

A Review of Indonesian Nationality Law: Progress Toward the Achievement of SDGs For Every Child

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Abstract

Stateless people are often denied access to the same rights and services as citizens. Furthermore, statelessness is often the result of discrimination against women, an issue that SDGs aim to address. This paper analyses how the Indonesian Nationality Law protects children at risk of statelessness. It also raises some legal challenges when applying the law with regards to the country's SDGs achievements. Discussion of the nationality law in Indonesia is not new, but scrutinising it in connection to Indonesia's achievement of SDGs has yet to be carried out by other authors. This paper is legal research using statute and conceptual approaches. The study shows that by reforming its nationality law, the Indonesian Government has allowed women to confer their nationality on their children equally with men. However, some challenges related to the implementation of this new law and its regulations still have the potential to cause issues of discrimination and statelessness for Indonesian children, which relates strongly to the issues addressed by SDGs. Additionally, this paper will be useful for the development of constitutional law, especially human rights laws and nationality laws in Indonesia.

Keywords: *Children's Rights, Indonesian Nationality Law, Non-discrimination Principle, SDGs, Statelessness*

I. INTRODUCTION

Sustainable development starts with children.¹ The multidimensional well-being of children is explicitly conveyed as a policy target of the Sustainable Development Goals (SDGs) 2030 agenda.² Nationality and statelessness are not expressly specified within the SDGs. In any case, the significance of many of the SDG objectives regarding nationality and statelessness are exceptionally clear. Stateless individuals are regularly denied access to their rights and abilities as citizens.³ For example, stateless people are often denied access to quality education and health care, despite SDGs No. 3⁴ and 4⁵ describing a world in which everyone, including those without nationality, has access to fundamental services.⁶

Statelessness is regularly the result of discrimination against women, an issue that SDGs address in goal 5⁷. The urgent point when ensuring a person's right to nationality is at the minute of birth. The impact can be severe when a child is denied access to his or her mother's nationality due to discriminatory laws. The child may be left without nationality; mainly this occurs when the father is stateless, unknown, deceased, or unable or unwilling to pass on his nationality.⁸ If children do not secure a nationality at birth, they may be left stateless for many years, with negative consequences. Access to education, a decent standard of living, social assistance, health care and other specific forms of protection to which children are entitled are all threatened by childhood statelessness.⁹ In some cases, statelessness may lead to harmful practices such as exploitation, violence or abuse against the child. In this context, the nationality right,

1 UNICEF, "A post-2015 world fit for children: Sustainable development starts and ends with safe, healthy and well-educated children" (2013) New York: UNICEF.

2 Mario Biggeri & Lucia Ferrone, "Child Sustainable Human Development Index (CSHDI): Monitoring progress for the future generation" (2022) 192 *Ecological Economics* 107266.

3 Laura Van Waas, "Addressing the Human Rights Impact of Statelessness in the EU's External Action" (2014) Directorate-General for External Policies of the Union, Directorate B, Policy Department European Parliament < [www.europarl.europa.eu/RegData/etudes/STUD/2014/534983/IPOL_STU\(2014\)_534983_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/534983/IPOL_STU(2014)_534983_EN.pdf).

4 SDGs No. 3: Ensure healthy lives and promote well-being for all at all ages (United Nations, "The 17 Goals", online: <<https://sdgs.un.org/goals>>.)

5 SDGs No. 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all (*Ibid.*)

6 *All About Statelessness: What Development Actors Need to Know*, by Institute on Statelessness and Inclusion (2017).

7 SDGs No. 5: Gender Equality (United Nations, *supra* note 4).

8 Zahra Albarazi & Laura van Waas, "Towards the Abolition of Gender Discrimination in Nationality Laws" (2014) 46:May *Forced Migration Review* 49-51.

9 Gerard René De Groot, "Children, Their Right to a Nationality and Child Statelessness" in Alice and Laura van Waas Edwards, ed, *Nationality and Statelessness Under International Law* (Cambridge University Press, 2014) 144.

often referred to as "the right to have rights", appears to be crucial.¹⁰ This is why a child's right to obtain a nationality is often specified by various international instruments, including the almost universally ratified 1989 Convention on the Rights of the Child (CRC).¹¹ It is clear that nationality and statelessness are two things that are very relevant to SDGs.¹²

Since statelessness connects specifically with the lack of application of legal identification, the lack of birth registration is the driving cause of this issue. Birth certificates are vital for children because they give changeless, official and unmistakable proof of a state's lawful acknowledgment of their presence in society. Without a birth certificate, it is more likely that a child will be unclaimed by any state. Not providing a child with his or her birth certificate or denying access to register a child's birth should be considered a discriminatory act on behalf of the state and a major contributor to the increase in statelessness.¹³ Children can be at risk of statelessness if they have challenges demonstrating that they have links to a state, and a lack of birth registration creates such a risk. Where national law permits nationality to be obtained on the grounds of descent (*ius sanguinis*), birth certificates prove who the child's parents are. Where nationality is procured on grounds of birth within the domain of the state (*ius soli*), birth certificates specify the birthplace.¹⁴

Research shows that providing legal identity is, in itself, not a solution to statelessness if there is no law which protects a child's right to acquire a nationality.¹⁵ For instance, refugee children, even though they possess a refugee travel document, are still a group that is vulnerable to having their rights violated. Moreover, some refugees are considered stateless persons who lack proper protection.¹⁶ Regarding this issue, the SDGs describe children as one of the world's most vulnerable and marginalised groups, at the top of their 2030 Agenda.

This discussion of the nationality law in Indonesia will be unique as it scrutinises the law alongside Indonesia's achievements of SDGs. This research will examine how the Indonesian Nationality Law can provide just and equitable provisions when protecting children from the risk of statelessness. The discussion will also highlight some legal challenges which have occurred when applying the law with regards to the country's SDGs achievement. The study will conclude by providing comments and

10 Jill Stein, "The Prevention of Child Statelessness at Birth: The UNCRC Committee's Role and Potential" (2016) 24:3 International Journal of Children's Rights 599-623.

11 De Groot, *supra* note 9.

12 *Why Citizenship is Relevant to Sustainable Development : Considerations for the 2019 High Level Political Forum*, by Tendayi;Bronwen Manby;Khadija Badri Bloom; (2019).

13 Blanka Ujvari, "The Causes of Statelessness" (2017) Hungarian YB Int'l L & Eur L 105.

14 UNHCR, "Good Practices Paper Action 7: Ensuring Birth Registration for the Prevention of Statelessness", online: *online: UNHCR*.

15 Neda Shaheen, "Discriminatory Nationality Laws Must Be Eliminated In Order To Eradicate Statelessness" (2018) 11 DePaul J Soc Just 1.

16 Peter van Krieken, "The High Commissioner for Refugees and Stateless Persons" (1979) 26:1 Netherlands International Law Review 24-36.

suggestions on how Indonesia could enhance the protection of children against the risk of statelessness for SDG achievement.

This study has some general parameters and objectives. Firstly, studying the Indonesian Nationality Law is essential in order to evaluate the implementation of the act and its regulations. Secondly, this research aims to identify the legal challenges faced by the Indonesian Government when providing child protection and the relationship of these challenges to achieving SDGs. The analysis of the legal challenges departs from discussion of the current nationality law. Furthermore, this paper seeks to be useful for the development of constitutional law, especially human rights laws and nationality laws in Indonesia.

