit from policy development based on field data. To achieve this, the government must be able to build a database infrastructure that provides reliable data accessible to the general public.

Open data is information available to anyone, can be used without restrictions, and can be re-released with the same license as the original. By providing easily accessible data, the

## *Optimizing the Organization of Statistical Activities through the Revision of Law No. 16 of 1997 Concerning Statistics*

public can more easily obtain the data they need. This data can also be shared and used repeatedly, accessible to the entire population, and provides a transparent system. In addition, open data facilitates data search. Open data also allows the public, commercial, and non-profit sectors to collaborate to promote innovation.

Collaboration between institutions and the availability of open data enable more efficient coordination at all levels of government, smoother development, higher socio-economic growth, and better public services due to more efficient institutional performance.

In reality, the implementation of Open Data in Indonesia has not been successful and is not accessible to everyone because there is still a lot of hard copy data, closed and not widely distributed data, and data that is difficult to find due to a lack of public awareness, preventing government transparency. This is where open data becomes the solution. Therefore, One Data Indonesia (SDI) is the subject of Presidential Regulation No. 39 of 2019.

One Data Indonesia is a government data governance initiative aimed at producing up-to-date, accurate, integrated, and accountable data that is easily accessible and shared between central and regional agencies for use by the entire community through compliance with data standards, interoperability, metadata, and the use of reference codes and master data. One Data Indonesia can be used as an implementation guide by organizations to promote data transparency and support the use of national statistical data as a basis for policy-making.

One Data Indonesia must be implemented well to produce good, valid, and quality data as expected, as it will be used for planning and development policies both at the central and regional levels.

In the implementation of One Data Indonesia in each region, a One Data Forum is formed with a composition as shown in Figure 4 above. The One Data Forum is created based on the Decree of the Regent/Governor in the form of Regent Regulation or Governor Regulation. In recent years, the government has encouraged every state institution and government agency to budget with the mechanism of Performance-Based Budgeting or performance-based budgeting. The availability of institutional performance data, including statistics, becomes a necessity to support the planning and budgeting of the relevant institutions in the national development framework. Moreover, every institution is obliged to provide valid data and information related to planning activities based on Law No. 25 of 2004 concerning the National Development Planning System (Law on the National Development Planning System). Valid data and information, including statistics, are crucial for planning, implementation, monitoring, and evaluation of various activities in all aspects of societal, national, and state life. Legally, in Law No. 16 of 1997 concerning Statistics, there is Norm Ambiguity in Article 26 and Article 38.

### **Literature Review**

#### **Overview of the Implementation of Basic Statistics Based on Law Number 16 of 1997 concerning Statistics**

The legal history of statistics in Indonesia has dynamically evolved, and Law Number 16 of 1997 on Statistics represents a positive legal change in Indonesia. It is a modification of Law Number 6 of 1960 on Census and Law Number 7 of 1960 on Statistics during the Old Order era. This change aims to adapt to the development of the times, societal demands, and the needs of national development. Over the past thirty years since 1960, fundamental changes have occurred that have influenced the implementation of basic statistics, namely:

1. The increasing welfare of society as a result of national development has led to a diverse range of statistical data needed by the community.
2. The variety of data that was initially collected by the Central Bureau of Statistics (BPS) in the early sixties now requires the involvement of other statistical activity organizers outside the BPS.
3. Advances in science and technology that impact the development of statistical activities.
4. Changes in the strategic environment, such as the era of globalization characterized by openness, increased competition, the rapid flow of statistical information, and the growing role of statistical information for both the government and society.

These changes have necessitated more adequate regulations for statistical activities to ensure the avoidance of duplication, ease of access by data users, legal certainty for statistical activities, and protection for respondents.

