








LEX JOURNAL: KAJIAN HUKUM DAN KEADILAN

About the Journal

The Lex Journal: Kajian Hukum dan Keadilan (ISSN Print 2581-2033, ISSN Online 2580-9113) is a double-blind peer-reviewed law journal and scholarly journal with a national and international outlook, published by the Faculty of Law, University of Dr. Soetomo. Lex Journal is a scholarly publication exploring critical issues and developments in law and justice. The journal serves as a platform for academics, legal professionals, and researchers to share rigorous analyses, contemporary perspectives, and innovative research on various topics within the legal realm. These include but are not limited to constitutional law, criminal justice, human rights, international law, legal theory, and jurisprudence. The journal aims to foster scholarly dialogue on the role of law in promoting justice, protecting individual rights, and shaping public policy. Through articles, case studies, essays, and book reviews, Lex Journal seeks to contribute to the global discourse on legal reform, social justice, and the rule of law, making it a vital resource for those committed to advancing legal scholarship and practical application in the pursuit of a just society. Whether addressing contemporary legal challenges or historical legal frameworks, Lex Journal stands as a bridge between academic theory and practical law, encouraging readers to reflect on the evolving justice landscape. It is published thrice a year in March, July, and December. A related purpose is to provide a systematic review of important initiatives for developing law and legal practice. The Lex Journal: Kajian Hukum & Keadilan publishes cutting-edge legal scholarship by both academics and legal practitioners. Established in 2017, the Journal finds its roots in a desire to propose constructive, well-reasoned reforms in all areas of the law.

Journal Identity	Description			
ID Submission: 10205	Published: 2025-05-09			
Indexing				
				

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

Implementation of Government Regulation No. 21 of 2022 Regarding the Legal Status of Children with Dual Nationality After the Citizenship Election Deadline

Ni Nengah Dewi Sulistyawati

Faculty of Law, Social and Political Sciences, University of Mataram

Email: thewi.site@gmail.com

Gatot Dwi Hendro Wibowo

Faculty of Law, Social and Political Sciences, University of Mataram

Email: gatotdwh@unram.ac.id

Rachman Maulana Kafrawi

Faculty of Law, Social and Political Sciences, University of Mataram

Email: rachmanmaulana@unram.ac.id

ABSTRACT

This study investigates the implementation of Government Regulation No. 21 of 2022 concerning the legal status of dual-nationality children following the deadline for nationality selection. Indonesia's dual-nationality policy, particularly for children born from mixed-nationality marriages, has led to legal uncertainty for individuals who failed to choose their citizenship status by the age of 21, as stipulated in Law No. 12 of 2006. The regulation offers a legal solution by extending the deadline for nationality determination, aiming to prevent statelessness and safeguard the rights of affected individuals. Using an empirical legal research method, this study explores the regulation's effectiveness in West Nusa Tenggara Province by analyzing policy implementation, data collection efforts, inter-agency coordination, and public awareness. The findings show an increase in nationality applications from dual-nationality children, but also highlight obstacles such as limited outreach and administrative inefficiencies. The study emphasizes the importance of strengthening legal awareness and cross-sector collaboration to enhance the legal protection of children with dual nationality and ensure their recognition as Indonesian citizens.

Keywords: Dual Nationality, Nationality Law, Legal Protection, Mixed-Marriage Children, Indonesian Citizenship

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & Keadilan

1. INTRODUCTION

The state is an organization of supreme power that must have several main elements, such as territory, sovereign government (*government*), and people (*citizen/people*). The people in a state include all individuals who live within its territory and are subject to its laws and rules. People within the territory of the country can be categorized into residents and non-residents. Residents are those who meet certain requirements in accordance with state regulations and are allowed to have a permanent residence (*domicile*) in it, non-residents are individuals who are in a country only temporarily without intending to settle permanently. Citizens are one of the founding elements of a country. Citizens can be defined as residents of a nation or state based on birthplace, descent and so on who have rights and obligations as citizens of the country (Gatara,2012)

A person's citizenship status has a very important role. By having a citizenship status, an individual is recognized as a member of the country that recognizes it, where the state's recognition is a legal relationship between two parties, namely the individual and the country that recognizes it (Hosseini et al., 2015). If you have a citizenship of a country, then the person has the right to live, work, and freely travel to that country (R., 2016). The state also has the right to determine who is a citizen as long as it does not violate the general principles of international law (Wijayanti, 2011).

Citizenship arrangements in Indonesia are determined based on 2 (two) principles, namely the *Ius Soli* and *Ius Sanguinis* Principles. *Ius Soli* is a person's citizenship seen based on the land of birth, while *Ius Sanguinis* is based on blood relationship or lineage (Gautama, 1997). Some countries determine citizenship based on *ius soli* or *ius sanguinis*. If a person from a country with *ius soli* system is in a country that applies *ius sanguinis* and has a child, it can cause problems related to the child's citizenship status. In the arrangement of *citizenship* can be done by first, because of *birth (citizenship by*

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

birth). Second, through the process of *naturalization (citizenship by naturalization)*. Third, through *registration (citizenship by registration)* (Asshiddiqie, 2003).