The legal research methodology will be employed in this study since this research is conducted to resolve legal problems. In this context, the ability to identify legal problems, conduct legal reasoning, analyse the problems faced and provide solutions to these problems is needed.¹⁷ The study uses two legal sources, namely primary sources of law and secondary sources of law. The primary sources of law employed in this research are national laws that closely govern children's rights to a nationality, such as the Indonesian Constitution, Indonesian Nationality Law, and current international laws which protect the child's right to a nationality. The secondary sources of law used in this research consist of journal articles, online newspapers, cases, and reports by concerned institutions. In addition, this research will also use non-legal materials to complement the legal sources. The non-legal materials used are data relating to Indonesia's current performance in achieving SDGs for children. This study uses statute and conceptual approaches. The statute approach is conducted to examine the current laws and policies governing the child's right to nationality in Indonesia. The findings analysed from this study were made by interpreting the legal texts and literature. This interpretation will also use a conceptual approach that involves determining the meaning of these legal texts and literature.

It is important to note that the terms 'nationality' and 'citizenship' are used interchangeably in this research. In the context of international norms, the terms 'nationality' and 'citizenship' are usually used synonymously. This can be seen in the Universal Declaration of Human Rights (1948) and the Explanatory Report from the European Convention on Nationality of the Council of Europe (1997). This 1997 report explains that it "...refers to a specific legal relationship between an individual and a State which is recognized by that State...with regard to the effects of the convention, the terms 'nationality' and 'citizenship' are synonymous".

17 Peter Mahmud Marzuki, *Penelitian Hukum*, revisi ed (Kencana Prenada Media Group, 2021) at 60.

II. THE PROTECTION OF THE RIGHTS OF CHILDREN TO A NATIONALITY UNDER INDONESIAN LAW

1. Compliance with the Relevant International Human Rights Law

In principle, questions of nationality fall within the domestic jurisdiction of each state. However, the appropriateness of a state's choices can be constrained by the comparable actions of other states and by international law. It is stated by the Permanent Court of International Justice in its Advisory Opinion on the Tunis and Morocco Nationality Decrees of 1923, that:¹⁸

“The question whether a certain matter is or is not solely within the domestic jurisdiction of a state is an essentially relative question; it depends on the development of international relations.”

The approach was reaffirmed seven years later in the 1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws (The 1930 Hague Convention). It was the first international effort to ensure that all people had citizenship. Article 1 of the 1930 Hague Convention states that:¹⁹

“It is for each state to determine under its law who are its nationals. This law shall be recognized by other states in so far as it is consistent with international conventions, international custom, and the principles of law generally recognized concerning nationality.”

In other words, article 1 of the 1930 Hague Convention infers that the way in which a state exercises its right to determine its citizens must be in accordance with the relevant provisions in international law.²⁰

In 1948, the 1948 Universal Declaration of Human Rights (UDHR) was formed. It guarantees every person the right to citizenship in Article 15. This article affirms that “Everyone has the right to a nationality”. Moreover, it guarantees that “No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”.

The adoption of the 1961 Convention on the Reduction of Statelessness was a turning point in the battle for the foundation of a universal legitimate system to decrease and anticipate statelessness. Prior to this convention, the key achievements in the fight against statelessness were achieved by Articles 14 and 15 of the 1930 Hague

18 Marilyn Achiron, *Nationality and Statelessness: Handbook for Parliamentarians No. 22* (Inter-Parliamentary Union; UNHCR, 2014) at 8.

19 *Ibid.*

20 *Ibid.*

Convention, Article 15 of the Universal Declaration of Human Rights (UDHR), and Article 1 of the 1957 Convention on the Nationality of Married Women²¹.

In the development of international human rights law relevant to the right to nationality, the 1930 Hague Convention, the 1954 Convention Relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness became major international legal instruments, able to be used as references that provided principles relating to the right to nationality and issues of statelessness²².

In 2005, Indonesia ratified the International Covenant on Civil and Political Rights (ICCPR). Article 24 paragraph (3) of the ICCPR guarantees that '[e]very child has the right to acquire a nationality'.²³ This article only confirms a right to *acquire* a nationality, without any specifications relating to the time this right has to be implemented in. The article also does not indicate to which state a child may claim his or her right to a nationality. However, it does impose an obligation on behalf of the state to implement the provision in a way that gives a child a meaningful opportunity to exercise his or her right to acquire a nationality before the child reaches the age of majority (adulthood). Article 24 paragraph (2) requires children to be registered immediately after birth, whereupon early conferral of nationality is expected. This article implies that it is not acceptable to postpone the right to acquire a nationality until the individual reaches the age of eighteen years. Article 24 paragraph (1), stipulates that '[e]very child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.' This means that it is explicitly confirmed that children cannot be denied access to a nationality on discriminatory grounds.

Furthermore, the United Nations Human Rights Committee (HRC) has prohibited discrimination in respect of the acquisition, deprivation, or loss of nationality, as stated in General Comment No. 17 on Article 24:²⁴

“While the purpose of [Article 24] is to prevent a child from being afforded less protection by society and the state because he is stateless, it does not necessarily make it an obligation for states to give their nationality to every child born in their territory. However, states are required to adopt every appropriate measure, both internally and in cooperation with other states, to ensure that every child has a nationality when he is born. In this connection, no discrimination with regard to the

21 Luca Bücken & René de Groot, “Deprivation of nationality under article 8 (3) of the 1961 Convention on the reduction of statelessness” (2018) 25:1 Maastricht Journal of European and Comparative Law 38-51.

22 Carol A Batchelor, “Statelessness and the Problem of Resolving Nationality Status” (1998) 10:1-2 International Journal of Refugee Law 156-183.

23 De Groot, *supra* note 9.

24 Bücken & de Groot, *supra* note 21.

acquisition of nationality should be admissible under internal law as between legitimate children and children born out of wedlock or stateless parents or based on the nationality status of one or both of the parents.”

As the most widely ratified international human rights treaty in history²⁵, the Convention on the Rights of the Child (CRC) is the first treaty to deal comprehensively with the rights of children.²⁶ Indonesia ratified this convention through Presidential Decree No. 36 of 1990. Article 7 of the CRC stipulates that “[t]he child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.” Furthermore, it guarantees that states shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

De Groot affirms that ‘neither the ICCPR nor the CRC indicates which nationality a child may have a right to, nor do they guarantee that the nationality is acquired at birth’.²⁷ Doek, as the former Chairperson of the UN Committee on the CRC, emphasises that the state must take all necessary measures to prevent the child from being stateless, rather than introducing the *jus soli* approach.²⁸ This means that the obligations imposed on states by Article 7 paragraph (2) of the CRC are not exclusively directed at the country of birth of the child, but to all countries with which the child has a connection by way of parentage, residence or place of birth.²⁹

As well as the CRC, Indonesia also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Article 9 of the CEDAW provides that the state shall not discriminate based on gender where citizenship is attributed based on parentage. A child should have equal access to the state’s citizenship, whether it is the mother or father who holds this citizenship. Besides being recognised explicitly by Article 9 paragraph (2) of CEDAW, this obligation is in line with the non-discrimination clauses of the ICCPR and the CRC.³⁰ UNHCR emphasises that gender inequality in nationality laws can create statelessness.³¹ Citizenship laws that do not guarantee women equality with men in conferring citizenship to their children

25 *The state of the world’s children. Special edition, Statistical tables*, by UNICEF (UN: The United Nations, 2009).

