

**LAW OF THE REPUBLIC OF INDONESIA
NUMBER 12 , YEAR 2006
ON
CITIZENSHIP OF THE REPUBLIC OF INDONESIA**

**DECREE OF THE REP. OF INDONESIA
NUMBER 12 YEAR 2006
ON
CITIZENSHIP OF THE REP. OF INDONESIA**

IN THE NAME OF GOD ALMIGHTY

THE PRESIDENT OF THE REP. OF INDONESIA,

Considering:

- a. that in accordance with Pancasila and the 1945 Constitution, the Republic of Indonesia guarantees the potential, dignity of its peoples with respect to their human rights;
- b. that citizenship is a basic right and fundamental element of the state with rights and obligations that must be protected and ensured;
- c. that Law Number 62/1958 on Citizenship of the Rep. of Indonesia which was amended by Law Number 3/1976 on Revisions to Article 18 Law No.62/1958 on Citizenship of the Rep. of Indonesia are now no longer in line with the development of the civic administration of the Rep. of Indonesia and thereby should be annulled and replaced with a new decree;
- d. that based on deliberations of the above Items a, b and c, the formulation of a Law on Indonesian Citizenship is deemed necessary;

In view of:

Article 20, Article 21, Article 26, Article 27, Article 28B Paragraph (2), Article 28D Paragraph (1) and (4), Article 28E Paragraph (1), Article 281 Paragraph (2), and Article 28J of the 1945 Constitution ;

In Mutual Agreement the

**PEOPLE'S REPRESENTATIVE COUNCIL OF THE REP. OF INDONESIA
and
THE PRESIDENT OF THE REP. OF INDONESIA
DECIDES TO:**

Stipulate:

LAW ON CITIZENSHIP OF THE REPUBLIC OF INDONESIA

**CHAPTER I
GENERAL PROVISIONS**

Article 1

Within this decree, the definitions of the following terms are:

1. Citizen of a state is the citizen of a certain state as determined by law.
2. Citizenship includes all matters pertaining to the citizen of a state.
3. Naturalization is the procedures applied to aliens in acquiring Indonesian Citizenship by forwarding an application.
4. Minister is the minister whose duties and responsibilities encompass the Citizenship of the Rep. of Indonesia.
5. Official is a person mandated by the Minister to handle matters pertaining to Indonesian Citizenship.
6. Each person is considered an individual, including corporations.
7. Representative of the Rep. of Indonesia is the Embassy of the Rep. of Indonesia, Consulate General of the Rep. of Indonesia, Consulate of the Rep. of Indonesia, or Permanent Representative of the Rep. of Indonesia.

Article 2

Indonesian Citizens are native Indonesian people and other nationalities whom are formally legalized under law as citizens of the Rep. of Indonesia.

Article 3

Citizenship of the Rep. of Indonesia may only be acquired through certain requirements provided in this decree:

CHAPTER II CITIZEN OF THE REP. OF INDONESIA

Article 4

A Citizen of the Rep. of Indonesia is:

- (1). All persons whom by law and/or based on agreements between the Government of the Rep. of Indonesia and other countries prior to the application of this Decree have already become Citizens of the Rep. of Indonesia;
- (2). Children born through legal wedlock from an Indonesian father and mother;
- (3). Children born through legal wedlock from an Indonesian father and an alien mother;
- (4). Children born through legal wedlock from an alien father and an Indonesian mother;
- (5). Children born through legal wedlock from an Indonesian mother and a stateless father or whose country does not provide automatic citizenship to their offspring;
- (6). Children born within 300 (three hundred) days after the father has passed away, under legal wedlock, and whose father is an Indonesian citizen;
- (7). Children born out of legal wedlock from an Indonesian mother;
- (8). Children born out of legal wedlock from an alien mother who is claimed by the Indonesian father as his natural child and such claim is declared before the child reaches the age of 18 (eighteen) or before the child has married;
- (9). Children born in Indonesian territory whose parents are of undetermined citizenship at the time of the child's birth;
- (10). Children newly born and found in Indonesian territory and whose parent's are undetermined;
- (11). Children born in Indonesian territory whom at the time of birth both parents were stateless or whose whereabouts are undetermined;
- (12). Children born outside the Rep. of Indonesia from an Indonesian father and mother whom due to law prevailing in the country of birth automatically provides citizenship to the child;
- (13). Children born from a father and mother who was granted citizenship and died before the parents had sworn their allegiance.

