

## LAW ON CITIZENSHIP

### GOVERNING LAW:

Citizenship is governed by Law No. 12 of 2006 dated 1 Aug. Of 2006 concerning Citizenship of Republic of Indonesia.

### PUBLIC POLICY:

State citizens constitute one of true and principal elements of a State. Status of citizenship arises in connection with reciprocity between State citizen and State. Every State citizen has rights and obligations in relation to State. Reciprocally, State has obligation to provide protection to State citizens.

From time of Proclamation of Independence of Republic of Indonesia, matters of citizenship affairs were regulated by Law No.3 of 1946 concerning State Citizens and State Residence. Aforementioned law was thereafter amended by Law No.6 of 1947 concerning Amendment to Law No.3 of 1946 and was again amended by Law No.8 of 1947 concerning Extension of Time for Submission of Declaration of Connection with Indonesian State Citizenry and Law No. 11 of 1948 concerning Extension of More Time to Submit Declaration of Connection with Indonesian State Citizenry.

Thereafter, citizenship matters were last regulated by Law No. 62 of 1958 concerning Citizenship of Republic of Indonesia as already am'd by Law No.3 of 1976 concerning Amendment of Art. 18 of Law No. 62 of 1958 concerning Citizenship of Republic of Indonesia.

Law No. 62 of 1958 in philosophical, judicial and sociological sense is no longer in accordance with development of society and Government and matters pertaining to form of Government and constitution of Republic of Indonesia.

From philosophical perspective, aforementioned law still contains provisions which are not yet in step with philosophical system of Pancasila, and among other things, because of discriminative nature, lack of guarantee of fulfillment of human rights and equality among State citizens, as well as a lack of grant of protection to woman and children.

From juridical perspective, constitutional foundation of formation of aforementioned law was Provisional Constitution of 1950 which has not been in effect since Presidential Decree of 5 July 1959 which declared a return to Constitution of 1945.

In further developments, Constitution of State of Republic of Indonesia of 1945 has already undergone amendments which provide more guarantees of protections in relation to human rights and rights of State citizens.

From sociological perspective, aforementioned law is no longer in accordance with developments and demands of Indonesian society as part of international society in global community, which desires existence of equality of treatment and position of State citizens before law as well as existence of gender equality and justice.

To fulfill demands of society and implement mandates of Constitution as aforementioned, Law No. 12 of 2006 observes general or universal citizenship principals, that is principals of *ius sanguinis*, *ius soli* and combinations thereof.

Following principals are adhered to in Law No. 12 of 2006:

1. *Ius sanguinis* (law of blood) which is principal which designates citizenship of person based upon lineage, not on basis of state of place of birth ;
2. *Ius soli* (law of soil) which in a limited manner is principal which stipulates citizenship of person on basis of state of place of birth, which is effected on a limited basis for children in accordance with provisions which are regulated in Law No. 12 of 2006;
3. single citizenship principal which is principal which stipulates one citizenship for every person; and
4. limited dual citizenship principal which is principal which stipulates dual citizenship for children in accordance with provisions which are regulated in Law No. of 2006.

Basically Law No. 12 of 2006 does not recognize dual citizenship *bipatride* or statelessness *apatride*. Dual citizenship which is granted to children pursuant to Law No. 12 of 2006 constitutes an exception.

In addition to aforementioned principals, several specific principals also constitute a basis for composition of Law No. 12 of 2006 concerning Citizenship of Republic of Indonesia including:

1. National interest principal which is prim which stipulates that regulation of citizenship is of primary Indonesian national interest which resolutely defends sovereignty as a unified State which possesses ideas/aspirations and goals/aims own;
2. principal of maximum protection which is principal which stipulates that Government is obligated to provide full protection to every State citizen of Indonesia in every circumstance whether within or outside of State;

3. equality principal under law and governance which is principal which stipulates that every State citizen of Indonesia obtains same treatment under law and governance ;
4. substantive justice principal which means naturalization procedures for persons which are not only of an administrative nature but also include substance and conditions for applications which will ensure truth/justice;
5. non-discriminative principal which is principal which does not differentiate implementation in all circumstances which related to State citizenship on basis of ethnic group, race, religion, group, sex and gender;
6. principal of acknowledgement and respect for human rights which is principal which in all circumstances in connection with State citizenship must be guaranteed, protected and which deeply honors human rights in general and rights of State citizens in particular;
7. principal of openness which is principal which stipulates that all circumstances which relate to State citizens must be done in an open/transparent manner;
8. principal of publicity which is principal which stipulates that a person who obtains or loses citizenship of Republic of Indonesia is to be announced/published in State Gazette of Republic of Indonesia so that community is informed.

