

REGULATION OF MINISTER OF LAW AND HUMAN RIGHTS

OF THE REPUBLIC OF INDONESIA

NO. M.O1.HL.03.01 YEAR 2006

ON

REGISTRATION PROCEDURES FOR ACQUIRING INDONESIAN

CITIZENSHIP BASED ON ARTICLE 41 AND REGAINING INDONESIAN

CITIZENSHIP BASED ON ARTICLE 42 OF THE LAW NO. 12 YEAR 2006

ON THE INDONESIAN CITIZENSHIP

WITH THE GRACE OF GOD ALMIGHTY

THE MINISTER OF LAW AND HUMAN RIGHTS

OF THE REPUBLIC OF INDONESIA

Considering:

That in order to implement the provision of the Article 43 of the Law No. 12 Year 2006 on the Indonesian Citizenship, it is deemed necessary to stipulate Regulation of the Minister of Law and Human Rights on the Registration Procedures for Acquiring Indonesian Citizenship based on Article 41 and RE-gaining Indonesian Citizenship based on Article 42 of Law No. 12 Year 2006 on Indonesian Citizenship.

In view of:

1. Law No. 12 Year 2006 on Indonesian Citizenship (State Gazette No. 2006 No. 63, Supplement of State Gazette No. 4634);
2. Regulation of Minister of Law and Human Rights No. M.03-PR.07.10 Year 2005 on the Organization and Work of Department of Law and Human Rights;

IT IS HEREBY DECIDED

To Establish:

**REGULATION OF MINISTER OF LAW AND HUMAN RIGHTS ON
REGULATION PROCEDURES FOR ACQUIRING INDONESIAN CITIZENSHIP
BASED ON ARTICLE 41 AND RE-GAINING INDONESIAN CITIZENSHIP
BASED ON ARTICLE 42 OF LAW NO. 12 YEAR 2006 ON INDONESIAN
CITIZENSHIP.**

CHAPTER 1

GENERAL PROVISIONS

Article 1

In this Ministerial Regulation what is meant by:

1. Children are those born before the enactment of the Law No. 12 Year 2006 on Indonesian Citizenship and not reaching the age of 18 or unmarried yet.

2. Applicants are Indonesian citizens who live abroad and lost their Indonesian citizenship before the enactment of the Law No. 12 Year 2006 on Indonesian Citizenship because they did not report themselves to the Indonesian Representative.
3. Representative of the Rep. 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.
4. Official appointed by the Minister to handle matters pertaining Indonesian Citizenship, thereafter called Official is the Head of Regional Office of Ministry of Law and Human Rights.

CHAPTER II

REGISTRATION PROCEDURES FOR CHILDREN TO GAIN INDONESIAN CITIZENSHIP

ARTICLE 2

1. The children who are eligible for registration to gain the Indonesian citizenship are:
 - a. Those born from a legal marriage between an Indonesian father and an alien mother.
 - b. Those born through legal wedlock from an alien father

- and an Indonesian mother.
- c. Those born out of a legal wedlock from an alien mother who is claimed by an Indonesian father as his natural children and such claim is declared before the children are 18 (eighteen years old) or unmarried.
 - d. Children born outside the Indonesian state from an Indonesian father and mother, whom due to law prevailing in the country of birth it automatically provides citizenship to the children.
 - e. Indonesian children who were born out of a legal wedlock, do not reach 18 years of age and are unmarried, are legally claimed by their alien father.
 - f. Indonesian children who are not 5 years old yet and legally adopted as children by foreign citizens based on judicial verdict.

Article 3

1. Registration for acquiring Indonesian Citizenship for a child as mentioned in the Article 2 should be conducted by one of the parents or guardian by submitting application written in Indonesian language and on paper affixed with sufficient duty stamp.

2. The registration application as mentioned in the Paragraph (1) for a child as mentioned in Article 2, who resides in the Indonesian territory shall be submitted to the Minister through the Official whose jurisdiction covers the domicile of the said child.
3. The registration application as mentioned in the Paragraph (1) for a child as mentioned in Article 2, who lives outside the Indonesian territory is submitted to the Minister via the Head of Indonesian Representative Office whose jurisdiction covers the domicile of the said child.
4. In the event that the country where a child resides as mentioned in Paragraph (3), but there is no Indonesian representative office, the registration application should be conducted to the closest Head of Indonesian Representative Office.