Article 26 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as UUD NRI 1945) states that Indonesian citizens are indigenous Indonesians and people of other nations who are authorized as citizens by law. In addition, Article 28D paragraph (4) of the 1945 Constitution of the Republic of Indonesia confirms that everyone has the right to citizenship status. This right is also guaranteed in Law No. 39/1999 on Human Rights Article 53 paragraph (2), which states that every child from birth has the right to a name and citizenship status. This status is further emphasized in Article 1 point (2) of Law Number 35 Year on the Amendment to Law Number 23 Year 2002 on Child Protection, which states that child protection is all activities to ensure and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity, and receive protection from violence and discrimination. , the state is obliged to provide citizenship status as a form of protection of the rights of children resulting from mixed marriages between Indonesian citizens (WNI) and foreign nationals (WNA)

The phenomenon of dual citizenship is now attracting more and more attention, given the number of cases related to dual citizenship that occur in Indonesia. Indonesia adheres to the principle of dual citizenship, which despite being regulated, still causes problems. With a very large population and diverse individual interests, violations of the laws and regulations related to citizenship are inevitable. The phenomenon is also more complex when it comes to children born to parents with different nationalities, as they fall under the jurisdiction of two different countries

Marriage, as a sacred bond between a man and a woman that affects family and community life (Hartawan, 2011). Mixed marriages between Indonesian citizens and foreigners can cause problems related to the citizenship status of children who are born. Law No. 12/2006 on Citizenship of the Republic of Indonesia (hereinafter abbreviated

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

as Citizenship Law) accommodates this problem by granting dual citizenship status to children of mixed marriages until the age of 21 or until they get married.

Article 6 paragraph (1) of the Citizenship Law states that if a child has dual citizenship based on the provisions of Article 4 letters c, d, h, l, and Article 5, then after reaching the age of 18 years or after marriage, the child is required to choose one of his or her citizenship. This principle is the basis for determining the citizenship status of children from mixed marriages. This is important to ensure that each individual has a clear citizenship status, thus avoiding the risk of *statelessness*. Thus, everyone can be legally recognized as a, so that their rights and obligations can be fulfilled (Kansil, 1995).

In its implementation, the Citizenship Law divides the subject of dual nationality children into 2 (two) categories, namely:

- a. Children born before the Citizenship Law was enacted on August 1, 2006;
- b. Children born after the Citizenship Law was enacted on August 1, 2006 (Minister of Law and Human Rights, 2007).

Children born before the Citizenship Law came into effect must register themselves as Indonesian citizens through the Regional Office of the Ministry of Law and Human Rights according to their domicile. After that, they must wait for the Decree of the Minister of Law and Human Rights and submit it to the Immigration Office to report their Indonesian status so that their foreigner status can be revoked. In lieu of a visa and residence permit, the immigration office will issue an *affidavit*, which is an immigration letter attached or incorporated into a foreign passport that contains information about being a child with dual nationality and provides immigration facilities to the holder based on the provisions of laws and regulations (Article 1 Paragraph (6) Permenkumham RI No. 10 Year 2023 concerning Registration and Application for Immigration Facilities for Children with Nationality, Application for Immigration Certificate, and Return of Immigration Documents Due to Citizenship Status), children

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>
E-ISSN: 2580-9113
P-ISSN: 2581-2033
LEX JOURNAL: KAJIAN HUKUM & KEADILAN

born after the Citizenship Law comes into effect automatically obtain Indonesian citizen status with a birth certificate issued by the Population and Civil Registry Office according to their domicile.

Based on data from the Directorate General of General Legal Administration, there are 507 children born before the enactment of the Citizenship Law who did not register themselves with the Minister according to the specified time limit. In addition, as many as 3,793 children who have been registered in accordance with the provisions of Article 41 of the Citizenship Law have not chosen citizenship until the deadline ends (Muzhar, 2022).

To solve this problem, the government issued Government Regulation No. 21 of 2022 as a solution for children with dual nationality who have not yet determined their nationality status. This regulation provides an additional 2 (two) years until May 31, 2024 so that they can legally determine their citizenship. Based on the statement of the Director General of Legal Administration and UMUM (AHU) of the Ministry of Law and Human Rights, Mr. Cahyo Rahadian Muzhar, in 2022 the Ministry of Law and Human Rights recorded 13,092 children born from mixed marriages of Indonesian and foreign parents who were registered as children with dual nationality. Of this number, 28.97% of them did not or were late in choosing one of the citizenships that must be submitted to the Minister of Law and Human Rights. 3.87% were not registered under Article 41 as children with dual nationality (Zulfikar, 2022).