Article 5

- a. Children of Indonesian Citizens born out of legal wedlock, under the age of 18 (eighteen) and are unmarried who are not legally adopted by their alien father continues to be considered as a Citizen of the Rep. of Indonesia.
- b. Indonesian citizen children under the age of 5 (five) who are legally adopted by foreign citizens through legal proceedings continues to be considered as Citizens of the Rep. of Indonesia.

Article 6

- (1). The Indonesian citizenship status of children as determined in Article 4 Items c, d, h, and i, and Article 5 will effect in the dual citizenship of the child. Upon reaching the age of 18 (eighteen) or upon marriage, the child must choose one citizenship.
- (2). The decision to choose one of the citizenships as stipulated in Paragraph (1) shall be made in writing and forwarded to Officials and attach documents as determined by regulations.
- (3). The decision to choose one citizenship as mentioned in Paragraph (2) shall be made within 3 (three) years after the child has reached the age of 18 (eighteen) or the child has married.

Article 7

All persons who are not Citizens of the Rep. of Indonesia shall be treated as alien persons.

CHAPTER III
REQUIREMENTS AND PROCEDURES FOR ACQUIRING
CITIZENSHIP OF THE REP. OF INDONESIA

Article 8

Citizenship of the Rep. of Indonesia may be acquired through naturalization.

Article 9

Requests for naturalization may be forwarded by the applicant upon meeting the following requirements:

- a. Aged 18 (eighteen) or married;
- b. At the time of forwarding the application, the applicant has resided in Indonesian territory for at least 5 (five) consecutive years or at least 10 (ten) years intermittently;
- c. Sound in health and mind;
- d. Able to speak Bahasa Indonesia and acknowledges the state basic principles of Pancasila and the 1945 Constitution;
- e. Was never legally prosecuted due to acts of crime and sentenced jail for 1 (one) year or more;
- f. Upon acquiring Indonesian Citizenship, will relinquish any other citizenship;
- g. Employed and/or has a steady income; and
- h. Pay a naturalization fee to the Government Treasury.

Article 10

- (1). Applications for naturalization should be forwarded in Indonesia in writing by the applicant using Bahasa Indonesia, on paper affixed with sufficient duty stamp and addressed to the President of the Rep. Of Indonesia through the Minister;
- (2). Application for naturalization documents as mentioned in Paragraph (1) should be forwarded to the Official.

Article 11

The Minister shall relay the applications as mentioned in Article 10 with his/her recommendations to the President within 3 (three) months since the application is received.

Article 12

- (1). Requests for naturalization are charged a certain fee.
- (2). The fee as mentioned in Paragraph (1) is administered through a Government Regulation.

Article 13

- (1). The President shall grant or reject requests for naturalization.
- (2). The granting of requests for naturalization as mentioned in Paragraph (1) is determined through a Presidential Decree.
- (3). The Presidential Decree as stipulated in Paragraph (2) shall be determined at the most 3 (three) months since the application is received by the Minister and will be informed to the applicants within 14 (fourteen) days since the Presidential Decree is issued.
- (4). Rejection of naturalization as mentioned in (1) must be supported by reasons and informed by the Minister to the incumbent at the most within 3 (three) months since the application was received by the Minister.

Article 14

- (1). The Presidential Decree granting naturalization shall become effective upon the date the applicant has declared their Oath or has Sworn Allegiance.
- (2). At the most 3 (three) months since the Presidential Decree is sent to the applicant, the Official shall call the applicant to Swear their Allegiance
- (3). If after receiving a written summons from the Official to be sworn in or declare allegiance the applicant fails to show up without legible reasons within the allotted time, the Presidential Decree is therefore be annulled by law.
- (4). Should the applicant be unable to declare their allegiance within the allotted time due to faults of the Official, the applicant may be sworn in or declare their allegiance in front of another Official as mandated by the Minister.

Article 15

- (1). Declaration of Sworn Allegiance as mentioned in Article 14 Paragraph (1) shall be carried out in front of an Official.
- (2). The Official as mentioned in Paragraph (1) shall provide a report on the implementation of the swearing in or declaration of sworn allegiance.
- (3). Within 14 (fourteen) days since the date of sworn allegiance, the Official as stipulated in Paragraph (1) will submit a report on the swearing in ceremony or declaration of sworn allegiance to the Minister.