Principal subject matter contents regulated within Law No. 12 of 2006 includes:

1. Who become State citizens of Indonesia;
2. conditions and procedures for obtaining citizenship of Republic of Indonesia;
3. loss of citizenship of Republic of Indonesia;
4. conditions and procedures for re-obtaining citizenship of Republic of Indonesia; and

5. criminal provisions. Within Law No. 12 of 2006, regulations concerning children born outside of legal marriage provide nothing more than protection to children concerning their citizenship status.

With effectiveness of Law No. 12 of 2006, Law No. 62 of 1958 concerning Citizenship of Republic of Indonesia as am'd by Law No.3 of 1976 concerning Amendment to Article 18 of Law No. 62 of 1958 concerning Citizenship of Republic of Indonesia is revoked and declared to be of no further effect.

In addition to that, all previous regulations of law which regulate matters concerning citizenship are automatically of no further effect because they are not in accordance with principals which are mandated in Constitution of State of Republic of Indonesia of 1945.

Aforementioned regulations of law are:

1. Law dated 10 February 1910 concerning Regulations concerning Out Citizenship for Non-Dutch (Staatblad 1910 -296 jo. 27-458);
2. Law of 1946 No.3 concerning State Citizens, State Residents jo. Law of 1947 No.6 jo. Law of 1947 No.8 jo. Law of 1948 No. 11;
3. Agreement concerning Division of State Citizens between State of Republic of Indonesia and Kingdom of The Netherlands (State Gazette Year 1950 No.2);
4. Decision of President No.7 of 1971 concerning Declaration of Utilization of Provisions in Law No.3 of 1946 concerning State Citizens and State Residents of Republic of Indonesia for Stipulating Citizenship of Republic of Indonesia for Residents of West Irian; and
5. other regulation of law which related to citizenship.

DEFINITIONS:

Citizenship means all matters which are related to State citizens. of Law No. 12 of 2006 dated 1 Aug.of 2006 concerning Citizenship of Republic of Indonesia.

Every person means individual persons including corporations.

Minister means minister whose scope of duties and responsibilities are in sector of citizenship of Republic of Indonesia.

Naturalization means procedures for an alien to obtain citizenship of Republic of Indonesia through application.

Official means person who sits in certain positions which are designated by minister to handle problems of citizenship of Republic Indonesia.

Resentative of Republic Indonesia means embassies of Republic of Indonesia, consulates general of Republic of Indonesia, consulates of Republic of Indonesia or permanent legations of Republic of Indonesia. State citizen means citizens of a state which is stipulated based on regulations of law.

#### INDONESIAN STATE CITIZENS:

Generally State citizens of Indonesia are persons who are native Indonesian nationals and persons who are of other nationalities who are confirmed by law as State citizens. That which is meant by persons who are native Indonesian nationals means Indonesian persons who become State citizens of Indonesia since birth who have never received/accepted other citizenship based on their own desire.

Eligibility for Indonesian Citizenship State citizens of Indonesia include:

1. Every person who has already become an Indonesian State citizen based on regulations of law and/or by agreement between Government of Republic of Indonesia with other states prior to effective date of Law No. 12 of 2006;
2. children who are born from legal marriage between mother and father who are State citizens of Indonesia;
3. children who are born from legal marriage between father who is State citizen of Indonesia and mother who is foreign state citizen;
4. children who are born from legal marriage between father who is foreign state citizen and mother who is State citizen of Indonesia;
5. children who are born from legal marriage between mother who is State citizen of Indonesia and father who is stateless or law of state of origin of father does not grant citizenship to aforementioned child
6. children born from legal marriage within time limitation of 300 days after father dies and father is State citizen of Indonesia 300 day period is based upon consideration that aforementioned period constitutes a period which is deemed sufficient to ensure that a child is truly child of father who has died ;
7. children who are born outside of legal marriage from mother who is State citizen of Indonesia;
8. children who are born outside of legal marriage from foreign state citizen mother and child is acknowledged by father who is Indonesian State citizen as his child and that acknowledgement is made prior to child reaching 18 years of age or prior to marriage acknowledgement concerning a child in this provision is to be evidenced by a court decision.