26 *The United Nations Human Rights Treaty System*, by OHCHR (2012).

27 De Groot, *supra* note 9.

28 Jaap E. Doek, “The CRC and The Right to Acquire and to Preserve a Nationality” (2006) 25:3 (Nationality, and Reduction of Statelessness: International, Regional and National Perspectives) Refugee Survey Quarterly 26–32.

29 De Groot, *supra* note 9.

30 *Ibid.*

31 *Background Note on Gender Equality, Nationality Laws and Statelessness*, by UNHCR (2014).

are a cause of statelessness. Moreover, ensuring gender equality in nationality laws can actively reduce the threat of statelessness.³²

The Convention on the Rights of Persons with Disabilities (CRPD) also guarantees the right of persons with disabilities to a nationality. With regards to the rights of the child to a nationality, Article 18 paragraph (2) of the CRPD stipulates that “Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.” Indonesia ratified the CRPD in 2011.

Other international human rights law instruments, no less important than those previously listed, are the 1951 Convention relating to the Status of Refugees and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. These two conventions do not specifically provide the right to a nationality for children.

Indonesia has not ratified The Convention relating to the Status of Refugees. Article 34 of this convention stipulates that state parties must, as much as is possible, facilitate the assimilation and naturalisation of refugees. The convention obligates state parties to make every effort to speed up the naturalisation process and reduce, as much as is possible, the costs of the process. Article 34 does not give individuals the right to naturalisation as refugees. The task of facilitating implies an obligation for the authorised institutions when it comes to naturalisation and obliges the courts to consider the specific situation of refugees in their discretion.³³

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is the most comprehensive international convention relating to the rights of migrant workers. Thus, it is important to reaffirm the protection of the right to a nationality for children, codified in the ICCPR and CRC, in the special case of children of migrant workers.³⁴ Indonesia ratified this convention in 2012.

The following table shows which international human rights instruments relating to the protection of children's rights to a nationality have been ratified by Indonesia:

³² *Ibid.*

³³ Kay Hailbronner, “Nationality in public international law and European law” (2007) *Acquisition and Loss of Nationality: Policies and Trends in 15 European Countries* 35-104.

³⁴ David C Baluarte, “The risk of statelessness: reasserting a rule for the protection of the right to nationality” (2017) 19 *Yale Hum Rts & Dev LJ* 47.

No.	International Human Rights Instruments	Indonesia
1	The 1930 Hague Convention	No
2	The 1951 Convention relating to the Status of Refugees	No
3	The 1954 Convention Relating to the Status of Stateless Persons	No
4	The 1957 Convention on the Nationality of Married Women	No
5	The 1961 Convention on the Reduction of Statelessness	No
6	The 1965 International Convention on the Elimination of All Forms of Racial Discrimination	Yes
7	The 1966 International Covenant on Civil and Political Rights ICCPR	Yes
8	The 1989 Convention on the Rights of the Child	Yes
9	The 1979 Elimination of All Forms of Discrimination against Women	Yes
10	The 2006 Convention on the Rights of Persons with Disabilities	Yes
11	International Convention on The Protection of The Rights of All Migrant Workers and Members of Their Families	Yes

Table 1: International Human Rights Instruments Relating to the Protection of Children's Rights to A Nationality which have been Ratified by Indonesia

Indonesia has ratified many international human rights treaties that pertain to the children's right to a nationality. Unfortunately, Indonesia is not a party to the 1930 Hague Convention, the 1954 Convention Relating to the Status of Stateless Persons, or the 1961 Convention on the Reduction of Statelessness. These three conventions are the main international legal instruments relevant to the right to nationality and issues of statelessness.

2. Current Citizenship Law Regime

When establishing laws on nationality, national law must also pay attention to the values within the framework of international law, which includes the provisions of international treaties, the principles of international customary law, and human rights. These values will be found in legislation only if they are clear, accessible, well understood, and can be translated from abstract ideas into specific individual rights.³⁵

In the case of statelessness, when an international instrument states that statelessness should be avoided, the key question is how the country in question drafts a nationality law that guarantees that statelessness will not occur within the jurisdiction of the country. This is done in the context of the country's parallel efforts to achieve many other policy objectives at the national level, while anticipating how its laws will interact with the laws of other countries at the international level. Therefore, drafting a nationality law and interpreting its implementation is not a simple matter.³⁶

³⁵ Carol A Batchelor, "Transforming international legal principles into national law: The right to a nationality and the avoidance of statelessness" (2006) 25:3 Refugee Survey Quarterly 8-25.

³⁶ *Ibid.*

Some considerations when devising laws on citizenship are that the law should be transparent, incorporate international standards, comply with internal rules and procedures, and ensure that statelessness does not occur within its territory or for persons under its jurisdiction abroad. Substantial gaps between the written legislation and the results applied in practice are possible. In addition, disputes may arise if the law has been misinterpreted or abused by national administrative officials. If the country's citizenship laws are not clear enough, other states can read the laws and make assumptions that can lead to serious consequences, including statelessness for an individual.³⁷

In Indonesia, the stipulations regarding Indonesian Citizenship, besides being contained in the constitution, are also regulated in the laws and regulations under it.³⁸ The amendment of the 1945 Indonesian Constitution, which happened in 1999-2022, made changes in the stipulation of citizenship. The amended constitution states clearly in Article 26 that:

- (1) Citizens shall consist of indigenous Indonesian peoples and persons of foreign origin who have been legalized as citizens under the law.
- (2) Residents shall consist of Indonesian citizens and foreign nationals living in Indonesia.
- (3) Matters concerning citizens and residents shall be regulated by law.

Regulations on the rights of the citizens and residents also appear in Articles 27, 28, and articles contained in Chapter XA on Human Rights.³⁹ Article 28D paragraph (4) of the Amended 1945 Indonesian Constitution states that “[e]very person shall have the right to citizenship”. In addition, Article 28E paragraph (1) of the constitution ensures that every person has the right “to choose one’s citizenship”.⁴⁰ This can be read as providing an acknowledgment that nationality is the right of every person, as is the right to change and retain nationality as is confirmed by the Human Rights Council in its thirteenth session annual report:

“The right to a nationality implies the right of each individual to acquire, change and retain a nationality. The right to retain a nationality corresponds to the prohibition of arbitrary deprivation of nationality. As indicated above, an explicit and general prohibition of arbitrary deprivation of nationality can be found in numerous international instruments. In particular, it is worth noting that article 15 of the Universal Declaration of Human Rights explicitly provides that no one

³⁷ *Ibid.*

³⁸ Zendy Wulan Ayu Widhi Prameswari, “Ratio Legis dan Dampak Pengaturan Kewarganegaraan Ganda dalam Undang-Undang Kewarganegaraan Republik Indonesia” (2019) 13:3 Jurnal Ilmiah Kebijakan Hukum 359-378.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

should be arbitrarily deprived of his or her nationality. The General Assembly, in its resolution 50/152, also recognized the fundamental nature of the prohibition of arbitrary deprivation of nationality.”⁴¹

The Amended 1945 Constitution does not specifically provide the right of children to a nationality. However, Article 28B paragraph (2) states that 'every child shall have the right to live, to grow and to develop, and shall have the right to protection from violence and discrimination'. Thus, this can be read as children should not be denied access to the right to nationality on discriminatory grounds.⁴²

Law No. 12 of 2006 regarding Indonesian Nationality Law adopts four principles as follows:

- (1) The *ius sanguinis* (nationality by blood) principle
- (2) The *ius soli* (nationality by birth) principle
- (3) Singular citizenship
- (4) The limited dual citizenship for children

Besides the above principles, this law provides some basic principles pertaining to the state's obligation to protect its citizens, including principles of national interest, maximum protection, non-discrimination, and gender equality, as well as the recognition of and respect for human rights. With regards to the process of acquisition and loss of citizenship, the law describes principles of openness, publicity, and substantive correctness.⁴³

According to Indonesian Nationality Law, there are several ways for a child to obtain Indonesian nationality:

1. Based on the *ius sanguinis* principle adopted by this law, a child is granted Indonesian nationality if one or both of his/her parent/s hold/s Indonesian nationality, e.g. Article 4 points b, c, d, e, f, g, l.
2. Based on the *ius soli* principle adopted by this law, a child is granted Indonesian nationality if he/she was born in the territory of Indonesia and the nationality of his/her parents is unclear or unknown, or his/her parents are stateless or their whereabouts are unknown, e.g. Article 4 points i, j, k.
3. A child who is recognized by a man as his child before the child is 18 (eighteen) years old or has not married yet, e.g. Article 4 point h.
4. A child whose parent/s received Indonesian citizenship, e.g. Article 4 point m.

41 Editors The Palestine Yearbook of International Law, “Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General” in *The Palestine Yearbook of International Law Online* (Brill Netherlands, 2009) 265.

42 *Ibid.*

43 *Report on Citizenship Law: Indonesia*, by Susi Dwi Harijanti (2017).

The 2006 Act also provides several grounds for loss, especially in Article 23 points a-i. Article 25 states that the loss of Indonesian citizenship for parent/s will not automatically result in the loss of Indonesian citizenship held by their children. This 2006 Act was regarded as a 'progressive or revolutionary act' for several reasons.⁴⁴

The first is that the law provides a limited form of dual citizenship for children having parents of different nationalities. This principle has been seen as an acknowledgment of women's and children's rights⁴⁵. According to Article 4 points (c) and (d) of Indonesian Nationality Law, children born through legal wedlock between an Indonesian citizen and a foreign citizen are categorised as citizens of Indonesia. Article 6 affirms that in the case of dual citizenship status, after the age of 18 (eighteen) years old or after marriage, they must choose one of their nationalities. Their statement of choice of their nationality shall be submitted no later than 3 (three) years after the child reaches 18 (eighteen) years old or has married. Compared to the previous law, (Law No. 62 of 1958), children born from mixed marriages now receive better protection because they may hold both parents' nationalities until the age of 18, have married, or are a maximum of 21 years old. Moreover, Article 4 point e confirms that children born through legal wedlock from an Indonesian mother and a stateless father, or if the laws of the father's home country do not grant citizenship to the child, the child remains an Indonesian citizen.

Secondly, the law provides equality between men and women regarding the determination of their children's nationality. As mentioned before, Indonesia has ratified the CEDAW, which guarantees equal rights between women and men with respect to the nationality of their children. Consequently, as a party to the CEDAW, Indonesia has carried out its international obligations according to what is established in the CEDAW.

Thirdly, the Indonesian Nationality Law emphasises the *ius sanguinis* principle as the prime method of determining Indonesian nationality. The current utilisation of both maternal and paternal lineages is a deviation from the previous *ius sanguinis a patre* principle⁴⁶.

Finally, to prevent statelessness the Indonesian Nationality Law employs *ius soli* and *ius sanguinis* concurrently. Despite the fact that Indonesia has not ratified the 1954 Convention concerning the Status of Stateless Persons or the 1961 Convention concerning the Reduction of Statelessness, the employment of these principles is in harmony with Article 15 paragraph (1) of the UDHR, Article 24 paragraph (3) of the ICCPR, and Article 7 paragraph (1) CRC.

44 *Politik Hukum Kewarganegaraan*, by Bilal Dewansyah; Rahayu Prasetyaningih; Susi Dwi Harijanti (2019).

45 *Ibid.*

46 *Ibid.*

In order to implement the provisions guaranteed in the Indonesian Nationality Law, the Government of Indonesia also enacted some regulations, such as Government Regulation No. 21 of 2022 on the amendment of Government Regulation No. 2 of 2007 on Procedures for Acquiring, Loss, Cancellation, and Regaining the Citizenship of the Republic of Indonesia and Regulation of the Minister of Law and Human Rights No. 47 of 2016 on Procedure for Submitting Application for Citizenship of the Republic of Indonesia Electronically.

It appears that the Government of Indonesia has tried to carry out its obligations according to both national and international law. Through its nationality law regime, Indonesia has provided better protection against statelessness, especially for children and women. Although principally it does not allow dual nationality for adults, it provides limited dual nationality for children to allow them to hold both parents' nationalities. However, there are still some challenges that have the possibility to prevent or even diminish the child's right to a nationality.

III. THE LEGAL CHALLENGES OF INDONESIA'S CURRENT CITIZENSHIP REGIME IN CHILD PROTECTION TOWARD SDGs ACHIEVEMENT

Under Law No. 62 of 1958, which preceded Law No.12 of 2006, the nationality of children was based on paternal lineage. This became complicated when the mother, an Indonesian citizen, and the father, a foreigner, divorced. Article 3 of Law No. 62 of 1958 stipulated that the rights to custody of a child born out of lawful wedlock to an Indonesian mother or a child born in a legal marriage from an Indonesian mother will be given to the mother. However, the nationality of the child will remain that of the foreign father. Additionally, the child was considered a foreign citizen under Indonesian Law. This was one of the reasons for adopting the limited dual citizenship principle in Law No. 12 of 2006.

Law No. 12 of 2006, as the current Indonesian Nationality Law, has been implemented for sixteen years. Therefore, it is important to evaluate some problems that have arisen from the implementation of the existing law and regulations with regard to the protection of children. Based on the Indonesian Nationality Law, some children who meet the requirements are granted dual citizenship. They must choose one of their two citizenships when they reach the age of 18 years or before they reach the age of 18 years but they are already married, and before the age of 21 years at the latest. Law No. 12 of 2006 does not stipulate in detail their status if they fail to meet these requirements. Rather, the consequences of this failure are found in Government Regulation No. 2 of 2007, in conjunction with Government Regulation No. 21 of 2022. Article 65(1) of the government regulation affirms that "in the case of children... who do not choose any of their citizenships, the legislative provisions on foreigners shall apply". Thus, the children concerned lose their Indonesian citizenship if they are

affected by this condition,⁴⁷ becoming foreign nationals. If they wish to remain in Indonesia, they must obtain a Temporary Residence Permit (Kartu Ijin Tinggal Sementara/KITAS) or Permanent Residence Permit (Kartu Ijin Tinggal Tetap/KITAP). Furthermore, if they want to acquire Indonesian nationality, they must go through the process of naturalisation at their own expense. These problems are often raised by children from mixed marriages and their parents.⁴⁸ This situation can result in statelessness for the children when their second country enforces the same rules. Harijanti argues that the Indonesian government should regard them as Indonesian citizens rather than foreigners.⁴⁹ Article 65(1) is in contradiction with Indonesian citizenship policy, which rules that Indonesian citizens will not lose their nationality easily. According to the Indonesian system of legislation, the consequences of not choosing any particular nationality should be regulated by the Law on Citizenship rather than by Government Regulation.⁵⁰ Additionally, Law No. 12 Of 2006 adheres to the principle of anti-apatride, which seeks to prevent statelessness from occurring. Although in principle all provisions or circumstances that cause the apatride must be prevented, Indonesian Nationality Law must also provide a "solution" if a person becomes an apatride due to differences between applicable provisions in Indonesia and those in other countries (or due to extraneous circumstances). If this happens, provisions must be made for the person to become an Indonesian citizen⁵¹