Some new provisions in Law Number 16 of 1997 on Statistics, which is an improvement from Law Number 6 of 1960 on Census and Law Number 7 of 1960 on Statistics, include:

1. Classification of statistics based on their utilization objectives, consisting of basic statistics fully organized by BPS, sectoral statistics implemented by government agencies independently or in collaboration with BPS, and special statistics organized independently or in collaboration with BPS by institutions, organizations, individuals, or other community elements.
2. The statistical results organized by BPS are regularly and transparently announced in the Official Statistics Bulletin (BRS) so that the public can easily know and obtain the required data. The entire validity of the announced statistical information is the full responsibility of BPS.
3. The National Statistical System that is reliable, effective, and efficient. The National Statistical System (SSN) is an arrangement consisting of elements of data needs, resources, methods, facilities and infrastructure, science and technology, legal instruments, and inputs from the Statistical Community Forum that are regularly interrelated, forming totality in statistical activities.
4. The establishment of the Statistical Community Forum as a platform to accommodate the aspirations of the statistical community and is tasked with providing advice and considerations to BPS. Its membership consists of government representatives, experts, practitioners, and community figures.

Law Number 16 of 1997 on Statistics is systematically structured, consisting of 12 Chapters and 43 Articles, covering General Provisions, Principles, Directions, and Objectives, Types of Statistics and Data Collection Methods, Implementation of Statistics, Announcement

## ***Optimizing the Organization of Statistical Activities through the Revision of Law No. 16 of 1997 Concerning Statistics***

and Dissemination, Coordination and Cooperation, Rights and Obligations, Institutions, Development, Criminal Provisions, Transitional Provisions, and Closing Provisions. This law only regulates the fundamental aspects of statistics in Indonesia.

Justice will rebel against damage, suffering, not only on the basis of individual interests but on a broader scale, reaching out to others whom we equate with ourselves, so the essence of justice encompasses all the moral requirements essential for the well-being of humanity.

### **Research Method**

The method used for this research is the Normative Juridical Legal Research method. The Normative Juridical approach is "an approach that refers to the laws and regulations in force" or known as doctrinal legal research. The methodology of doctrinal legal research explains legal issues based on doctrines or previous legal opinions relevant to the legal issues under discussion. Therefore, this thesis is more based on theoretical foundations in identifying the core issues, guided by literature studies or document studies on secondary data.

The researcher reads or conducts library studies on books related to the researched issues, then collects legal materials and data related to the researcher's issues. In this research, the researcher gathers legal materials, both primary and secondary legal materials, then categorizes them based on their types, and analyzes or examines the legal materials according to the research problem formulation.

The analysis used in this thesis is analyzed using normative qualitative analysis, which is a research technique that does not involve processing legal materials and is presented in the form of sentence descriptions or comprehensive data explanations. Then, it is analyzed using a perspective, namely analyzing issues based on existing rules.

### **Results and Discussion**

The Role of One Data Indonesia (SDI) in Governance Indonesia is rich in valuable information and data, from the central level to the regions, providing insights into the economy, health, food, education, transportation, and other aspects. This valuable information and data serve as the foundation for development planning through the formulation of policies.

Policies based on field data have a positive impact on society. To achieve this, the government is required to create an ecosystem of a database capable of providing accurate and open data to the entire community.

Open data refers to data that can be accessed and used freely, republished to anyone with the obligation to mention the creator and share it with the same license. Open data makes it easier to find information, as accessible data allows the public to easily obtain the required information. Moreover, such data can be disseminated and reused, accessible to the entire

community, fostering transparency and enabling collaboration between the government, the public, and the private sector to drive innovation.

Open data facilitates more effective coordination across government levels, fostering collaboration between institutions for smoother development. Freely available data can enhance socioeconomic growth, and improved public service quality results from more effective institutional performance.

In reality, the realization of open data in Indonesia has not been optimal and is not accessible to the entire population due to numerous challenges such as hard-copy formats, closed and limited data distribution, and a lack of public awareness. The One Data Indonesia (SDI) policy, regulated by Presidential Regulation No. 39 of 2019, was introduced to address these challenges.

One Data Indonesia is a governance policy for government data, aiming to produce up-to-date, accurate, integrated, and accountable data. It emphasizes accessibility and sharing between Central and Regional Institutions for the benefit of the entire community, following Data Standards, Data Interoperability, Metadata, and using Reference Codes and Master Data. One Data Indonesia serves as a guide for institutions to promote data openness and supports national statistical data as a basis for policymaking.