9. children who are born in territory of State of Republic of Indonesia where citizenship status of mother and father at time of birth is unclear;

10. newborn children who are found in territory of State of Republic of Indonesia so long as mother and father are not known;

11. children who are born in territory of state of Republic of Indonesia when mother and father are stateless or their existence is not known;

12. children who are born outside of territory of State of Republic of Indonesia from mother and father who are State citizens of Indonesia who, because of provisions of state of place of birth of child, grant citizenship to aforementioned child; and

13. children from mother or father whose citizenship application (has been granted, though subsequently father or mother dies prior to declaration of oath or pledge of allegiance.

Indonesian State citizen children who are born outside of legal marriage, who have not yet reached age of 18 years, who have not yet married and who are legally acknowledged by father who has foreign citizenship continue (tetap) to be acknowledged as Indonesian State citizens.

Registration of Children Following categories of children who are born prior to 1 Aug. 2006 and prior to reaching age of 18 years or prior to marriage obtain citizenship of Republic of Indonesia based on Law No.12 of 2006 upon registration of themselves with minister through official or representative of Republic of Indonesia at latest within four years after 1 Aug.

2006:

1. Children who are born from legal marriage between father who is State citizen of Indonesia and mother who is foreign state citizen;



2. children who are born from legal marriage between father who is foreign state citizen and mother who is State citizen of Indonesia;
3. children who are born outside of legal marriage from foreign state citizen mother where children are acknowledged by father who is Indonesian State citizen as his child and that acknowledgement is made prior to child reaching 18 years of age or prior to child's marriage;
4. children who are born outside of territory of State of Republic of Indonesia from mother and father who are State citizens of Indonesia who, because of provisions of state of place of birth of that child grant citizenship to aforementioned child;
5. Indonesian State citizen children who are born outside of legal marriage who have not yet reached age of 18 years and who have not yet married and who are legally acknowledged by father who has foreign citizenship; and
6. Indonesian State citizen children who have not yet reached age of five years who are lawfully adopted as child by foreign state citizens based upon a court decision.

Further provisions concerning procedures for registration as intended in Arts. 41 and 42 of Law No. 12 of 2006 are to be regulated by regulations of minister which must be stipulated at latest three months after 1 Aug. 2006. Adopted Children Indonesian State citizen children who have not yet reached age of five years who are lawfully adopted as child by foreign state citizens based upon a court decision continue to be acknowledged as Indonesian State citizens. "Court" in this context means District Court at residence of applicant in event application is submitted within territory of State of Republic of Indonesia. For applicants who reside outside of territory of State of Indonesia.

that which is meant by "court" is court in accordance with provisions in state of residence of applicant.

Children of foreign state citizen who have not yet reached age of five years who are lawfully adopted in accordance with decision of court as child by Indonesian State citizen obtain citizenship of Republic of Indonesia. For applicants who reside outside of territory of State of Republic of Indonesia that which is meant by "court" is District Court of Central Jakarta. For applicants who reside outside of territory of State of Indonesia, "court" in this context is District Court at residence of applicant.

Effect of Naturalization of Parent on Children who have not yet reached age of 18 years or who have not yet married who exist and reside in territory of State of Republic of Indonesia automatically become citizens of Republic of Indonesia when mothers or fathers obtain citizenship of Republic of Indonesia.