Article 16

The declaration of sworn allegiance as mentioned in Article 14 Paragraph (1) is as follows:

Following are the words for those being sworn in:

In the name of God Almighty, I swear to relinquish all my loyalty to alien sovereignty, acknowledge, adhere to, and declare loyalty to the United Republic of Indonesia, Pancasila, and the 1945 Constitution and will earnestly defend it and carry out all obligations demanded by the country unto me as a Citizen of the Republic of Indonesia willingly and sincerely.

Words for the declaration of sworn allegiance are:

I promise to relinquish all my loyalties to foreign sovereigns and acknowledge, adhere to, and be loyal to the United Republic of Indonesia, Pancasila, and the 1945 Constitution and will earnestly defend it and carry out all obligations demanded by the country unto me as a Citizen of the Republic of Indonesia willingly and sincerely.

Article 17

After the declaration of allegiance, the applicant is required to submit documents or immigration papers in his/her name to the Immigration Office within 14 (fourteen) work days since the date of swearing in or declaration of allegiance.

Article 18

- (1). Copies of the Presidential Decree on naturalization as mentioned in Article 14 Paragraph (1) and report on the declaration of allegiance ceremony from the Official mentioned in Article 15 Paragraph (2) becomes legal proof of Indonesian Citizenship for a person who has been granted citizenship.
- (2). The Minister shall announce the names of people who have received citizenship as mentioned in Paragraph (1) within the Government Newsletter of the Rep. of Indonesia.

Article 19

- (1). Foreign citizens legally married to Indonesian citizens may acquire Indonesian citizenship by declaring citizenship in front of the Official.
- (2). Such declaration as mentioned in Paragraph (1) may be carried out if the incumbent has already resided in Indonesia for a minimum of 5 (five) consecutive years or at least 10 (ten) year intermittently, unless the acquisition of such citizenship shall render them with double citizenship.
- (3). In the event that the applicant is denied Indonesian citizenship on account of avoiding double citizenship as stipulated in Paragraph (2), the applicant may be given a permanent residence permit in line with prevailing law.
- (4). Further provisions on procedures for applying Indonesian citizenship as mentioned in Paragraph (1) and Paragraph (2) is provide in the Ministerial Regulation.

Article 20

Alien persons deserving merit for services to the Rep. of Indonesia or for the country's best interests may be given Indonesian citizenship by the President after receiving the deliberations of the People's Representative Council, unless the granting of such citizenship shall result in double citizenship to the said person.

Article 21

- (1). Children below the age of 18 (eighteen) or unmarried who are present and living in Indonesian territory, born from parents who have acquired Indonesian citizenship shall automatically become citizens of the Republic of Indonesia.
- (2). Children of foreign nationalities below the age of 5 (five) who are adopted through legal proceedings as children of Indonesia citizens will thereby acquire Indonesian citizenship.

- (3). In the event that children under Paragraph (1) and Paragraph (2) acquire double citizenship, the child should choose one of either citizenship as stipulated in Article 6.

Article 22

Further provisions on procedures for acquiring Indonesian citizenship is administered by the Government Regulation.

CHAPTER IV LOSS OF INDONESIAN CITIZENS

Article 23

An Indonesian citizen will lose their citizenship due to the following:

- a. Acquires another citizenship voluntarily;
- b. Will not refuse or will not relinquish other citizenship when the incumbent has the opportunity to do so;
- c. Is declared of having relinquished their citizenship by the President at their voluntary request, the person is aged above 18 (eighteen) or has married, is living abroad, and with the relinquishment of their citizenship does not become stateless because of it;
- d. Has entered into foreign military service without prior approval from the President;
- e. Has voluntarily entered into the services of foreign entities in a position where by law, such a position in Indonesia is only reserved for citizens of the Republic of Indonesia;
- f. Has voluntarily declared allegiance to a foreign country or part of the said foreign country;
- g. Was not obligated but has voluntarily participated in a referendum that is civic in nature for a foreign country;
- h. Possesses a passport or travel document equivalent to a passport from a foreign country or a letter that may be construed as a valid citizenship identity from another country on his/her name; or
- i. Living outside the territories of the Rep. of Indonesia for 5 (five) consecutive years for non official purposes, without legal reason and deliberately refuses to declare their intention to remain as Indonesian citizens before the 5 (five) year limit ends, and in each of the next 5 (five) years the said person fails to declare their intention of retaining their citizenship to the Indonesian Representative offices in which the said person's residence is under their jurisdiction although the said Representative Office has duly informed them in writing, as long as the incumbent does not become stateless because of such negligence.