Based on the background description and data above, the enactment of Government Regulation No. 21 of 2022 can provide an opportunity for children with dual nationality to choose citizenship. It is expected that many children with dual nationality who have passed the age of 21 can choose Indonesian citizenship after the government regulation takes effect.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

2. RESEARCH METHODS

The type of research used is empirical. Empirical legal research is a legal research method that examines the implementation of positive legal provisions in society (Usmawadi, 1992). In empirical research, researchers examine the facts that exist in society, legal entities or government agencies (Usmawadi, 1992). According to Ronny Hanitijo Soemitro, that empirical legal research is legal research that obtains its data from primary data or data obtained directly from the community (Fajar & Achmad, 2015). Empirical research is based on reality in the field or through direct observation. Empirical or *socio-legal* legal research is an approach in studying law as an object of research that is not only seen as a prescriptive and applied discipline, but also as a reality or legal fact. Thus, empirical legal research aims to encourage researchers not only to focus on normative legal issues (Sonata, 2014).

Empirical legal research is often considered the same as *field research* because it tends to rely on primary data in the process of its research (Sonata, 2014). According to Earl Babbie in his book Deddy Mulyana, *field research* refers to research methods that are sometimes called *participant observation*, *direct observation*, and *case studies* (Mulyana, 2008). So in this study, researchers conducted a direct study in the field in order to obtain concrete and relevant data about the Implementation of Government Regulation Number 21 of 2022 Regarding the Legal Status of Children with Dual Nationality After the Citizenship Election Deadline.

3. DISCUSSION

The Effectiveness of Government Regulation No. 21 of 2022 Regarding the Legal Status of Children with Dual Nationality

Based on Presidential Regulation No. 142 of 2024, the Ministry of Law and Human Rights has been transformed into the Coordinating Ministry for Law, Human Rights, Immigration and Corrections. The coordinating ministry coordinates 3 (three)

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

ministries, namely the Ministry of Law, the Ministry of Human Rights and the Ministry of Immigration and Corrections. In the Ministry of Law, there is a Directorate of State Administration which carries out the function of preparing the formulation and implementation of legal policies in the field of state administration, one of which is naturalization for children with dual nationality who have not registered to become Indonesian citizens or have not chosen one of the citizenships as well as applications for statements to choose Indonesian citizenship for children with dual nationality from mixed marriages (Article 238 of the Regulation of the Minister of Law of the Republic of Indonesia Number 1 of 2024 concerning Organization and Work Procedures of the Ministry of Law).

The Regional Office of the Ministry of Law has the task of carrying out part of the duties and functions of the Ministry of Law in the provincial area (Article 3 of Regulation of the Minister of Law of the Republic of Indonesia Number 2 of 2024 concerning Organization and Work Procedures of the Regional Office of the Ministry of Law). The General Legal Administration Service Division has the function of implementing guidance, implementing cooperation, monitoring and evaluating in the field of citizenship status services and citizenship (Article 11 of the Regulation of the Minister of Law of the Republic of Indonesia Number 2 of 2024 concerning the Organization and Work Procedures of the Regional Office of the Ministry of Law). Since the socialization of Government Regulation Number 21 of 2022 by the Directorate General of Legal Administration, the Regional Office of the Ministry of Law of West Nusa Tenggara has made efforts to disseminate information to related agencies and communities affected by the enactment of the government regulation.

As a form of the State's presence to children who have not registered or have registered but have not chosen citizenship, Government Regulation of the Republic of Indonesia Number 21 of 2022 concerning Amendments to Government Regulation Number 2 of 2007 concerning Procedures for Obtaining, Losing, Canceling, and

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

Regaining Citizenship of the Republic of Indonesia. This progressive policy was born to provide certainty to the status of citizenship for children as referred to in Article 3A paragraph (1) of the Government Regulation, with an application period limited to 2 (two) years from the promulgation of the regulation

The facilities provided for ABG are found in Article 3A of Government Regulation Number 21 of 2022 which reads as follows:

Paragraph (1):

For children as referred to in Article 41 of Law:

- a. Have not registered; or
- b. Have registered but have not chosen citizenship as stipulated in Article 6 of the Law, can apply for Nationality to the President through the Minister.

Paragraph (2):

The application as referred to in paragraph (1) shall be submitted in Indonesia by the applicant in writing in the Indonesian language on sufficient stamped paper and shall contain at least:

- a. full name;
- b. place and date of birth;
- c. Gender;
- d. marital status;
- e. residential address;
- f. employment and/or fixed income;
- g. nationality of origin; and
- h. population identification number or single identity number

Paragraph (3)

The application as referred to in paragraph (2) must be attached:

- a. a photocopy of the birth certificate extract or a letter proving the applicant's birth authorized by an authorized official;
- b. photocopy of marriage certificate/ marriage book, divorce certificate, or death certificate of the applicant's wife/husband for those who are not yet 18 (eighteen) years old and already married, legalized by an authorized official;
- c. photocopy of marriage certificate/ marriage book, divorce certificate, or death certificate of one of the applicant's parents certified by an authorized official;
- d. an immigration certificate issued by the immigration office whose working area covers the applicant's residence stating that the applicant has resided in the territory of the Republic of Indonesia for a minimum of 5 (five) consecutive years or a minimum of 10 (ten) non-consecutive years;