Article 41 of Law No. 12 of 2006 stipulates that children have the possibility to have dual citizenship under Article 4 points (c), (d), (h) and (I), and Article 5, including children from a mixed marriage, and those born before the enactment of the nationality law. To do so, their parents must register to acquire Indonesian citizenship before the relevant authority within four years of their entry into Indonesia; a measure in force from 1 August 2006. Unfortunately, if the parents failed to do so, their children would lose Indonesian nationality. In other words, the children would lose their right to have limited dual citizenship as provided by the nationality law itself. Many raised concerns about this stipulation due to fears that parents would not know about the time limit due to inadequate dissemination of information or that parents would unintentionally forgot to make a declaration on behalf of their children.⁵² The case that stole the public's attention was the Gloria Natapradja case. Because of her parent's failure to comply with Article 41 by not reporting to the authorities their choice of Indonesian nationality for the child, Gloria lost her Indonesian citizenship. Gloria's mother submitted a petition to the Indonesian Constitutional Court requesting the court review Article 41 of the nationality law against the amended 1945 Constitution. Unfortunately, based on Verdict No. 80/PUU-XIV/2016, the court

47 *Ibid.*

48 Nevey V Ariani, *Penelitian Status Kewarganegaraan Anak Melampaui Batas Usia 21 Tahun di Indonesia* (Jakarta: BALITBANGKUMHAM Press, 2018).

49 Harijanti, *supra* note 44.

50 Harijanti, *supra* note 43.

51 Harijanti, *supra* note 44.

52 *Ibid.*

decided that Article 41 of Law No. 12 of 2006 was constitutional and in harmony with the amended 1945 Constitution. Therefore, the petitions of the applicant were rejected. The court confirmed that if parents failed to meet the requirement of Article 41 due to neglect or ignorance and as a consequence their children lose their Indonesian citizenship, the fault was with the parents.

Although the Constitutional Court confirmed that Article 41 of Law No. 12 of 2006 was constitutional, the Indonesian Government has made an effort to overcome this problem through changes to Government Regulation No. 2 of 2007 through Government Regulation No. 21 of 2022. Through these amendments, the Government of Indonesia intends to provide a legal basis for children who have not registered or those who have registered but have not chosen citizenship as referred to in Article 41 of Law No. 12 of 2006. Unfortunately, in the Government Regulation No. 21 of 2022, it is stipulated in Article 3A that for children who have not registered or who have registered but have not chosen citizenship as can apply for nationality to the President through the Minister of Law and Human Rights. The application must meet some requirements. One is a certificate from the representative of the applicant's secondary country, stating that by obtaining citizenship of the Republic of Indonesia, the child will not have dual nationality. This situation will create a new problem for children who have not registered because those who should be registering to be children with dual nationality are asked to renounce their second nationality.

The other challenge regards the measure used by the nationality law to stipulate the age of childhood. Besides using age, the nationality law also uses the marital status of a child to indicate whether their childhood has ended or not. This means that if a 16-year-old girl gets married, she will lose her child protection status based on Law No. 12 of 2006. In some studies, the use of marital status as criteria is a matter of debate as it can lead to discrimination on the basis of gender.⁵³ In the context of Indonesia, the use of criteria based on marital status is also used in several domestic laws to end the legal age limit for children, for example in Law Number 39 of 1999 concerning Human Rights and Law No. 4 of 1979 concerning Child Welfare (the Child Welfare Law). In some studies, the use of marital status as a criterion has become a debate because it contradicts Law No. 23 of 2002 concerning Child Protection and its amendment which states that "A child is someone who is not yet 18 (eighteen) years old, including a child who is still in the womb." Another legal challenge being faced by Indonesia is the disharmony between Law No. 12 of 2006 and Law No. 23 of 2006 concerning Population Administration, as well as the 2013 amendments to Law Number 23 of 2006 concerning Population Administration. Article 1 number 2 of the Population Administration Law classifies residents as either Indonesian citizens or foreigners living in Indonesia. Article 63 (1) requires that Indonesian citizens and foreigners who have a Permanent Stay Permit who are at least 17 (seventeen) years old or have been married

⁵³ Courtney G Joslin, "Marital Status Discrimination" (2015) 95 Boston University Law Review 805-831.

must have an electronic ID card (KTP-elektronik/KTP-el). This means that if a child who has limited dual citizenship is required to determine whether they are classified as an Indonesian citizen or a foreigner on their KTP-el by the age of 17 years. This is different from the provisions of Law No. 12 of 2006, which enables children to have dual citizenship up to the age of 18 years and no later than 21 years.

Domestic laws disharmony also occurs between Law No. 12 of 2006 and Law Number 7 of 2017 concerning General Elections, meaning that children who have limited dual citizenship also have problems accessing their political rights. When a child who has limited dual citizenship chooses to include "Foreign Citizen (WNA)" on their KTP-el, they must give up their privileges as a child who has limited dual citizenship from the age of 17. This results not only in the children losing their right to Indonesian citizenship status but also their political right to vote and be elected in the general election.

There are also problems relating to economic rights, particularly the inheritance rights of children who have limited dual citizenship. The process of ownership or transfer of land rights obtained by children who have limited dual citizenship through inheritance is often problematic. One of the problems is whether the child is entitled to inherit a land title in Indonesia from one of their parents who is an Indonesian citizen. According to Article 21 paragraph (1) of Law No. 5 of 1960 concerning Basic Regulations on Agrarian Principles, only Indonesian citizens can have property rights. Regarding implementation, there are differences in views between agencies regarding the procedures for transferring a land title by heirs who are children with limited dual citizenship because some parties argue that they are foreigners.⁵⁴ This results in legal uncertainty for both the children and their families as well as several related parties, such as notaries/land deed officials (Pejabat Pembuat Akta Tanah/ PPAT) and the National Land Agency (Badan Pertanahan Nasional/ BPN).

A core focus of the SDGs agenda is that no one must be left behind; even that the furthest behind must be reached first. No child must be stateless. Whether a child has been left stateless because of discriminatory nationality laws or other reasons, childhood statelessness should be preventable. Acknowledging the harm that childhood statelessness inflicts, and implementing direct lawful and practical measures to avoid it will allow governments to guarantee that children's very real connections to their countries are recognised through nationality.⁵⁵ Limited dual citizenship, which was expected to be a better solution to the protection of women's and children's rights, did provide a real solution to the issue of discrimination at the time of the enactment of Law No. 62 of 1958. Unfortunately, in its implementation, limited dual citizenship also

⁵⁴ Lynda Chayadi, "Implikasi Hukum Atas Kedudukan Warga Negara Asing Sebagai Ahli Waris Untuk Hak Milik Atas Tanah" (2020) 7:2 Jurnal Ilmiah Penegakan Hukum 159-168.

⁵⁵ UNHCR, *I Am Here, I Belong: The Urgent Need to End Childhood Statelessness* (UNHCR Geneva, Switzerland, 2015).

created several problems for the rights of children who have it and will further affect the achievement of the SDGs 2030 target.