Dual Citizenship, Children In event status of citizenship of Republic of Indonesia results in dual citizenship in relation to following categories of children, after age of 18 years or after aforementioned child has married, aforementioned child must declare choice of one citizenship:

1. Children who are born from legal marriage between father who is State citizen of Indonesia and mother who is foreign state citizen;
2. children who are born from legal marriage between father who is foreign state citizen and mother who is State citizen of Indonesia;

3. children who are born outside of legal marriage from foreign state citizen mother where child is acknowledged by father who or is Indonesian State citizen as his child and that acknowledgement is conducted prior to child reaching 18 years of age or prior to marriage;
4. children who are born outside of territory in of State of Republic of Indonesia from mother and father who are State citizens of Indonesia where, because of provisions of state of place of birth of child, grant citizenship to aforementioned child;
5. Indonesian State citizen children who are born outside of legal marriage who have not yet reached age of 18 years and who have not yet married and who are legally acknowledged by father who has foreign citizenship; and
6. Indonesian State citizen children who have not yet reached age of five years who are lawfully as child by foreign state citizens based upon a court decision.

Declaration of choice of citizenship is to be made in writing and delivered to official with attachment of documents which are stipulated by regulations of law. Declaration of choice of citizenship must be delivered at latest three years after child reaches age of 18 years or child has already married. ALIENS;

Every person who is not an Indonesian State citizen is to be treated as an alien.

#### NATURALIZATION PROCEDURES:

Citizenship of Republic of Indonesia may only be obtained based on conditions which are stipulated in Law No. 12 of 2006. Governing Procedural Law Applications for naturalization which have already been submitted to minister, prior to 1 Aug. 2006 and are already being processed but not yet completed, must continue to be processed based upon Law No. 62 of

1958 concerning Citizenship of Republic of Indonesia as already amended by Law No.3 of 1976 concerning Amendment of Law No. 62 of 1958 concerning Citizenship of Republic of Indonesia. If aforementioned applications are already in process but not yet completed at time implementing regulations of Law No. 12 of 2006 are stipulated, applications are to be completed in accordance with Law No. 12 of 2006. Applications for naturalization which have already been submitted to minister prior to 1 Aug. 2006 and not yet processed are to be completed based upon provisions of Law No. 12 of 2006.

Qualifications Naturalization application may be submitted by applicant if applicant fulfills following conditions:

1. Has already reached age of 18 years or has already married;
2. at time of submission of application has already resided in territory of State of Republic of Indonesia for at least five years on continuous basis or at least paling ten years on non-continuous basis;
3. is of sound mind and body;
4. is able to speak Indonesian language and acknowledges that Pancasila and Constitution of State of Republic of Indonesia of 1945 are basis of State ;
5. has never been convicted of a criminal act with sanctions of criminal imprisonment for one or more years;
6. dual citizenship does not occur by virtue of obtaining citizenship of Republic of Indonesia;
7. has occupation and/or consistent income;
8. has paid naturalization fee to National Treasury .

Applications Naturalization applications are submitted in Indonesia by applicant in writing in Indonesian language with sufficient duty stamp to President through minister via delivery to official.

Opinion of Minister Minister forwards application along with considerations to President within time of not more than three months calculated from date of receipt of application.

Fees Naturalization applications are subject to fees in accordance with Government regulations.

Presidential Decree President grants or rejects applications for naturalization.

Grant of naturalization application is stipulated by Presidential decree. Presidential decree is to be stipulated within not more than three months calculated from receipt of application by minister with notification to applicant not later than 14 days calculated from date of stipulation of Presidential decree.

Rejection of naturalization application must include reasons and notification is to be provided by minister to relevant party at latest three months calculated from date application is received by minister.

Effective Date Presidential decree concerning grant of naturalization application takes effect calculated from date applicant pronounces oath or pledges allegiance.

Oath or Pledge of Allegiance At latest three months calculated from date Presidential decree is sent to applicant, official summons applicant to pronounce oath or pledge of allegiance.

In event applicant fails to appear without lawful at time which has been stipulated by official in written summons to pronounce oath or pledge of allegiance, Presidential decree becomes void as a matter of law.

In event applicant is unable to pronounce oath or pledge of allegiance at stipulated time as a result of negligence of official, applicant may pronounce oath or pledge of allegiance before another official to be appointed by minister. Pronouncement of oath or pledge Of allegiance is done before official. Official makes minutes of performance of pronouncement of oath or pledge of allegiance. Not more than 14 days calculated from date of pronouncement of oath or pledge of allegiance official delivers minutes of pronouncement of oath or pledge of allegiance to minister. For those pronouncing oath, pronouncement of oath includes following language:

"In name of Allah/GOD, I swear to release of all loyalty I have to foreign powers, to acknowledge, to submit to, and to be loyal to Unitary State of Republic of Indonesia, Pancasila and Constitution of State of Republic of Indonesia 1945 and will defend her with every effort as well as will perform obligations which are imposed by State upon me as State citizen of Indonesia with honesty/sincerity and with all my heart and soul.