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

- e. a certificate of physical and mental health from a;
- f. a statement that the applicant can speak Indonesian;
- g. a statement letter from the applicant recognizing the Pancasila state foundation and the 1945 Constitution of the Republic of Indonesia;
- h. police record certificate;
- i. a certificate from the representative of the applicant's country that by obtaining Indonesian Citizenship, he/she will not become a dual citizen;
- j. a certificate from the sub-district head whose working area covers the applicant's residence that the applicant has a job and/or fixed income;
- k. proof of payment of *Pewarganegaraan* money as non-tax state revenue; and
- l. 6 (six) recent color passports of applicant measuring 4X6 (four by six) centimeters.

Paragraph (4):

In the event that the child was born in the territory of the Republic of Indonesia and does not have the required immigration certificate as referred to in paragraph (3) letter d, the applicant must attach a resident's biodata issued by the population and civil registration office.

Paragraph (5):

The application as referred to in paragraph (1) along with its attachments shall be submitted to the Officer whose working area covers the applicant's residence.

After the applicant completes the requirements, the applicant can bring the application documents to the Regional Office of the Ministry of Law and Human Rights according to the applicant's domicile. The flow of application for Article 3A of PP No. 21 of 2022 can be seen as follows.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

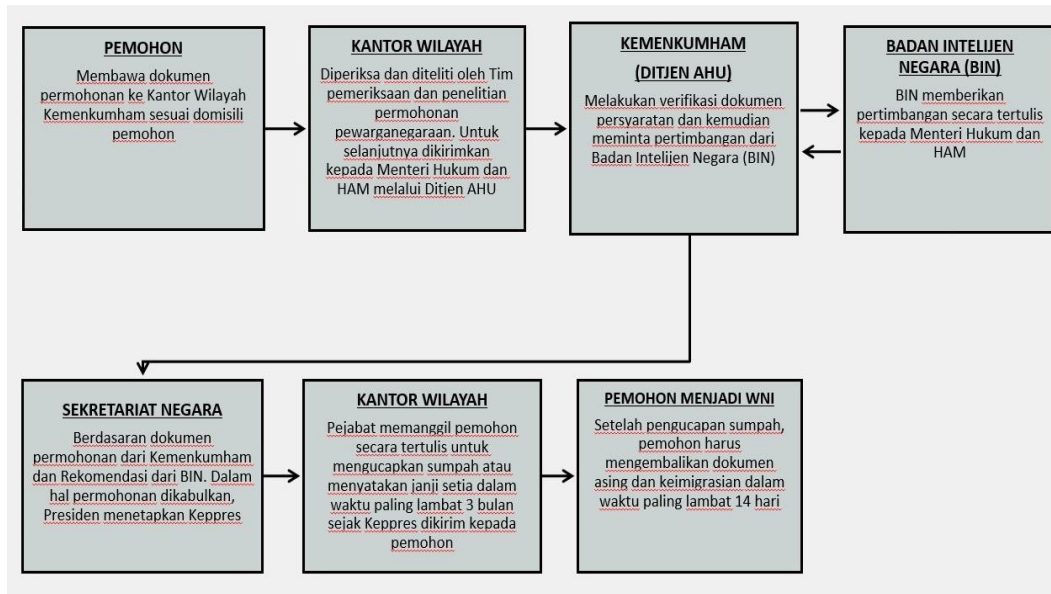


Table 1. Flow of Citizenship Application at the Regional Office of the Ministry of Law

One of the Performance Targets of the Directorate General of General Legal Administration at the Regional Office in 2023 is the Collection of Data on Dual Citizenship Children Based on Law Number 12 of 2006 concerning Indonesian Citizenship. The Regional Office of the Ministry of Law and Human Rights of West Nusa Tenggara, hereinafter referred to as the Regional Office of the Ministry of Law and Human Rights, through the Sub Division of General Legal Administration Services, coordinates with relevant agencies, namely the Population and Civil Registration Office in each Regency and City in West Nusa Tenggara Province, the Immigration Office and the Mixed Marriage Association in the West Nusa Tenggara Province to obtain data on Children with Dual Nationality.

The purpose of collecting data on dual nationality children is as follows (Ministry of Law and Human Rights NTB, 2023):

- a. To obtain data related to dual nationality children in the West Nusa Tenggara region;

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

- b. Equalizing perceptions and explaining technical guidelines related to the implementation of performance targets for data collection of children with dual nationality based on Law Number 12 of 2006 concerning Indonesian Citizenship;
- c. Fulfillment of Performance Target B04 Year 2023 Sub Division of General Legal Administration Services of the Regional Office of the Ministry of Law and Human Rights of West Nusa Tenggara.