IV. INDONESIA'S CURRENT PERFORMANCE IN ACHIEVING THE SDGs FOR CHILDREN

What stands out about SDGs is their emphasis on inclusion and 'closing the gap' to ensure that no one is left behind on the path to sustainable development. In keeping with this goal, one of the key features of the SDG targets is an increased focus on disaggregated data within countries to monitor disparities.⁵⁶ Below are the figures concerning Indonesia's Progress for Every Child Country Profiles issued by UNICEF.⁵⁷ This is the latest available data which covers the time between 2016-2021. The Country Profile is based on an assessment of 44 indicators concerning children in the 2030 agenda. These indicators are grouped into five broad dimensions of child rights that cut across the SDGs i.e. Survive + Thrive, Learning, Protection, Environment, and Fair chance. The five dials illustrate the country's status in each dimension based on an assessment of indicator performance against global targets. Each dial reveals what proportion of the country's indicators have met the global target, are on track to meet the target by 2030, require acceleration to reach the global target by 2030, or have no data (or insufficient data to plot trends).⁵⁸ By country, the summary "dials" in this study show development in each of the five areas of children's rights. Each dial represents a significant exercise in aggregation, incorporating each country's performance on all the indicators in that dimension. Based on the availability of data and the nations' progress toward the global SDG target, each indicator is classified to one of five categories:

- No data - In the UNICEF global databases, there are no statistics of acceptable quality, international comparability, coverage, or recentness.
- Insufficient trend data - Until able to identify a trend and make projections for 2030, there are not enough data points.
- Acceleration needed - According to current trends, the worldwide goal won't be reached by 2030.
- On track - According to current patterns, the global goal will be reached by 2030.
- Target met - The country has already met the global SDG goal.⁵⁹

⁵⁶ BAPPENAS, "Laporan Baseline SDG tentang Anak-Anak di Indonesia" (2017) Kementerian Perencanaan Pembangunan Nasional (Bappenas) dan United Nations Children's Fund 1-105 at 9.

⁵⁷ UNICEF, "Child-Related SDG Progress Assessment for Indonesia", online: *online: UNICEF Data* <<https://data.unicef.org/sdgs/country/idn/>>.

⁵⁸ *Ibid.*

⁵⁹ UNICEF, "Progress for Every Child in the SDG Era: Are we on Track to Achieve the SDGs for Children? The Situation in 2019" (2019) July at 7.

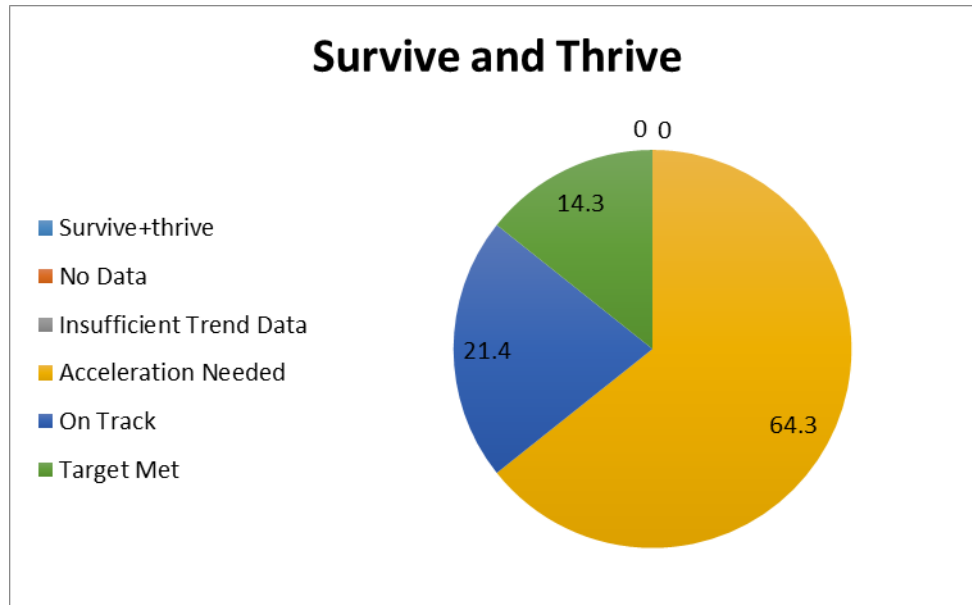


Figure 1: Indonesia's Progress in Survive and Thrive Indicators

According to Figure 1, the proportions of the indicator for 'survive and thrive' such as target met, acceleration needed, and on track, were 14.3%, 64.3% and 21.4% respectively, with 0% for insufficient trend data and no data. Figure 1 shows that, the biggest undertaking that the Government of Indonesia has to do is accelerating to meet the target of the 2030 Agenda.

The adoption of the SDGs has increased awareness on a worldwide scale that thriving is just as important as survival for children with regards to the future of health, prosperity, peace and freedom. In addition to assistance with child health and nutrition, thriving calls for a child's capacity to form relationships, learn, take on responsibilities, and ultimately start families to whom they offer economic security and allow to make contributions to society. Children need opportunities for responsive connections as well as chances to explore and learn in a safe and secure environment in order to develop the broader abilities necessary for thriving.⁶⁰

⁶⁰ Maureen M Black, Chessa K Lutter & Angela CB Trude, "All Children Surviving and Thriving: Re-envisioning UNICEF's Conceptual Framework of Malnutrition" (2020) 8:6 The Lancet Global Health e766-e767.

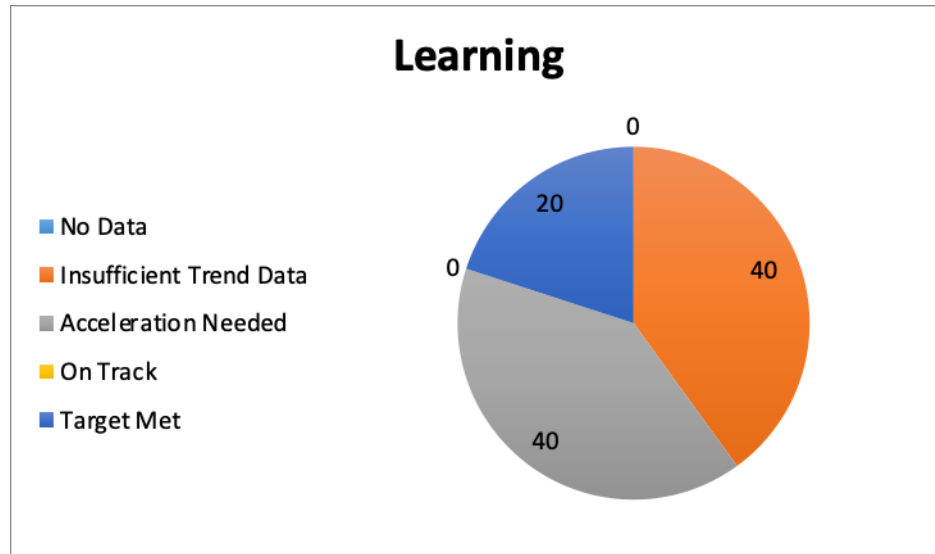


Figure 2: Indonesia's Progress in Learning Indicators

Target met, acceleration needed, on track, insufficient trend data, and no data had percentages of 20%, 40%, 0%, 40%, and 0%, respectively. The diagram demonstrates that Indonesia has only effectively met a small portion of its learning indicator targets, around 20%. Additionally, not all of the Indonesian Government's initiatives have demonstrated that they are moving in the right direction, necessitating the need for acceleration. The pre-primary through secondary education completion rate, the achievement of sufficient learning outcomes, and access to drinking water, sanitation, and hygiene (or 'WASH') in schools are among the five indicators examined here.⁶¹