For those pledging allegiance, wording of allegiance includes following:

"I promise to release all loyalty I have to foreign powers, to acknowledge, to submit to, and to be loyal to Unitary State of Republic of Indonesia, Pancasila, and Constitution of Unitary State of Republic Indonesia of 1945 and will defend her with every effort as well as will perform obligations which are imposed by State upon me as State citizen of Indonesia with honesty/sincerity and with all my heart and soul.

After pronouncement of oath or pledge of allegiance, applicant is obligated to deliver immigration affairs documents or letters in his/her name to immigration office within time of at latest 14 working days calculated from date of pronouncement of oath or pledge of allegiance. Immigration affairs documents or letters are, for example, ordinary passports, visa, entry

permits, residence permits, and other written permits which are issued by immigration officials. Immigration affairs documents or letters which are delivered to immigration office by applicant include documents or letters in name of wife husband and accompanying children who obtain status of citizenship of applicant.

Evidence of Indonesian Citizenship Copy of Presidential decree concerning naturalization and minutes of pronouncement of oath or pledge of allegiance from official become legal evidence of citizenship of Republic of Indonesia for persons who have obtained citizenship. Residential identity cards, family identity cards, birth certificates or official reports regarding taking of oath of allegiance as citizen are sufficient evidence to prove Indonesian citizenship. Public Announcement Minister announces/publishes names of persons who have obtained citizenship in State Gazette of Republic of Indonesia. Aliens Marrying Indonesians Foreign state citizens who enter into lawful marriages with Indonesian State citizens may obtain citizenship of Republic Indonesia by delivering declaration to become State citizen before official. Declaration to become State citizen may be performed if related person has already resided in territory of State of Republic of Indonesia for at least five continuous years or at least ten years on non-continuous basis, except if obtaining that citizenship will result in dual citizenship. In event related person does not obtain citizenship of Republic of Indonesia as result of dual citizenship [prohibition] , related person may be granted permanent residence permit in accordance regulations of law. Further provisions concerning procedures for delivery of declaration to become State citizen of Indonesia are to be regulated by regulation of minister.

State Interests, Grants of Citizenship Aliens who have already served State of Republic of Indonesia or for reasons of State interest may be granted citizenship of Republic of Indonesia by

President after obtaining considerations of House of People's Representatives of Republic of Indonesia except when grant of that citizenship will result in related person obtaining dual citizenship. That which is meant by "aliens who have already served State of Republic of Indonesia" are foreign persons who because of their performance which is extraordinary in field of humanitarian affairs, scientific knowledge and technology, cultural affairs, environment and also sports have already provided advancement and fame/renown for name of Indonesian nation. That which is meant by "aliens who are to be provided citizenship for reasons of State interest " are foreign persons who are to be valued by State who have already or who are able to provide extraordinary contributions in interest of stabilizing State sovereignty and of promoting advancement especially in Indonesian economic sector. Further provisions regarding proced for submission [of applications/declarations] obtaining citizenship of Republic of Indonesia are to be regulated in Government regulations.

#### LOSS OF CITIZENSHIP:

citizens of Indonesia lose citizenship if related person:

1. Obtains other citizenship based upon his/her own desire
2. does not reject or does not release other citizenship , although related person obtains opportunity to do so
3. loses citizenship by declaration of President based upon related person's own application where related person has already reached age of 18 years or has already married, where related person resides abroad and with declaration of loss of citizenship of Republic of Indonesia does not become stateless



4. enters into foreign military service without first obtaining a permit from President notwithstanding, State citizen of Indonesia does not lose his/her citizenship as result of entering into foreign military service without a permit in advance from President if that State citizen has joined an educational program in another state which requires obligatory military participation

5. voluntarily enters foreign national service which position is service of a kind that in Indonesia according to provisions of regulations of law may only be filled by State citizen of Indonesia position is service of a kind that in Indonesia according to provisions of regulations of law may only be filled by State citizen of Indonesia " [includes], among others, civil servants, State officials, and intelligence if State citizen of Indonesia takes such a position in official capacity in foreign state that relevant person loses citizenship of Republic of Indonesia (notwithstanding) foregoing, not all positions in foreign state service result in loss of citizenship of Republic of Indonesia.