Coordination activities with related institutions in order to fulfill the Performance Target of Data Collection on Children with Dual Nationality were carried out only 2 times in 2023 adjusted to the existing budget in the DIPA of the General Legal Administration Service Subdivision. In order to be more targeted, coordination activities are carried out in coordination with the Village Community Empowerment Office of Population and Civil Registration of West Nusa Tenggara Province and the Population and Civil Registration Office of Sumbawa Regency.

Fulfilling the Performance Target of Data Collection of Children with Dual Nationality of the Regional Office of the Ministry of Law and Human Rights of NTB through the Sub Division of General Legal Administration Services met directly with Mr. Panca Kusuma Waldi as Head of the Population and Civil Registration Division at the Village Community Empowerment Service at the Population and Civil Registration Service of West Nusa Tenggara Province. He explained that the importance of socialization related to citizenship and citizenship is especially for Indonesian citizens who are married to foreign citizens and have offspring where the child has dual citizenship due to ignorance of information to choose one of the citizenship of the parents. In addition, he explained the citizenship status given to children until the child reaches the age of 18. For children with dual citizenship or adivafid in terms of whether the mixed marriage is valid or , with an explanation that if the Indonesian citizen is legally married, the status of citizenship of the child resulting from a mixed marriage

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

becomes 2 (two) citizenship based on Law Number 12 of 2006 concerning citizenship of the Republic of Indonesia.

The same thing was conveyed by the Head of Population Registration Division, Mr. Syaihuiddin, at the Population and Civil Registration Office of Sumbawa Regency. He explained the importance of socialization related to citizenship and naturalization for Indonesian citizens who reside in Sumbawa and have married foreign nationals and have offspring where the children either live and go to school in Sumbawa or follow their foreign parents to get education . Perhaps they as parents do not know or do not understand the next process regarding their child's citizenship after the age of 21, or who is now past the of 21.

The implementation of PP 21 of 2022 has an impact on the number of citizenship applications in all regional offices of the Ministry of Law and Human Rights throughout Indonesia. This can be seen from the percentage of children who were declared to have lost their citizenship by the President at their own request from 2022 - 2024. Data obtained by researchers at the Regional Office of the Ministry of Law of West Nusa Tenggara in 2022, the number of Subjects of Article 23 of the Citizenship Law (Indonesian citizens who lost their citizenship) in West Nusa Tenggara amounted to 1,416 people, including the number of applications for citizenship amounting to 12.30% of the total 130 ABG people. In 2023 the number of subjects of Article 23 of the Citizenship Law amounted to 1,135 people, including the number of applications for citizenship amounting to 3.24% of the total 154 ABG and in 2024 the number of subjects of Article 23 of the Citizenship Law in West Nusa Tenggara amounted to 1,376 people, the number of ABG who chose Indonesian citizenship was 6.94% of the total number of 144 ABG (Ministry of Law and Human Rights NTB, 2024). From this data, there is an increase in the percentage of children who choose Indonesian citizenship through the application for.

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

According to an informant, "the number of Indonesian citizens residing in West Nusa Tenggara who have the potential to lose their citizenship is still very high" (Chasanova, 2024). Especially for teenagers, there are still few who have chosen citizenship, especially Indonesian citizenship, due to several factors, namely parents' ignorance of the provisions of having to choose citizenship for their children and also because of the factor of forgetting to take care of the obligation to vote for children after the age of 21. To remind the importance of this, a socialization activity with the theme "The Importance of Immediately Choosing Citizenship Especially for Children with Dual Citizenship" was held on February 27, 2024 by inviting participants from related agencies such as the Population and Civil Registration Office, Immigration, the Inter-State Family Hope Organization better known as HAKAN West Nusa Tenggara Province, as well as several mixed marriage families who live in the city of Mataram".

Government Regulation No. 21 of 2022 provides an effective legal solution for dual nationality children who have not chosen their nationality until they are over 21 years old. This regulation presents a special path that is easier, cheaper, and more flexible than the usual citizenship procedure. However, its implementation is still constrained by a lack of socialization, inter-agency coordination, and low awareness among people in mixed marriages of the importance of citizenship status for their children who have entered the age of choosing . Nonetheless, this policy has shown an increase in the number of applications for naturalization by children from year to year.

Supporting Policies and Regulations Related to the Implementation of Citizenship

Accountable law enforcement is an effort to ensure effective and accountable implementation of the law to the public, nation, and state to ensure justice and prosperity in society (Andriani & Eleanora, 2023). The purpose of *law enforcement* is to achieve a sense of justice, legal certainty, and benefit for the community (Putra, 2017). In this process, it must reflect aspects of legal certainty and order. What the law itself

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

wants to achieve is justice, where if we talk about justice, of course, it is relative, that is, it cannot be equated by everyone, relatively, it means how a person views and understands the meaning of justice itself. Because justice itself certainly looks at various aspects and is very different from certainty. When talking about legal certainty, of course, it is certain that an act that is prohibited is given sanctions because there are already legal rules that regulate it in a regulation from written legislation (Roihanah, 2015).