During the COVID-19 pandemic, the government identified three strategic programs as priority data for the One Data policy: Social assistance and government subsidies, Micro, Small, and Medium Enterprises (MSMEs) data, and 17 Sustainable Development Goals (SDGs) indicators. These programs became national issues due to the challenging data availability and management in Indonesia. The government faced difficulties in obtaining accurate data, leading to challenges in implementing programs.

For instance, in the implementation of social assistance or government subsidies, the government often struggled to obtain accurate recipient data. This resulted in assistance being misdirected, leading to overlapping population data. To address this, the SDI Forum Finance Sector Working Group supported the acceleration of decision-making processes to formulate technical aspects of SDI implementation.

Similarly, the MSMEs data program faced challenges due to the economic impact of COVID-19. The government implemented restrictions to reduce virus transmission, causing a drastic decline in national economic transactions. This significantly affected urban and tourist destination MSMEs, leading to closures and financial struggles. To overcome these challenges, the Ministry of Cooperatives and MSMEs, as the leading sector in MSMEs data, formed a task force to prepare a roadmap and action plan for creating a unified MSME database.

The third program, the 17 SDGs indicators, aligns with Indonesia's commitment to sustainable development. The country has undertaken various strategic steps to map the availability of data and SDGs indicators for each target and goal. The availability of data is crucial for sustainable development, allowing policymakers to make informed decisions. However, the lack of data sharing with the public remains a significant issue, indicating a lack of transparency in government institutions and reducing public trust in provided services.

## *Optimizing the Organization of Statistical Activities through the Revision of Law No. 16 of 1997 Concerning Statistics*

Digital transformation presents opportunities and challenges for the Indonesian government, especially in data-driven policy-making. The SDI initiative aims to improve the governance of government data, enhancing its value as the foundation for effective policy-making. The Open Government Indonesia 2018-2020 national action plan emphasizes transparency, data management, public participation, and public service delivery. The increasing volume of data from various sources requires consistent identification and handling of data inconsistencies to ensure decisions are based on accurate and reliable data.

To achieve the desired data, accurate, open, and interoperable government data governance is essential. SDI strives to provide credible, accountable, and up-to-date data by building a government database used as a reference for every policy and its implementation. Required data includes information on food, energy, infrastructure, maritime, education, health, economics, industry, tourism, and bureaucratic reform.

The One Data Indonesia initiative emerged as an effort to provide credible, accountable, and up-to-date data to support quality development and governance. The implementation of SDI is mandated by Presidential Regulation No. 39 of 2019, driven by the need for valid and accountable data. This regulation represents the government's breakthrough in regulating data governance to support development. SDI aims to improve data governance to produce accurate, up-to-date, integrated, and accountable data, forming the foundation for effective and targeted policy-making.

The SDI program is a policy directed at enhancing the quality and management of data across various integrated institutions. This facilitates accurate policymaking utilization. However, the current implementation of SDI faces numerous challenges and obstacles, particularly at the regional government level.

In conclusion, the One Data Indonesia policy aims to improve the governance and accessibility of government data. While the implementation faces challenges, such as inconsistent and dispersed data and a lack of standardized information, it remains a crucial initiative for achieving effective and informed policymaking in the digital era.

### **Conclusion**

Based on the results of the description and discussion regarding the Legal Consequences for someone who refuses as a Respondent in Statistical Activities, the researcher can conclude as follows:

1. The implementation of basic statistics by BPS based on Law Number 16 of 1997 concerning Statistics is not optimal. This has resulted in inaccurate and low-quality strategic data, giving rise to a map of issues.
2. The implementation of basic statistics by BPS is not optimal, facing challenges in optimizing the implementation of basic statistics by BPS based on Law Number 16 of 1997 concerning Statistics. These challenges include: a. Low public awareness of the importance

and usefulness of statistics. b. Ineffective application of criminal sanctions for non-compliant respondents. c. Statistical data in Ministries/Institutions is still partial.

### **Declaration of conflicting interest**

The authors declare that there is no conflict of interest in this work.

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***Optimizing the Organization of Statistical Activities through the Revision of Law No. 16 of 1997 Concerning Statistics***

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