6. voluntarily takes an oath or pledge allegiance to a foreign state of a part of that foreign state (that which is meant by "part of a foreign state" means territory which is within related foreign state jurisdiction

7. without obligation, participates in selection for something of a nature of matters pertaining to form of Government or constitution of a foreign state ;

8. possesses a passport or documents which are in nature of a passport from a foreign state or letters which may carry meaning as indication of citizenship which is still in effect of another state in his/her name; or

9. resides outside of territory of State of Republic of Indonesia for five years on a continuous basis not in framework of State duties, without lawful reason and intentionally does not declare desire to remain a State citizen of Indonesia prior to expiration of five year period, and every five years there after related person does not submit a declaration of desire to remain as State citizen of Indonesia to representative of Republic of Indonesia whose working territory includes residence of related person even though representative of Republic of Indonesia has already informed related person in writing so long as said person does not become stateless (that which is meant by "lawful reason " is reason which results from conditions which are outside of capability of relevant person such that he/she is not able to declare a desire to continue to be a State citizen of Indonesia, among others because of limited mobility of related person as a result of his/her passport not being within related person's control, notification of official is not received or representative of Republic of Indonesia is difficult to reach from residence of related person

Elucidation Effect of Loss of Citizenship on Children Loss of citizenship of Republic of Indonesia for a father is not automatically effective against his child who has a legal connection with father until that child reaches age of 18 years or already married. Loss of citizenship of Republic of Indonesia for a mother is not automatically effective against her child who does not have a legal connection with father until that child reaches age of 18 years of age or has already married.

Loss of citizenship of Republic of Indonesia because a mother obtains other citizenship [as a result of end of her marriage] is not automatically effective against her child until that child reaches age of 18 or has already.

In event a child becomes a dual citizen as a result of loss of citizenship of Republic of Indonesia of that child's father or mother, after age of 18 years or after marriage of child, aforementioned child must declare choice of one citizenship by declaration of choice of citizenship made in writing and delivered to official with attachment of documents which are stipulated by regulations of law at latest three years after child reaches age of 18 years or has already married.

Loss of Citizenship due to Marriage to Alien Women who are Indonesian State citizens who marry men who are foreign state citizens lose citizenship of Republic of Indonesia if according to law of state of origin of her husband , citizenship of wife follows citizenship of husband as a result of their marriage. Men who are State citizens of Indonesia who marry women who are foreign state citizens lose citizenship of Republic of Indonesia if according to state law of origin of his wife, citizenship of husband follows citizenship of wife as a result of their marriage.

Aforementioned women or men who desire to continue to be State citizens of Indonesia may submit letter of declaration concerning their desire to official or representative of Republic of Indonesia with territory encompassing residence of aforementioned woman or man, except if that submission results in dual citizenship. Letter of declaration to remain State citizen of Indonesia may be submitted by aforementioned woman or man after three years following date of their marriage.

Loss of citizenship of a husband or wife who is bound in lawful marriage does not result in loss of status of citizenship of [respective] wife or husband.

Fraud in Obtaining Citizenship Citizenship may be declared void by authorized instrumentality for any person who obtains citizenship of Republic of Indonesia based upon information which is thereafter declared to be false or falsified, to be untrue/incorrect, or to be in error regarding that person. "Authorized instrumentally" means instrumentally which has authority to declare that aforementioned documents or letters are false or falsified, for example birth certificates are to be declared false or falsified office of Civil Registry.

Public Announcement Minister announces/publishes names of persons who lose citizenship of Republic of Indonesia in State Gazette of Republic of Indonesia.

Further provisions concerning conditions and procedures concerning loss or nullification of citizenship are to be regulated by Government regulation.