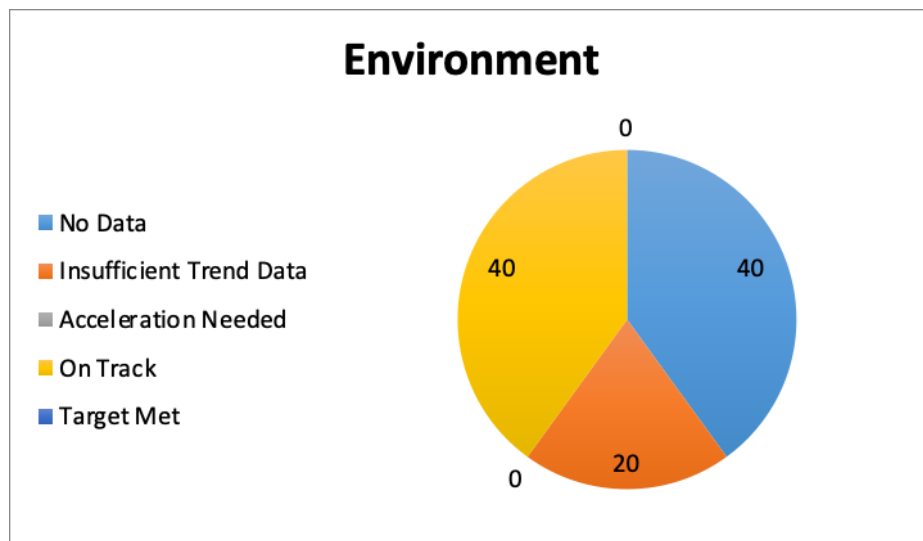


Figure 3: Indonesia's Progress in the Environment Indicators

⁶¹ UNICEF, *supra* note 59.

Target reached, acceleration needed, on track, insufficient trend data, and no data—were 0%, 0%, 40%, 20%, and 40%, respectively. The figure demonstrates that the Indonesian Government has completely failed to meet its environmental indicator targets. However, some efforts have been made by the Indonesian Government, as 40% are already on track. The eight indicators considered here include the use of clean fuels, mortality from accidents and air pollution, access to clean water, sanitary conditions, and cleanliness.⁶²

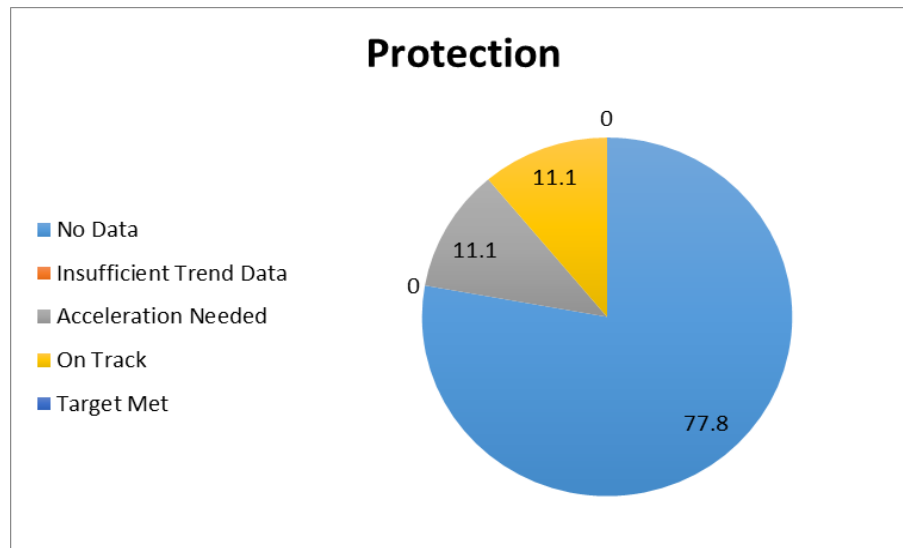


Figure 4: Indonesia's Progress in Protection Indicators

Six of these SDGs indicators are focused specifically on children and five cover a wider age range but are intended to be broken down by age, including child protection issues. The SDG framework divides child-specific indicators into two groups:

- (1) those that specifically mention minors in the indicator definition, such as those on child labor, harsh punishment, and birth registration; and
- (2) those that allude to adults yet address offenses committed whilst they are children, such as female genital mutilations, child marriage, and sexual assault.⁶³

Figure 4 shows that the percentages for the protection indicators—target met, acceleration needed, on track, insufficient trend data, and no data—were 0%, 11.1%, 11.1%, 0%, and 77.8%, respectively. The figure demonstrates that the Indonesian Government has not achieved any of its goals for child protection indicators. Unfortunately, this is coupled with the reality that the Indonesian Government's efforts are only slightly on track, at 11.1%.

⁶² *Ibid.*

⁶³ UNICEF, *A Generation to Protect: Monitoring Violence, Exploitation and Abuse of Children Within the SDG Framework* (New York, 2020).

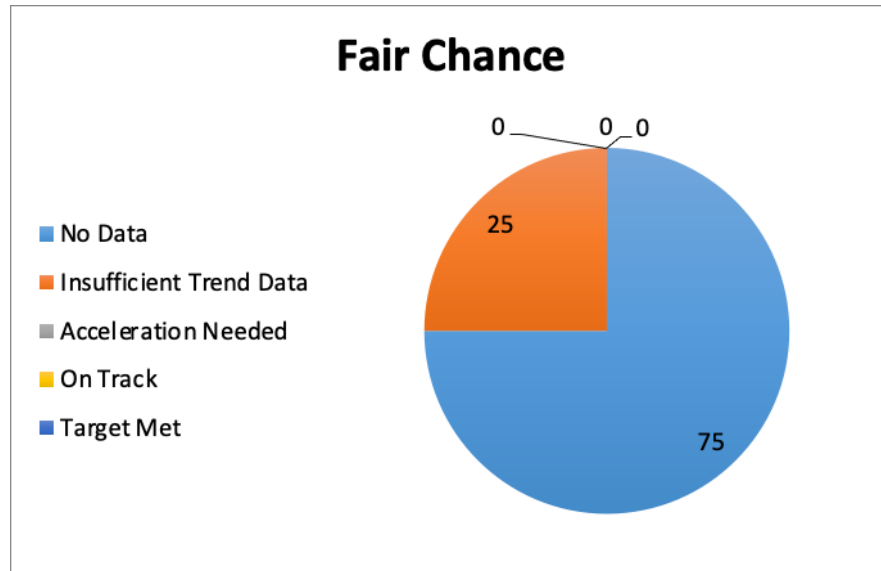


Figure 5: Figure of Indonesia's Progress in Fair Chance Indicators

The best chance of ending intergenerational cycles of injustice and poverty in any society is to provide every child a fair chance in life, especially the most disadvantaged.⁶⁴ Indicators of reasonable probability, such as target met, acceleration needed, on track, insufficient trend data, and no data, were represented by 0%, 0%, 0%, 25%, and 75% of the total, respectively. Unfortunately, Indonesia has completely missed the aim of this indication. Additionally, the Indonesian Government's efforts are not on track. According to figures 1,2,3,4 and 5, the National Statistical Capacity score of Indonesia is 86.7%.⁶⁵ Based on its country rank, Indonesia is 18th of 146 countries assessed.⁶⁶

At least 9 of the 17 SDGs will be adversely affected if nationality laws are not reformed to maintain gender equality.⁶⁷ To achieve goals 5, 10 and 16, countries need to eliminate gender discrimination in nationality laws.⁶⁸ Furthermore, ending gender discrimination in nationality laws will help achieve goals 1, 2, 3, 4, 8 and 11.⁶⁹ Below is a table showing some of the affected SDGs when countries eliminate gender discrimination in their nationality laws:

⁶⁴ UNICEF, *For Every Child, A Fair Chance: The Promise of Equity* (New York, 2015).