Article 24

Provisions stipulated in Article 23 Item d are not applicable to those pursuing education in other countries which applies military service as a compulsory requirement.

Article 25

- (1). Loss of Indonesian citizenship of the father does not automatically apply to their children who retains legal relations with their fathers until the child is aged 18 (eighteen) or has married.
- (2). Loss of Indonesian citizenship of the mother does not automatically apply to their children who do not have legal relations with their fathers until the child is aged 18 (eighteen) or has married.
- (3). The loss of Indonesian citizenship upon acquiring other citizenship by the mother due to annulment of marriage does not automatically apply to her children until the child reaches the age of 18 (eighteen) or has married.
- (4). The status of Indonesian citizenship of the children as mentioned in Paragraph (1), Paragraph (2), and Paragraph (3) will result in double citizenship to the child, therefore upon reaching the age of 18 (eighteen) or marriage, the child should declare to choose one of either citizenship as stipulated in Article 6.

Article 26

- (1). Female citizens of the Rep. of Indonesia who marry male citizens of foreign nationality will automatically lose their Indonesian citizenship if by law of her husband's country, the citizenship of the wife will follow that of the husband as a result of their union;
- (2). Male citizens of the Rep. of Indonesia who marry female citizens of foreign nationality will automatically lose their Indonesian citizenship if by law of his wife's country, the citizenship of the husband will follow that of the wife as a result of their union;

- (3). To retain their Indonesian citizenship, women as stipulated in Paragraph (1) or men as stipulated in Paragraph (2) may submit a letter stating their preference to the Official or to the Embassy of Indonesia whose jurisdiction covers the domicile of the said women or men above, unless such statements will result in double citizenship of the applicants.
- (4). The statement letter as mentioned in Paragraph (3) may be forwarded by the female as mentioned in Paragraph (1) or the male as mentioned in Paragraph (2) after 3 (three) years since the date of their marriage.

Article 27

Loss of citizenship by the husband or wife tied by legal wedlock does not result in the loss of citizenship of the respective wife or husband.

Article 28

A person acquiring Indonesian citizenship based on further information to be proved false or forged, not valid, or due to discrepancies made by an authorized institution, is declared void and their citizenship is annulled.

Article 29

The Minister shall announce all persons who have lost their Indonesian citizenship in the Government Newsletter of the Rep. of Indonesia.

Article 30

Further provisions on requirements and procedures for the loss and annulment of Indonesian citizenship are provided in the Government Regulations.

CHAPTER V REQUIREMENTS AND PROCEDURES FOR REGAINING CITIZENSHIP OF THE REP. OF INDONESIA

Article 31

A person who has lost their Indonesian citizenship may regain their citizenship through naturalization procedures as stipulated in Articles 9 to Article 18 and Article 22.

Article 32

- (1). Indonesian citizens who have lost their citizenship as mentioned in Article 23 Item i, Article 25, and Article 26 Paragraph (1) and Paragraph (2) may regain their Indonesian citizenship by forwarding a written application to the Minister without going through the procedures as mentioned in Article 9 to Article 17.
- (2). Should the applicant as mentioned in Paragraph (1) be living outside the territories of the Rep. of Indonesia, such application may be forwarded via the Indonesian Representative Office whose jurisdiction covers the incumbent's address.
- (3). Requests to reinstate Indonesian citizenship may be forwarded by men or women who have lost their citizenship due to provisions as stipulated in Article 26 Paragraph (1) and Paragraph (2) upon annulment of marriage.
- (4). The Head of the Indonesian Representative Office as mentioned in Paragraph (2) will forward their application to the Minister within 14 (fourteen) days after receiving such applications.

Article 33

The acceptance or the refusal of applications to regain Indonesian citizenship will be given within 3 (three) months by the Minister or Official since the date the application was first received.