The results of an interview with the Head of the General Legal Administration Division at the Regional Office of the Ministry of Law of West Nusa Tenggara, Puri Adriatik Chasanova, said that one form of legal protection for children of mixed marriages was the issuance of Government Regulation No. 21 of 2022 by President Joko Widodo on May 31, 2022. The Government Regulation is a form of state presence in providing protection and legal certainty for children from mixed marriages and children born in *Ius Soli* countries (child citizenship will be given if the child is born in a country that adheres to the *ius soli* principle), where children born before the enactment of Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia of the Republic of Indonesia who did not register as children with dual citizenship and children born before the enactment of the Republic of Indonesia Citizenship Law who have registered but are late in choosing the Citizenship of the Republic of Indonesia until the specified time limit expires. Citizenship of the Republic of Indonesia can be obtained through citizen parents or legal guardians, not choosing citizenship, choosing citizenship late, or if the child is not registered as a child with dual citizenship. This is thanks to Government Regulation No. 21 of 2022 which amends Government Regulation No. 2 of 2007 concerning Procedures for Obtaining, Eliminating, Canceling, and Regaining Citizenship of the Republic of Indonesia through the mechanism of applying for citizenship to the President, which is submitted to the

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

Minister of Law and Human Rights within a maximum of 2 years from the enactment of Government Regulation No. 21 of 2022.

The results of interviews with informants said that "law enforcement for ABG is carried out based on applicable laws and regulations" (Farhan, 2025). After the enactment of Government Regulation No. 21 of 2022, its implementing regulations emerged, namely Regulation of the Minister of Law and Human Rights No. 10 of 2024 concerning Amendments to Regulation of the Minister of Law and Human Rights No. 21 of 2020 concerning Procedures for Submitting Applications for Nationality and Submitting Minutes of the Oath of Granting Citizenship of the Republic of Indonesia. In CHAPTER IVA Transitional Provisions, between Article 17 and Article 18, 1 (one) article is inserted, namely Article 17A so that it reads as follows:

When this Ministerial Regulation comes into force, the child as referred to in Article 2 Paragraph (4) letter b must submit an application for Nationality to the President through the Minister no later than May 31, 2024.

Law enforcement in the implementation of PP No. 21 of 2022 is also related to legal protection for children with dual nationality. The legal protection of children from mixed marriages and children from non-mixed marriages is the same. If children from mixed marriages live in Indonesia before the age of 21 years/not married, they receive the same legal protection as children from marriages. However, if the child of a mixed marriage lives in Indonesia beyond the age of 21 and has not chosen Indonesian citizenship, the child is treated as a foreign citizen who no longer receives legal protection by the Indonesian state. The legal action that can be taken is deportation by the Immigration authorities

Law enforcement factors are very influential in the implementation of foreigner surveillance by immigration. This is because the process of implementing such supervision can only run well in accordance with Law Number 6 Year 2011 on Immigration if the rules are implemented. Previously, it has been mentioned that in conducting surveillance of foreigners, the government has formed TIMPORA which is

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

tasked with overseeing the activities of foreigners while in the territory of Indonesia. The existence of TIMPORA is expected to be a forum for coordination between agencies to be able to monitor the presence and activities of foreigners, this is a preventive effort in legal action against foreigners.

In addition to Immigration, several agencies also cooperate in the supervision of foreigners in Indonesia who are members of the Foreigner Monitoring Team (TIMPORA) where the scope of supervision covers the province. Based on Article 11 of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 50 of 2016 concerning the Foreigner Monitoring Team, at the central level the members consist of elements:

- a. Ministry of Law and Human Rights;
- b. Ministry of Home Affairs
- c. Ministry of Foreign Affairs
- d. Ministry of Tourism;
- e. Indonesian National Army
- f. Indonesian National Police
- g. Attorney General's Office;
- h. Ministry of Finance;
- i. Ministry of Health;
- j. Ministry of Labor;
- k. Ministry of Religious
- l. Ministry of Marine Affairs and Fisheries
- m. Ministry of Education and Culture;
- n. Ministry of Research Technology and Higher Education
- o. Ministry of Social Affairs;
- p. Ministry of Transportation;
- q. Ministry of Youth and Sports
- r. Ministry of State Secretariat
- s. Indonesian Institute of Sciences;
- t. State Intelligence Agency
- u. National Narcotics Agency
- v. TNI Strategic Intelligence Agency
- w. Marine Security Agency;
- x. National Counterterrorism Agency.

Article 12 states that TIMPORA members at the provincial level consist:

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

- a. Regional Office of the Ministry of Law and Human Rights
- b. Regional Police
- c. Provincial Government;
- d. Provincial National Narcotics Agency
- e. Regional State Intelligence Agency
- f. Military Regional Command/Military Resort Command
- g. Air Force Main Air Base;
- h. Naval Major Base Command
- i. High Prosecutor's Office;
- j. Regional Tax Office.