⁶⁵ UNICEF, *supra* note 57.

⁶⁶ *Ibid.*

⁶⁷ *Equal Nationality Rights for Sustainable Development*, by Global Campaign for Equal Nationality Rights; Institute on Statelessness and Inclusion.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

No.	SDGs	
1	SDG 5.1	End all forms of discrimination against women and girls everywhere.
2	SDG 10.3	Ensure equal opportunity and reduce inequalities of outcome, including through eliminating discriminatory laws, policies, and practices and promoting appropriate legislation, policies and actions in this regard.
3	SDG 16.9	By 2030, provide legal identity for all, including birth registration.
4	SDG 1	End poverty in all its forms everywhere.
5	SDG 2	End hunger, achieve food security and improve nutrition.
6	SDG 3	Ensure healthy lives and promote well-being for all at all ages.
7	SDG 4	Ensure inclusive and equitable quality education for all children.
8	SDG 8	Promote economic growth, full employment and decent work for all.
9	SDG 11	Make cities and human settlements inclusive, safe, resilient and sustainable.

Table 2: The Impacted SDGs if Countries Eliminate Gender Discrimination in their Nationality Laws⁷⁰

Without a nationality it is more difficult to gain formal employment, leaving affected persons in powerless and unsteady circumstances. Statelessness is an intergenerational issue, trapping generations of stateless families in poverty.⁷¹ Furthermore, having no nationality often means living without access to banking institutions and often without the right to own and cultivate land. Such individuals frequently live hand-to-mouth. Arranging adequate nourishment can be an extravagance for stateless families.⁷²

Access to free healthcare is constrained to nationals in many states where gender-discriminatory laws exist. Due to costly private healthcare and economic hardships faced by affected persons, many are incapable of getting treatment for illnesses. Poor mental health, depression, anxiety, and isolation are well-reported issues facing both children who cannot obtain nationality and mothers who cannot pass on their nationality because of gender discrimination within the law.⁷³ Children who cannot acquire nationality may be required to supply documentation that they lack or be forced to pay higher expenses to access education. They may even be denied education outright. Access to student loans or free higher education is generally inconceivable for children denied nationality.⁷⁴

People lacking nationality are regularly incapable of accessing work in specific professions, such as jobs in civil service. Those who access informal employment are at a heightened risk of exploitation in the workplace and often have constrained access to justice and protection beneath the law. In addition, without access to formal work, bank

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Ibid.*

credits, or the capacity to inherit property, influenced persons will confront significant challenges acquiring or affording housing.⁷⁵

The ability of regional and local authorities to implement the SDGs in their specific circumstances is crucial for the goals' successful implementation.⁷⁶ In the Indonesian context, Indonesia has eliminated gender-based discrimination in its Nationality Law by replacing Law No. 62 of 1958 with Law No. 12 of 2006. Law No. 12 of 2006 provides equal rights to men and women in terms of passing on nationality status to their children. In addition, Law No. 12 of 2006 also accommodates a solution by providing limited dual citizenship status for children who have the possibility to get it. Unfortunately, in implementation, there are still many un-harmonised laws and policies that can lead to discriminatory practices, especially for children who have limited dual citizenship.

When the legal framework does not promote, enforce or monitor equality and non-discrimination for children with limited dual nationalities, it will be difficult for Indonesia to fully achieve its SDGs for children. Children with limited dual citizenship may find it more difficult to claim their Indonesian citizenship rights than children with only Indonesian citizenship. In addition, children with limited dual citizenship may also face greater challenges in accessing their constitutional rights as guaranteed by the 1945 Constitution. According to the citizenship database held by the Ministry of Law and Human Rights in 2023, the number of children with limited dual citizenship who have registered with the Minister of Law and Human Rights under Article 41 of Law No. 12 of 2006 is 13,145.⁷⁷ However, whatever the number is, if it is related to the SDG's aim to leave no one behind, then the agenda to close the gap between Indonesian children should be a priority.

V. CONCLUSION AND RECOMMENDATIONS

Based on the discussion, the conclusions of this study are as follows: *First*, regarding the right of the child to a nationality, the Indonesian Government has made an effort to uphold its commitments in accordance with international and domestic law. In domestic law, through Law No. 12 of 2006, Indonesia has provided better protection, especially for children and women. At the international level, Indonesia has ratified a significant number of international human rights law instruments that safeguard children's right to a nationality. Unfortunately, Indonesia is not a party to some of the main international human rights law instruments relevant to the issue of statelessness,

⁷⁵ *Ibid.*

⁷⁶ Kjersti Granås Bardal et al, "Factors facilitating the implementation of the sustainable development goals in regional and local planning—experiences from Norway" (2021) 13:8 Sustainability (Switzerland).

⁷⁷ *Daftar Jumlah Anak Berkewarganegaraan Ganda berdasarkan Negara Ayah sesuai Pasal 41 Undang-Undang No 12 Tahun 2006 tentang Kewarganegaraan Republik Indonesia*, by Kementerian Hukum dan Hak Asasi Manusia (2023).

namely the 1930 Hague Convention, the 1954 Convention Relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness. *Second*, by making amendments changing Nationality Law No. 62 of 1958 to Law No. 12 of 2006, the Government of Indonesia has reformed its nationality law to allow women to confer their nationality upon their children on an equal basis with men. However, some legal challenges related to the disharmony between the current nationality law and other laws, as well as some laws or court decisions that are less favorable to children, have potential to cause issues of discrimination and statelessness for Indonesian children, particularly children with limited dual citizenship. *Third*, these issues relate to the targets set out in the 2030 Agenda by Indonesia. Children with limited dual citizenship could have a harder time asserting their rights as Indonesian citizens than children who simply have Indonesian citizenship. Furthermore, children with limited dual citizenship may have more difficulty exercising their rights under the 1945 Constitution. This could be one of the factors affecting Indonesia's performance in fully achieving SDGs for children.

As a result, this study proposes that some actions be taken by the Indonesian Government to enhance the protection of children's right to a nationality in order to meet the SDGs 2030 Agenda, including acceding to the remaining aforementioned international human rights instruments. Also, the Indonesian Government needs to ensure that no national laws or administrative actions prevent, obstruct, or deprive children of their constitutional rights. The protection of the constitutional rights of children can be done by harmonising the relevant laws and regulations, since providing dual citizenship status is not sufficient to protect children's constitutional rights. In addition, it is also important to socialise law and policy makers, judges, and child-related institutions to create a legal framework that can provide comprehensive protection for children in order to achieve the SDGs.

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