Article 34

The Minister shall announce the names of persons who have regained their Indonesian citizenship in the Government Newsletter of the Rep. of Indonesia.

Article 35

Further provisions on the requirements and procedures for regaining Indonesian citizenship are provided in the Government Regulations.

CHAPTER VI PROVISIONS FOR CRIMINAL ACTS

Article 36

- (1). Failure by Officials whom due to their negligence to perform their appointed duties and responsibilities as mentioned in this Decree causing the loss of a person's right to acquire or regain and/or lose their Indonesian citizenship is punishable by 1 (one) year incarceration in jail.
- (2). Deliberate acts of crime as mentioned in Paragraph (1) is punishable by 3 (three) years incarceration in jail.

Article 37

- (1). Persons who deliberately provide false information, including false information under oath, submit false letters or documents by forging the said letters and documents to acquire Indonesian citizenship or regain Indonesian citizenship is punishable by at least 1 (one) year incarceration in jail and a maximum of 4 (four) years in incarceration in jail and is subjected to a fine of at least Rp250.000.000,00 (two hundred and fifty million rupiahs) and a maximum fine of Rp1.000.000.000,00 (one billion rupiah).
- (2). Persons who deliberately use false information, including false information under oath, (submit false letters or documents by forging the said letters and documents to acquire Indonesian citizenship or regain Indonesian citizenship is punishable by at least 1 (one) year incarceration in jail and a maximum of 4 (four) years in incarceration in jail and is subjected to a fine of at least Rp250.000.000,00 (two hundred and fifty million rupiahs) and a maximum fine of Rp1.000.000.000,00 (one billion rupiah).

Article 38

- (1). In the event that such crime as stipulated in Article 37 is done by a corporate, criminal punishment is applied to the corporate and/or management acting on behalf and for the corporation.
- (2). The corporate as mentioned in Paragraph (1) is punishable by a criminal fine of at least Rp1.000.000.000,00 (one billion rupiah) and a maximum of Rp5.000.000.000,00 (five billion rupiah) and their license is thereby withdrawn.
- (3). The corporate management as mentioned in Paragraph (1) is punished to at least 1 (one) year to 5 (five) years incarceration in jail and is fined by at least Rp1.000.000.000,00 (one billion rupiah) to a maximum amount of Rp5.000.000.000,00 (five billion rupiah).

CHAPTER VII TRANSITION CLAUSES

Article 39

- (1). Requests for naturalization, statements to retain Indonesian citizenship, or requests to regain Indonesian citizenship submitted to the Minister prior to the promulgation of this Decree remains valid and is currently under process and will be finalized based on Law No.62/1958 on Citizenship of the Rep. of Indonesia as revised by Law No.3/1976 on Revisions to Article 18 of Law No.62/1958 on Citizenship of the Rep. of Indonesia.
- (2). If the requests or statements as mentioned in Paragraph (1) have been process but not yet finalized upon the implementation of this Decree, these requests and statements will then be finalized in accordance with this Decree.

Article 40

Requests for naturalization, statements to retain Indonesian citizenship or requests to regain Indonesian citizenship that have been forwarded to the Minister prior to the implementation of this Decree which have not been processed, will be finalized in accordance with this Decree.

Article 41

Children born according to Article 4 Item c, Item d, Item h, and Item l and children who are acknowledged or legally adopted as mentioned in Article 5 prior to the implementation of this Decree and is under the age of 18 (eighteen) and unmarried is entitled to Indonesian citizenship according to this Decree (by registering to the Minister through the Official or Indonesian Representative Office) within 4 (four) years after this Decree is promulgated.

Article 42

Indonesian citizens living outside the territories of the Rep. of Indonesia for 5 (five) years or more who have failed to report themselves to the Indonesian Representative Office and who have lost their Indonesian citizenship before this Decree is implemented, are entitled to regain their citizenship by registering at the Indonesian Representative Office within 3 (three) years after this Decree is promulgated providing such requests will not result in double citizenship.

Article 43

Further provisions on procedures for registering as mentioned in Article 41 and Article 42 is provided in Minister Regulations to be determined at the latest within 3 (three) years since this Decree is promulgated.