Article 4

1. The registration application as mentioned in the Article 3 at least should contain;
 - a. full name, address of one of the parents or guardian;
 - b. full name, place and date of birth and nationalities of both parents.

- c. Full name, sex, place and date of birth, child marital status and legal family relationship between child and parents; and
- d. Child's citizenship

2. Registration application as mentioned in Paragraph (1) should be enclosed with:

- a. copy of child's birth certificate legalized by authorized official or Indonesian representatives.
- b. Statement letter by the parents or guardian, stating that the child is unmarried.
- c. copy of valid identity cards or passports of the child parents legalized by authorized official or Indonesian representatives;
- d. 6 (six) recent 4X6 cm photos of the child

3. In addition to the enclosures as mentioned in Paragraph

(2):

- a. For a child who is born from a legal wedlock, it is necessary to enclose copies of marriage certificate/ marriage book or divorce certificate/ separation certificate/ divorce or death certificate of one of the child's parents legalized by authorized official

- or Indonesian Representative Office;
- b. For a child who is recognized or adopted, it should enclose copies of recognition certificate or judicial verdict on the adoption of the child legalized by authorized official or Indonesian representative Office;
 - c. for a child who is already 17 and resides in the Indonesian territory, it should enclose copies of foreign identity card legalized by authorized official;
 - d. for a child who is not obliged yet to have an identity card and resides in the Indonesian territory, it should enclose copies of parents' family card legalized by authorized official.
4. Registration applications as mentioned in Paragraph (1) utilize the format of the form as mentioned in the enclosure 1 of the Ministerial Regulation.

Article 5

- 1. Official or Indonesian Representative shall examine the completeness of the registration application as mentioned in the Article 4 within at least 14

(fourteen) working days calculated since the receipt date of the registration application.

2. In the event of incomplete registration application as mentioned in the Article 4, the authorized official and Head of Indonesian Representative office shall return the registration application to the parents or child's guardian who has submitted the registration application within at least 14 (fourteen) working days since the receipt date of the registration application for completion.
3. In the event that the registration application is declared complete, Official or Indonesian Representative shall forward the registration application as mentioned in Article 4 to the Minister within at least 14 (fourteen) working days calculated since the receipt date of the registration application.
4. The return of registration application as mentioned in Paragraph (2) and submission of registration application to the Minister as mentioned in Paragraph (3) should use the format of the form as contained in enclosure I and III of the Minister's Regulation.

Article 6

1. Minister examines the completeness of registration application as mentioned in Article 5 Paragraph (3) within at least 14 (fourteen) working days, calculated since the receipt date of registration application by Official or Indonesian Representative;
2. In the event of incomplete registration application as mentioned in the Article 4, the Minister shall return the registration application as mentioned in Article 5 Paragraph (3) to Official or Indonesian Representative who has forwarded registration application within at least 14 (fourteen) working days since the receipt date of the registration application for completion.
3. In the event that the registration application is declared complete, the Minister shall stipulate a decision on acquisition of Indonesian Citizenship within at least 30 (thirty) working days calculated since the registration application is received by Official or Indonesian Representative.

Article 7

- (1) The decision as mentioned in Article 6 Paragraph 3 should be made in three copies.

- a. the first copy shall be given to the parents or guardian of the child through Official or Indonesian Representative.
 - b. The second copy shall be sent to Official or Indonesian Representative as an archive.
 - c. The third copy is kept as the Minister's archive.
- (2) The Minister Decision as mentioned in Paragraph (1) item a and item b shall be given to Official or Indonesian Representative within at least 14 (fourteen) working days calculated since the enactment date of the Minister decision.
 - (3) Official or Indonesian Representative shall forward the Minister's decision as mentioned in Paragraph (1) letter a to the parents or guardian of the child who have applied for the registration within at least 14 (fourteen) working days calculated since the receipt of the Minister's decision.

Article 8

- (1) Registration application of the child as mentioned in Article 2 may only be processed if submitted in complete manner to Official or Indonesian Representative at least on August 1, 2010.

(2) In the event that the registration application of the child as mentioned in Article 2 has been submitted in complete manner to Official or Indonesian Representative via post may only be processed if the postage stamp is dated at least August 1, 2010.