#### DECLARATIONS OF INTENTION CONTINUE TO BE STATE CITIZENS OF INDONESIA:

Declarations [of intent to] continue to be State of Indonesia which have already been submitted to minister prior to 1 Aug. 2006 and are already being processed but not yet completed, must continue to be processed based upon Law No. 62 of 1958 concerning Citizenship of Republic of Indonesia as already amended by Law No.3 of 1976 concerning Amendment of Law No. 62 of 1958 concerning Citizenship of Republic of Indonesia. of Law No. 120 of 2006 dated 1 Aug. Of 2006 concerning Citizenship of Republic of Indonesia.

If aforementioned declarations are already in process but not yet completed at time implementing regulations of Law No. 12 of 2006 are stipulated, declarations are to be

completed in accordance with Law No. 12 of 2006. Declarations [of intent to] continue to be State citizen of Indonesia which have already been submitted to minister prior to 1 Aug. 2006 and not yet in process are to be completed based upon provisions of Law No. 12 of 2006.

#### RE-OBTAINING CITIZENSHIP. CONDITIONS AND PROCEDURES:

Governing Procedural Law Applications to re-obtain citizenship of Republic of Indonesia which have already been submitted minister prior to 1 Aug. 2006 and are already being processed but not yet completed, must continue to be processed based upon Law No. 62 of 1958 concerning Citizenship of Republic of Indonesia as already amended by Law, No.3 of 1976 concerning Amendment to Article 18 of Law No. 62 of 1958 concerning Citizenship of Republic of Indonesia. If aforementioned applications are already in process but not yet completed at time implementing regulations of Law No. 12 of 2006 are stipulated, applications are to be completed in accordance with Law No. 12 of 2006. Applications to re-obtain citizenship of Republic Indonesia which have already been submitted to minister prior to 1 Aug. 2006 and not yet in process to be completed based upon provisions of Law No. 2 of 2006.

Persons who lose citizenship of Republic of Indonesia may re-obtain their citizenship through naturalization procedures as set forth in Articles 9 through 8 and 22 of Law No. 12 of 2006. (see this Chapter, Section aturalization Procedures, supra).

State citizens of Indonesia who lose citizenship of Republic of Indonesia for following reasons may re-obtain citizenship of Republic of Indonesia by submitting application in writing to minister without being required to follow procedures as set forth in Articles 9 through 17 of Law No.12of2006:

1. Persons who have lost their Indonesian citizenship because they have resided Outside of territory of State of Republic of Indonesia for five years on a continuous basis not in framework of State duties, without lawful reason and intentionally who did not declare desire to remain a State citizen of Indonesia prior to expiration of five year period, and every five years thereafter;
2. women who have lost their Republic of Indonesia citizenship because they have married men who are foreign state citizens and who, according to law of state of , origin of their husbands, are deemed to follow citizenship of husband as a result of their marriage;
3. men who have lost their Indonesian citizenship because they have married women who are foreign state citizens and who, according to law of state of origin of their wives, are deemed to follow citizenship of wife as a result of their marriage. Foregoing provision is intended to provide efficiency to children and wives or children and husbands who lose citizenship of Republic of Indonesia in re-obtaining citizenship of Republic of Indonesia without proceeding through process of naturalization as intended in Articles 9 through 17 of Law No. 12 of 2006.

State citizens of Indonesia who reside outside of territory of State of Republic of Indonesia for as long as five years or more who do not report themselves to representative of Republic of Indonesia and already have lost their citizenship of Republic of Indonesia prior to 1 Aug. 2006 may re-obtain citizenship by registering themselves with representative of Republic of Indonesia within time of not more than three years from 1 Aug. 2006 so long as foregoing does not result in dual citizenship.

Further provisions concerning procedures for registration as intended in Articles 41 and 42 of Law No. 12 of 2006 are to be regulated by regulations of minister which regulations must be stipulated at latest three months after 1 Aug. 2006.

In event applicant resides outside of territory of State of Republic of Indonesia, application is to be delivered through representative of Republic of Indonesia whose working territory includes residence of applicant. Application to re-obtain citizenship of Republic of Indonesia may be submitted from time of termination of marriage for:

- 1) 1. Women who have lost their Indonesian citizenship because they have married men who are foreign State citizens and who, according to law of state of origin of their husbands, are deemed to follow citizenship of husband as a result of their marriage; and
- 2) men who have lost their Indonesian citizenship because they have married women who are foreign state citizens and who, according to law of state of origin of their wives, are deemed to follow citizenship of wife as a result of their marriage.