**CHAPTER VIII
CLOSING**

Article 44

Upon the date this Decree becomes effective:

- a. Law Number 62/1958 on Citizenship of the Rep. of Indonesia (State Gazette of the Rep. of Indonesia No.113/1958, Addendum to the State Gazette No.1647) as revised through Law No.3/1976 on Revisions to Article 18 Law No. 62/1958 on Citizenship of the Rep. of Indonesia (State Gazette of the Rep. of Indonesia No.20/1976, Addendum to the State Gazette No.3077) is therefore annulled and declared void;
- b. Regulations for the implementation of Law No.62/1958 on Citizenship of the Rep. of Indonesia as revised through Law No.3/1976 on Revisions to Article 18 Law No. 62/1958 on Citizenship of the Rep. of Indonesia continues to be applicable as long as its application does not conflict or has not been replaced according to provisions contained in this Decree.

Article 45

Regulations for the implementation of this Decree must be determined at the latest within 6 (six) months since this Decree is promulgated.

Article 46

This Decree shall be effective upon the date of stipulation.

In order that all persons concerned is informed, instructs the announcement of this Decree within the State Gazette of the Rep. of Indonesia.

Stipulated in Jakarta
On August 1st, 2006
PRESIDENT OF THE REP. OF INDONESIA

-signature-

SUSILO BAMBANG YUDHOYONO

Endorsed in Jakarta
Date: August 1st, 2006
MINISTER OF JUSTICE AND HUMAN RIGHTS OF THE REP. OF INDONESIA,

signature

HAMID AWALUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2006 NUMBER 63

This copy is in accordance with the original
STATE SECRETARY OF REPUBLIC INDONESIA
Deputy of the State Minister for Legislation.

Abdul Wahid

**PEOPLE'S REPRESENTATIVE COUNCIL
REP. OF INDONESIA**

**EXPLANATION
TO
DECREE OF THE REP. OF INDONESIA
NUMBER 12 YEAR 2006
ON
CITIZENSHIP OF THE REP. OF INDONESIA**

I. GENERAL

Being a citizen of a certain country is one of a nation's most fundamental elements. The citizenship status presents a reciprocal relationship between a citizen and his/her country. Each citizen has a right and obligation towards their country. On the other hand, a country is obligated to protect their citizens.

Since the Declaration of Indonesian Independence, all matters pertaining to citizenship is administered under Law No.3/1946 on Citizenship and Citizen of the State. This decree was then changed through Law No. 6/1947 on Revisions to Law No.3/1946, which was then further changed by Law No.8/1947 on Extension of Time to Declare Indonesian Citizenship and Law No.11/1948 on Further Extension of the Time Limit to Declare Indonesian Citizenship. Thereafter, matters pertaining citizenship of the Rep. of Indonesia as revised through Law No.3/1976 on Revision of Article 18 Law No. 62/1958 on Citizenship of the Rep. of Indonesia.

This Law No.62/1958 was philosophically, juridically, and sociologically no longer compatible to the development of the people and the civic administration of the Rep. of Indonesia.

Philosophically, the Decree still contains provisions that are not aligned to the basic principles of *Pancasila*, i.e., it is discriminative, it does not guarantee the fulfillment of human rights and equality between citizens as well as lacking to consider the protection of women and children.

Juridically, the constitutional basis for the formulation of this Decree was the Temporary 1950 Basic Law which became obsolete since the Presidential Edict of July 5th, 1959 which declared the reinstatement of the 1945 National Constitution. In its development, the 1945 Basic Constitution underwent several changes to ensure the protection of the people's human rights and citizen rights.

Sociologically, the Law 62/1958 was no longer compatible with the development and demands of the Indonesian peoples as part of the international community which required equal treatment and equal position of citizens in the eyes of law as wells as gender equality and justice.

In view of the above considerations, the formulation of a new decree on citizenship as an implementation of Article 26 Paragraph (3) of the 1945 National Constitution which instructed that all matters regarding citizenship and the peoples to be further promulgated in a decree.

In meeting the demands of the people and in view of implementing instructions contained in the Basic Constitution above, this Decree has considered the principles of universal citizenship, namely the principle of *ius sanguinis*, *ius soli*, and a combination of both principles.