To support the fulfillment of human rights for children with dual nationality as a result of their parents' mixed marriage, such children are granted immigration facilities. The affirmation of the travel rights of children with dual nationality is further regulated in Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 10 of 2023 concerning Registration and Application for Immigration Facilities for Children with Dual Nationality, Application for Immigration Certificate, and Return of Immigration Documents Related to Citizenship Status (hereinafter abbreviated as Permenkumham Number 10 of 2023).

The granting of Immigration Facilities regulated in Article 1 number 6 of Permenkumham Number 10 of 2023 is carried out by providing an *affidavit*, in accordance with the provisions of article, which states that:

Affidavit is an immigration document attached or combined with a foreign passport that contains information regarding the status as a child with dual nationality and provides immigration facilities to the holder in accordance with applicable laws and regulations.

The provision of this *affidavit* is a special thing that is only given to children with dual citizenship as a form of state attention. The provision of an *affidavit* as an immigration facility due to dual citizenship in children of Indonesian descent is carried out to prevent a regulatory vacuum to prevent children from being treated as if they do

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & Keadilan

not have citizenship because they do not get the rights that Indonesian citizens should have.

The provision of *affidavits* in Indonesia is a solution to guarantee travel rights for individuals with dual citizenship of descendants. *Affidavits* can be submitted by parents or guardians of children with dual citizenship, both in Indonesia and , through an electronic system provided by the Directorate General of Immigration's official page. Literally, an *affidavit* can be defined as "a written statement made under oath by the maker before an authorized official" (Ranuhandoko, 2013).

Broadly speaking in immigration, the *affidavit* itself is an immigration facility as evidence of a substitute for a visa and residence permit and is used to complete a foreign passport used by a child with dual nationality legally as stated in Article 8 paragraphs (1) and (2) of the Ministry Regulation (Aditama, 2021). Covering as stipulated in Article 10 paragraph (2) of the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 22 of 2012 concerning Procedures for Registration of Children with Dual Nationality and Application for Immigration Facilities which determines that, immigration facilities as referred to in paragraph (1) in the form of

- a. Exemption from visa requirements
- b. Exemption from the requirement to have an immigration permit and re-entry permit;
- c. Providing entry or exit signs that are treated as if they were Indonesian citizens.

Based on the results of the interview, the informant stated that when monitoring foreigners in the territory of Indonesia, and found that there are children with dual nationality who have passed the time to choose more than 21 years old but have not chosen citizenship, the officer to the child is asked to show documents related to the population owned (Firsada, 2025). Such as birth certificates, ID cards and family cards. Furthermore, they will be asked to show immigration documents owned such as the Republic of Indonesia passport, foreign passport, *Affidafit* and immigration certificate owned. When a brief interview is conducted with the child and his parents, they are

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

asked to determine Indonesian citizenship through naturalization in accordance with PP No. 21 of 2022. If the foreigner chooses, because he/she has passed the voting age limit, immigration administrative action will be taken in the form of deportation.

4. CONCLUSION

Government Regulation No. 21 2022 provides an effective legal solution for children who have not chosen their citizenship until the age of 21. This regulation presents a special path that is easier, cheaper, and more flexible than the usual naturalization procedure. However, its implementation is still constrained by a lack of socialization, coordination between agencies, and low public awareness. Nonetheless, this policy has seen an increase in the number of citizenship applications by young adults from year to year. Government Regulation No. 21 of 2022 is influenced by several supporting factors and inhibiting factors in its implementation. Supporting factors include clear regulations on the procedures for applying for naturalization through Permenkumham Number 10 of 2024, the requirement is not required to include SKIM for children born in Indonesia, the application fee is lighter than general citizenship, and children who have passed the age of 21 are still given the opportunity to choose citizenship until May 31, 2024. Inhibiting factors include limited socialization activities that cause people to not fully understand the procedures and benefits of PP No. 21 of 2022, differences in roles and lack of data synchronization between the Population and Civil Registry Office, Immigration and the Ministry of Law related to the number of children who do not report back their citizenship status after obtaining a Presidential Decree, causing data differences and hampering the process of implementing the duties and functions of each agency.

Government efforts in law enforcement against the implementation of Government Regulation Number 21 of 2022 can be in the form of supervision in the field in collaboration with related agencies incorporated in TIMPORA. While law

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

enforcement in the form of criminal, civil and administrative sanctions is adjusted to the form of violation committed. Sanctions imposed on ABG by Immigration are deportation from Indonesian territory. The sanctions aim to provide legal certainty regarding individual's citizenship status. By applying sanctions such as deportation, the government ensures that every individual living in Indonesia has a clear citizenship status and is recognized by the state