"Termination of marriage " means termination 2006 of marriage because of divorce based upon decision of court which has already become final and binding or because husband or wife have died.

Head of representative of Republic of Indonesia forwards application to minister within not later than 14 days after receipt of application.

Approval or rejection of application to re-obtain citizenship of Republic of Indonesia is to be provided at latest within three months by minister or official calculated from date of receipt of application.

Minister announces/publishes names of persons who re-obtain citizenship of Republic of Indonesia in State Gazette of Republic of Indonesia.

Further provisions regarding conditions and procedures to re-obtain citizenship of Republic of Indonesia are to be regulated in Government regulations.

#### CRIMINAL PROVISIONS:

Official who because of his/her negligence conducts his/her duties and responsibilities stipulated in Law No. 12 of 2006 with result that a person loses right to obtain or re-obtain and/or loses citizenship of Republic of Indonesia is punishable with criminal imprisonment up to maximum of one year. In event criminal act aforementioned is conducted intentionally, official is punishable with criminal imprisonment up to maximum of three years

Every person who with intent provides false information, including information made under oath who creates false letters or documents, who falsifies letters or documents with intention to use or order use of information or letters or documents which are falsified for [purposes of] obtaining citizenship of Republic of Indonesia or re-obtaining citizenship of Republic of Indonesia is punishable with criminal imprisonment of a minimum of one years and a maximum of four years and fines of at least Rp 250,000,000 and at most Rp 1,000,000,000.

Where a corporation conducts aforementioned criminal act, imposition of criminal penalty falls upon corporation and/or managers who acted for and in name of corporation. Corporations are punishable with criminal penalties of at least Rp 1,000,000,000 and at most Rp 5,000,000,000 and revocation of business licenses.

Managers of corporations are punishable with criminal imprisonment of minimum of one year and maximum of five years and fines of minimum of Rp 1,000,000,000 and maximum of 5,000,000,000.

Every person who with intent uses false information, including information make under oath, creates false letters or documents, falsifies letters or documents with intention to use or order use of information or letters or documents which are falsified for [purposes of] obtaining



citizenship of Republic of Indonesia or re-obtaining citizenship of Republic of Indonesia is punishable with criminal imprisonment of a minimum of one year and a maximum of four years and fines of at least Rp ,250.000,000 and a maximum ofRp 1,000,000,000. Where a corporation conducts aforementioned criminal act, imposition of criminal penalty falls upon corporation and/or managers who acted for and in name of corporation. Corporations are punishable with criminal penalties of at a minimum Rp 1,000,000,000 and at most Rp 5,000,000,000 and revocation of business licenses. Managers of corporations are punishable with criminal imprisonment of minimum of one year and maximum of five years and fines of minimum of Rp 1,000,000,000 andmaximum ofRp 5,000,000,000.

#### VOID REGULATIONS OF LAW:

As of 1 Aug. 2006 (effective date of Law No. 12 of2006):

1. Law No. 62 of 1958 concerning Citizenship of Republic of Indonesia (State Gazette of Republic of Indonesia Year 1958 No. 113, Addendum to State Gazette No. 1647) as already am'd by Law No.3 of 1976 concerning Amendment of Article 18 of Law No. 62 of 1958 concerning Citizenship of Republic of Indonesia (State Gazette of Republic of Indonesia Year 1976 No. 20, Addendum to State Gazette of Republic of Indonesia No. 3077) are revoked and declared not effective; and
2. implementing regulations of Law No. 62 of 1958 concerning Citizenship , of Republic of Indonesia as already am'd by Law No.3 of 1976 concerning Amendment of Article 18 of Law No. 62 of 1958 concerning Citizenship of Republic of Indonesia are declared to still be of continuing

effect so long as not in contradiction or not yet replaced on basis of provisions of Law No. 12 of 2006.

**IMPLEMENTING REGULATIONS:**

Implementing regulations for Law No. 12 of 2006 must be stipulated within not later than six months from 1 Aug. 2006.

**EFFECTIVE DATE:**

Law No. 12 of 2006 became effective on 1 Aug. 2006.

(Source: Andrew I. Sriro, Sriro's Desk Reference of Indonesian Law, 2008)