The principles adopted under this Decree are as follows:

- (1). The *ius sanguinis* principle (law of the blood) is a principle which determines a person's citizenship based on lineage rather than the country of birth.
- (2). The *ius soli* principle (law of the soil) in its limited application is a principle that determines a person's citizenship based on the country of birth and is applied only to children according to provisions stipulated under this Decree.
- (3). Singular citizenship is a principle that determines single citizenship for everyone.
- (4). The limited double citizenship (*bipatriide*) is a principle to determine double citizenship for children according to provisions under this Decree.

This Decree basically does not recognize double citizenship nor statelessness (*apatride*). Double citizenship is allowed to children covered under this Decree as an exception.

In addition to the above principles, other special principles have also been used as basis for the formulation of the Decree on Citizenship of the Rep. of Indonesia as follows:

- (1). The principle of national importance determines that all regulations on citizenship prioritize the country's national interests, it intends to sustain its sovereignty as a united nation with its own ideals and objectives.
- (2). The principle of maximum protection is a principle that demands that the government is responsible for providing full protection to all Indonesian citizens in any situation, whether in or outside the country.
- (3). The principle of equal standing in the eyes of law and the government determines that all citizens of the Republic of Indonesia are treated equally in front of the law and the government.
- (4). The principle of substantial truth requires that procedures for naturalization do not only meet the administrative requirement, but must also be substantive and the application requirements be verifiable.
- (5). Non discriminative principle is a principle that does not differentiate the treatment of all matters concerning citizens based on race, creed, faction, or gender.
- (6). The principle of acceptance and respect towards human rights demands that in all matters concerning with citizens should guarantee, protect and respect a person's human rights in general, and his/her citizen rights in particular.
- (7). The principle of transparency determines that all matters related to citizenship must be done transparently.
- (8). The principle of publicity requires that any person acquiring or losing citizenship of the Republic of Indonesia be publicly announced in the Government Newsletter so that all persons are informed.

The main contents covered under this Decree include:

- a. Persons entitled to be a citizen of the Rep. of Indonesia;
- b. Requirements and procedures for acquiring citizenship of the Rep. of Indonesia;
- c. Loss of citizenship status;
- d. Requirements and procedures for regaining citizenship of the Rep. of Indonesia;
- e. Criminal law.

The Decree regulates on children born out of legal wedlock for the sole purpose of providing protection to children by ensuring their citizenship.

With the enforcement of this Decree, Law No.62/1958 on Citizenship of the Rep. Indonesia as amended through Law No.3/1976 on Revisions to Article 18 Law Number 62/1958 on Citizenship of the Rep. Indonesia is thereby annulled and declared void.

In addition, all previous regulations concerning citizenship is automatically annulled as they no longer address the principles mandated in the 1945 Basic Constitution of the Rep. of Indonesia.

These decrees are namely:

- (1). Law of 10 February 1910 on Regulation on Dutch non Dutch Citizenship (Stb. 1910 - 296 jo. 27-458);
- (2). Law Number 3/1946 on Citizenship and Citizen of the State jo. Law Number 6/1947 jo. Law Number 8/1947 jo. Law Number 11/1948.
- (3). Agreements on the Division of Citizenship between the United Rep. of Indonesia and the Kingdom of Netherlands (State Gazette Number 2/1950).
- (4). Presidential Decree Number 7/1971 on Declaring the Use of Provisions in Law Number 3/1946 on Citizenship of the Rep. of Indonesia to Determine Citizenship for the People of West Irian; and
- (5). Other law and regulations concerning citizenship.

II. ARTICLE BY ARTICLE

Article 1

Self explanatory.

Article 2

The definition of “native Indonesian people” stipulates that Indonesians entitled to be citizens of the Rep. of Indonesia are people whom from birth have never acknowledged any other citizenship at their own volition.

Article 3

Self explanatory.

Article 4

Item a

Self explanatory.

Item b

Self explanatory.

Item c

Self explanatory.

Item d

Self explanatory.

Item e

Self explanatory.

Item f

The “300 days waiver period” was determined on the pretext that this period was considered sufficient time to determine that a child is indeed the progeny of a deceased father.

Item g

Self explanatory.

Item h

In this instance, the acknowledgement of a child is determined by law.

Item i

Self explanatory.

Item j

Self explanatory.

Item k

Self explanatory.

Item l

Self explanatory.

Item m

Self explanatory.

Article 5

Paragraph (1)

Self explanatory.