4. REFERENCES

- Aditama, I. (2021). *Affidavit atau Paspor RI Untuk Anak Berkewarganegaraan Ganda? Temukan Jawabannya*. <https://jogja.imigrasi.go.id/affidavit-atau-paspor-ri-untuk-anakberkewarganegaraan-ganda-temukan-jawabannya/>
- Andriani, D., & Eleanora, F. N. (2023). Penegakan Hukum Bagi Anak Berkewarganegaraan Ganda Ditinjau Dari Hak Asasi Manusia. *Jurnal Yustisiabel*, 7(1).
- Asshiddiqie, J. (2003). *Konsolidasi naskah UUD 1945*. Yarsif Watampone.
- Chasanova, P. A. (2024). *Interview with Ms. Puri Adriatik Chasanova, Head of Legal Services at the Regional Office of the Ministry of Law of NTB*.
- Fajar, M., & Achmad, Y. (2015). *Dualisme Penelitian Normatif dan Empiris*. Pustaka Belajar.
- Farhan, L. R. (2025). *Analisis Keimigrasian Ahli Pertama pada Kantor Imigrasi Kelas I Mataram*.
- Firsada, M. R. (2025). *Analisis Keimigrasian Ahli Pertama pada Kantor Imigrasi Kelas I TPI Mataram*.
- Gatara, A. S. (2012). *Pendidikan Kewarganegaraan (Civil Education)*. Fokusmedia.
- Gautama, S. (1997). *Warga Negara dan Orang Asing*. Alumni.
- Hartawan, A. (2011). *Status Kewarganegaraan Anak dari Hasil Perkawinan Campuran*. <http://andreanhartawan-ngeblogs.blogspot.com/2011/11/status-kewarganegaraan-anak-dari-hasil.html>
- Hosseini, S. I., Arya, A., & Ahmadi, M. (2015). Nationality in Private International Law. *Indian Journal of Science and Technology*, 8(12).
- Kansil, C. S. T. (1995). *Hukum Kewarganegaraan Republik Indonesia*. Sinar Grafika.
- Minister of Law and Human Rights. (2007). *Surat Edaran Menteri Hukum dan HAM RI*

Tersedia di online: <http://ejournal.unitomo.ac.id/index.php/hukum>

E-ISSN: 2580-9113

P-ISSN: 2581-2033

LEX JOURNAL: KAJIAN HUKUM & KEADILAN

No. M.09.HI.04.01 Tahun 2007 Huruf B butir 2 Tentang Tata Cara Pendaftaran, Pencatatan dan Pemberian Fasilitas Keimigrasian Sebagai Warga Negara Indonesia Yang Berkewarganegaraan Ganda.

Ministry of Law and Human Rights NTB. (2023). *Laporan Target Kinerja B04 Subbidang Pelayanan Administrasi Hukum Umum Kanwil Kementerian Hukum dan HAM NTB Tahun 2023 "Laporan Pendataan Anak Berkewarganegaraan Ganda."*

Ministry of Law and Human Rights NTB. (2024). *Laporan Monitoring Kewarganegaraan Kanwil Kementerian Hukum dan HAM NTB.* <https://kewarganegaraan.ahu.go.id/>

Mulyana, D. (2008). *Metodologi Penelitian Kualitatif: Paradigma Baru Ilmu Komunikasi dan Ilmu Sosial Lainnya.* PT. Remaja Rosdakarya.

Muzhar, C. R. (2022). *PP No 21 Tahun 2022 Memberikan Kemudahan Layanan Kewarganegaraan.* <https://portal.ahu.go.id/id/detail/75-berita-lainnya/3076-pp-no-21-tahun-2022-memberikan-kemudahan-layanan-kewarganegaraan-catat-persyaratannya>

Putra, E. (2017). *Penegakan Hukum Wujudkan Keadilan, Kepastian dan Kemanfaatan Hukum.* Komisi Yudisial RI. https://www.komisiyudisial.go.id/frontend/news_detail/514/penegakan-hukum-wujudkan-keadilan-kepastian-dan-kemanfaatan-hukum

R., S. (2016). *Citizenship as Foundation of Rights: Meaning for America.* Cambridge University Press.

Ranuhandoko, B. A. (2013). *Terminologi Hukum Inggris-Indonesia.* Sinar Grafika.

Roihanah, R. (2015). *Penegakan Hukum Di Indonesia : Sebuah Harapan dan Kenyataan.* *JUSTICIA ISLAMICA: Jurnal Kajian Hukum Dan Sosial*, 12(1).

Sonata, D. L. (2014). *Metode Penelitian Hukum Normatif dan Empiris: Karakteristik Khas dari Metode Penelitian Hukum.* *Fiat Justisia: Jurnal Ilmu Hukum*, 8(1), 25–27. <https://doi.org/https://doi.org/10.25041/fiatjustisia.v8no1.283>

Usmawadi. (1992). *Materi Pendidikan dan Kemahiran Hukum.* Laboratorium Hukum Fakultas Hukum UNSRI.

Wijayanti, H. (2011). *Hukum Kewarganegaraan & Keimigrasian.* Bayumedia Publishing.

Zulfikar, M. (2022). *Kemenkumham Catat 13.092 Anak Terdaftar Berkewarganegaraan Ganda.* Antara. <https://www.antaranews.com/berita/2962841/kemenkumham-catat-13092-anak-terdaftar-berkewarganegaraan-ganda>