CHAPTER III

PROCEDURES FOR REGAINING INDONESIAN CITIZENSHIP

Article 9

Indonesian citizens who have resided outside the Indonesian territory for 5 years or more and failed to reported themselves to Indonesian Representative Office and lost their Indonesian Citizenship before the enactment of the Law No. 12 Year 2006 on the Indonesian Citizenship may regain their citizenship by registering themselves at the Indonesian Representative Office within at least 3 (three) years since the enactment of the Law No. 12 Year 2006 on the Indonesian Citizenship as long as it shall not result in dual citizenship.

Article 10

(1) The registration as mentioned in Article 9 is submitted

by Applicant by submitting an application written in Indonesian language on paper affixed with sufficient duty stamp to Indonesian Representative Office closest to the applicant's residence.

(2) The registration application as mentioned in Paragraph

(1) should at least contain:

- a. full name, address of the applicant;
- b. place and date of birth and application's citizenship status
- c. Application's job;
- d. Application's sex;
- e. Applicant's marital status;
- f. name of applicant's spouse; and
- g. name of applicant's children who are under 18 and unmarried.

(3) The registration application mentioned in Paragraph

(1) should be enclosed with:

- a. copies of birth certificate, birth recognition letter, certificates or other documents which prove about the birth of the application which is legalized by Indonesian Representative;
- b. copies of Indonesian passport, passport-related letter, or other documents legalized by Indonesian

Representative which can prove that the applicant was once Indonesian citizen.

- c. Copies of marriage certificate/ marriage book, or divorce certificate/separation letter or death certificate of the application's spouse legalized by Indonesian Representative for applicants who have been married or divorced.
 - d. Copies of birth certificate of the application children who are under 18 and unmarried, legalized by Indonesian Representative;
 - e. Written statement that the applicant will be loyal to the Unitary State of the Republic of Indonesia, Pancasila (The Five Principles), The 1945 Constitution and will defend it wholeheartedly and will carry out all the obligations given by the state unto me as an Indonesian Citizen willingly and sincerely.
 - f. Written statement by the applicant that the applicant is willing to relinquish his/ her foreign citizenship if she/he regains Indonesian citizenship.
 - g. Applicant's curriculum vitae;
 - h. 6 (six) recent 4X6cm photos of the applicant.
- (4) The registration application as mentioned in Paragraph (1) should utilize the form as contained in the enclosure IC of the Minister's Regulation.

- (5) The statement as mention in Paragraph (3) item e and item f should utilize the form as contained in the enclosures V and VI of the Minister's Regulation.

Article 11

- (1) The Head of Indonesian Representative shall examine the completeness of the registration application as mentioned in Article 10 in a period of at least 14 (fourteen) working days calculated since the receipt date of the registration application.
- (2) In the event of incomplete registration application as mentioned in the Article 10, the Head of Indonesian Representative shall return the registration application to the applicant in at least 14 (fourteen) working days since the receipt date of the registration application for completion.
- (3) In the event that the registration application is declared complete, the Head of Indonesian Representative shall submit the registration application as mentioned in Article 10 to the Minister within at least 14 (fourteen) working days calculated since the receipt date of the registration application.
- (4) The return of registration application as mentioned

in Paragraph (2) and submission of registration application to the Minister as mentioned in Paragraph (3) should use the format of the form as contained in enclosures VI and VIII of the Minister's Regulation.

Article 12

1. Minister shall examine the completeness of registration application as mentioned in Article 11 Paragraph (3) in the period of at least 14 (fourteen) working days, calculated since the receipt date of registration application by Indonesian Representative;
2. In the event of incomplete registration application as mentioned in the Article 11 Paragraph (3), the Minister shall return the registration application to the Indonesian Representative who has forwarded the registration application within at least 14 (fourteen) working days since the receipt date of the registration application for completion.
3. In the event that the registration application is declared complete, the Minister shall stipulate a decision on re-acquisition of Indonesian Citizenship within at least 30 (thirty) working days calculated since the registration application is received by the Indonesian Representative.