Paragraph (2)

The definition of “legal proceedings” refers to the district court where the applicant is living for applications are forwarded outside the Republic of Indonesia. “Legal proceedings” indicates court proceedings in accordance with law prevailing in the country where the applicant resides.

Article 6

Self explanatory ,

Article 7

Self explanatory.

Article 8

Self explanatory.

Article 9

Self explanatory.

Article 10

Self explanatory.

Article 11
Self explanatory.

Article 12
Self explanatory.

Article 13
Self explanatory.

Article 14
Self explanatory.

Article 15
Self explanatory.

Article 16
Self explanatory.

Article 17
The definition "documents and immigration papers" refer to regular passports, visas, entry permits, residence permits, and other written permits issued by the Immigration Official.

Documents or immigration papers submitted to the Immigration Office by the applicant including documents or papers in their spouse or children's names will automatically acquire the same citizenship status of the applicant.

Article 18
Self explanatory.

Article 19
Self explanatory.

Article 20
The definition of "Alien persons deserving merit for services to the Rep. of Indonesia" refers to foreign citizens who because of their outstanding contributions to humanity, science and technology, culture, environment and sports have enhanced the nation's status.

The definition of "Alien persons may be given Indonesian citizenship for the country's best interests" refers to foreign citizens who are considered by the country of having and may be able to give outstanding benefit towards the nation's sovereignty and enhancing the country's progress, especially Indonesia's economy.

Article 21
Paragraph (1)
Self explanatory.

Paragraph (2)
The definition of "legal proceedings" refers to the local court of law for applicants residing within the Rep. of Indonesia, whereas for applicants domiciling outside Indonesian territory, "legal proceedings" refer to the Central Jakarta High Court.

Paragraph (3)
Self explanatory.

Article 22
Self explanatory.

Article 23
Item a
Self explanatory.

- Item b
Self explanatory.
- Item c
Self explanatory.
- Item d
Self explanatory.
- Item e
The definition of "such a position in Indonesia is only reserved for citizens of the Republic of Indonesia" refers to people in the civil service, government officials, and intelligence agents. Should a citizen of the Rep. of Indonesia be employed in such services for a foreign entity, the incumbent has therefore forsaken their Indonesia citizenship. Hence, not all positions under foreign entities may be cause for the loss of Indonesian citizenship.
- Item f
The definition of "part of a foreign country" refers to territories under the foreign entity concerned.
- Item g
Self explanatory.
- Item h
Self explanatory.
- Item i
The definition of "legal reasons" refers to reasons caused by conditions out of the applicant's control thereby hindering their ability to state their preference to remain as citizens of the Rep. of Indonesia, i.e. due to their limited ability to move around because their passports are not within their possession, because they did not receive any notification from the Officials or because the Indonesian Representative Offices are hard to reach or far from the applicant's place of living.

Article 24
Self explanatory.

Article 25
Self explanatory.

Article 26
Self explanatory.

Article 27
Self explanatory.

Article 28
The definition of "authorized institution" refers to institutions that have the authority to declare that the documents or papers are false or forged, i.e. a birth certificate is declared false by the office of civil registration.

Article 29
Self explanatory.

Article 30
Self explanatory.

Article 31
Self explanatory.

Article 32

Paragraph (1)
This clause intends to facilitate children and their mothers or children and their fathers who have lost their citizenship to regain their Indonesian citizenship without having to undergo the naturalization process as stipulated in Article 9 to

Article 17.
Paragraph (2)
Self explanatory.

Paragraph (3)

The definition of "annulment of marriage" refers to the dissolution of marriage due to divorce decided through legal proceedings bearing permanent legal status or because the husband or wife has passed away.

Paragraph (4)

Self explanatory.

Article 33

Self explanatory.

Article 34

Self explanatory.

Article 35

Self explanatory.

Article 36

Self explanatory.

Article 37

Self explanatory.

Article 38

Self explanatory.

Article 39

Self explanatory.

Article 40

Self explanatory.

Article 41

Self explanatory.

Article 42

Self explanatory.

Article 43

Self explanatory.

Article 44

Self explanatory.

Article 45

Self explanatory.

Article 46

Self explanatory.

SUPPLEMENT TO THE STATE GAZETTE OF THE REP. OF INDONESIA NUMBER 4634