Article 13

1. The decision as mentioned in Article 12 Paragraph 3 shall be made in three copies.
 - a. the first copy shall be given to the applicant through Head of Indonesian Representative.
 - b. The second copy shall be sent to Head of Indonesian Representative as an archive.
 - c. The third copy shall be kept as the Minister's archive.
2. The Head of Indonesian Representative shall notify the applicant about the Minister's decision as mentioned in Paragraph 1 item a in at least 14 (fourteen) working days calculated since the receipt date of the Minister's Decision.
3. The notification as mentioned in Paragraph 2 also should contain notification on the applicant's obligations to submit the receipt of return of foreign documents or immigration letters to Head of Indonesian Representative within at least 14 (fourteen) working days calculated since the date of notification is received by the applicant.
4. The decision as mentioned in Paragraph 1 item a is conveyed by the Head of Indonesian Representative to the applicant after the applicant gives the receipt of return

of foreign documents or immigration letters to Head of Indonesian Representative.

5. The Head of Indonesian Representative shall report to the Minister on the submission of the Minister's Decision as mentioned in Paragraph 4 within at least 14 (fourteen) working days calculated since the date of delivery of the Minister's Decision to the applicant.

Article 14

The Minister announces the names of the persons who have regained Indonesian Citizenship as mentioned in Article 12 Paragraph (3) in the Indonesian State Report.

Article 15

1. Registration application as mentioned in Article 9 may only be processed if it has been submitted in complete manner to the Head of Indonesian Representative on August 2009 at the least.
2. In the event that the registration application as mentioned in Article 9 is submitted in complete manner to the Head of Indonesian Representative via post may only be processed if the postage stamp is dated on August 2009 at the least.

CHAPTER IV

CLOSING PROVISION

Article 16

In the framework of speediness, order and accuracy of the Minister's Regulation implementation, the Minister establishes and assigns a Work Team as needed.

Article 17

The Minister's Regulation becomes effective on the date it is promulgated.

Enacted in Jakarta

On 26 September 2006

MINISTER OF LAW AND HUMAN RIGHTS

Signed and sealed

HAMID AWALUDIN

Enclosure 1

Regulation of Minister of Law and Human Rights
Of Republic of Indonesia
No. M. 01-HL.03.01 Year 2006
Dated 26 September 2006

.....¹

Re:
Application for Child
Registration To Gain
Indonesian Citizenship

To
Minister of Law and Human
Rights, Republic of Indonesia
Through Regional Office Head
Ministry of Law and Human
Rights
Head of Indonesian
Representative
In

The undersigned hereby:

1. Full Name :
2. Address :
3. is the father/ mother/ guardian of the child² :
Full Name :
Place of Birth :
Marital Status of the Child : unmarried
Child's Citizenship :

Born from a legal marriage between:

- Father
Full Name :
Place of Birth :
Citizenship :
Address :
- Mother
Full Name :
Place of Birth :
Citizenship :
Address :

Born out of legal marriage/ recognized/ adopted ² by:

- Father

¹ Filled with place, date, month, and year when the letter was made.

² Cross out the irrelevant ones

Full Name :
Place of Birth :
Citizenship :
Address :
- Mother
Full Name :
Place of Birth :
Citizenship :
Address :

Based on the court verdict ...³ Number...

date....month....year.... Hereby submit registration application to gain Indonesian Citizenship for the child above based on the Article 41 of Law No. 12 Year 2006.

To complete the registration application, we enclose:

1. copy of child's birth certificate legalized by authorized official or Indonesian Representative.
2. Statement letter by the parents or guardian, stating that the child is unmarried yet.
3. copy of valid identity cards or passports of the child parents legalized by authorized official or Indonesian representative;
4. 6 (six) recent 4X6 cm photos of the child
5. copies of marriage certificate/ marriage book or divorce certificate/ separation certificate/ divorce or death

³ For a child who lives in the Indonesian territory, fill with the name of the public court where the child lives, for a child who lives outside the Indonesian territory, fill with the name of a court according to the provision prevailing in the state where the child lives.

certificate of one of the child's parents legalized by authorized official or Indonesian Representative, for a child born from a legal marriage;

6. copies of recognition certificate or judicial verdict on the adoption of the child legalized by authorized official or Indonesian representative, for a child who is recognized or adopted;
7. copies of foreign identity card legalized by authorized official for a child who is already 17 years old and resides in the Indonesian territory; and
8. copies of parents' family card legalized by authorized official for a child who is not obliged yet to have an identity card and resides in the Indonesian territory.

I hereby submit the registration application for your grant. Thank you for your attention.

.....

Applicant,,

Seal and Signature

(full name)

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

(signed and sealed)

HAMID AWALUDIN