

Implementation Dynamics of Passport Service Policy for Dual Nationality Child Subjects in Indonesia

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Abstract

This article is a study of the implementation of passport service policies for children with dual citizenship in Indonesia. The implementation of this policy is the implementation of Permenkumham Number 18 of 2022, one of the points of which regulates the application of passport validity periods for children with dual citizenship. Regulations regarding the validity period of passports for children with dual citizenship are a form of policy that is in direct contact with Government Regulation Number 21 of 2022, although in its application to passport services at the Immigration Office, sometimes there is still no continuity between the two regulations. This then results in an analysis of the implementation of the passport service policy for children with dual citizenship which boils down to 3 decisions, namely first, namely providing a passport with a validity period up to the age limit for choosing the nationality of the passport applicant, postponing the passport application until the passport applicant completes the process of filing his/her citizenship selection, or refusing passport application because the passport applicant cannot complete the documents verifying the validity of his or her citizenship status by the previously determined time limit. The analysis used in this research uses Public Policy theory with the concept of Open Government and Public Policy Implementation in government institutions in Indonesia. It is hoped that this research will be able to provide an overview of the implementation of passport services for children with dual citizenship and provide the best solution for implementing this policy in the future.

Introduction

Citizenship is a form of legal status that every individual has and is related to the individual's rights and obligations towards the country that recognizes his or her citizenship. Citizenship regulations in Indonesia are contained in Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia which is strengthened by Government Regulation Number 21 of 2022 concerning Amendments to Government Regulation Number 2 of 2007 concerning Procedures for Obtaining, Losing, Cancelling and Regaining Indonesian Citizenship.

In the dynamics of citizenship policy regulation in Indonesia, the release of Government Regulation (PP) Number 21 of 2022 is aimed at meeting the needs of legal developments in society which require adjustments and improvements in citizenship services. Citizenship service is an important activity to study, especially for the subject of Children with Dual Citizenship. Government Regulation Number 21 of 2022 seeks to provide a legal basis for children who have not registered or have registered but have not yet chosen citizenship to be able to register or vote within a period of 2 (two) years from the implementation of Government Regulation Number 21 of 2022.

Implementation of Government Regulation Number 21 of 2022 has a direct impact on children who have not yet registered and for children who have registered but have not yet chosen citizenship. For Children with Dual Citizenship subjects who have registered but have not yet chosen their citizenship, they can continue the process of selecting their citizenship until the specified time limit, namely 2 years from the implementation of this Government Regulation or until 31 May 2024. Meanwhile for Children with Dual Citizenship subjects who have not registered and have After this time, this can be done through the citizenship process (PP Number 21 of 2022).

The policy of registering and choosing citizenship based on Government Regulation Number 21 of 2022 also has an impact on administrative management in other areas of population, one of which is the passport application policy for children with dual citizenship. The influence of PP policy Number 21 of 2022 on the passport application process for children with dual citizenship is contained in the issuance of Regulation of the Minister of Law and Human Rights (Permenkumham) of the Republic of Indonesia Number 18 of 2022 concerning Amendments to Regulation of the Minister of Law and Human Rights Number 8 of 2014 concerning Ordinary Passports and Travel Documents Like Passports.

A Republic of Indonesia passport is understood as a document issued by the Government of the Republic of Indonesia to Indonesian citizens to travel between countries which is valid for a certain period of time (Permenkumham Number 18 of 2022). The point of granting a Republic of Indonesia Passport is a document issued by the Government of the Republic of Indonesia to Indonesian citizens, meaning that only Indonesian citizens have the right to apply for the Republic of Indonesia Passport application process. Meanwhile, points that are valid for a certain period of time mean that the Republic of Indonesia Passport has regulations regarding the passport validity period in accordance with the provisions regulated in this Permenkumham. Regulations on citizenship status for Republic of Indonesia Passport applicants are confirmed in the passport application requirements for Indonesian citizen applicants who are categorized as Indonesian citizens (adults), children of Indonesian citizens, and children with dual citizenship. Specifically, the regulation of passport applications for children with dual citizenship is regulated in Article 5A which states as follows: (Permenkumham Number 18 of 2022)

Article 5A

For children with dual citizenship who are domiciled or in the territory of Indonesia, a passport application is usually submitted to the Minister or Immigration Official appointed at the immigration office by filling in the data application and attaching the following requirements: (a) electronic identity card of Indonesian citizen father or mother; (b) family card; (c) marriage certificate or parents' marriage book; (d) birth certificate; (e) immigration residence permit of the foreigner's father or mother; (f) photocopy of father's or mother's ordinary passport; (h) proof of Affidavit for those who already have a national passport or proof of registration of a child with dual citizenship, and; (i) a statement letter from both parents stating that they are responsible for the use of the Republic of Indonesia travel document.

Regulation of citizenship status is necessary to determine the validity period of the passport given when submitting a passport application. Regulations regarding the validity period of passports are contained in article 2A which states as follows: (Permenkumham Number 18 of 2022)

Article 2A

The validity period of an ordinary passport is a maximum of 10 (ten) years from the time it is issued. Ordinary passports with a maximum validity period of 10 (ten) years are only given to

Indonesian citizens who are 17 (seventeen) years old or married. The validity period of an ordinary passport issued to a child with dual citizenship must not exceed the age limit for the child to declare his choice of citizenship. The age limit for children as intended in paragraph (3) is determined in accordance with the provisions of statutory regulations.

This research seeks to analyze the dynamics of implementing passport service policies for children with dual citizenship. The subject of Children with Dual Citizenship has its own points in the passport application process because it has special requirements and a different validity period compared to ordinary passport applications submitted by Indonesian citizens (adults) and children of Indonesian citizens. This is because the subject of a Dual Citizenship Child has the opportunity to become a Dual Citizenship Child until he is 18 (eighteen) years old and is given the opportunity to choose his citizenship for a period of 3 (three) years or until the person concerned is 21 (twenty-one) years old.

The dynamics of the passport service policy for children with dual citizenship are a consequence of the issuance of Government Regulation Number 21 of 2022 and Minister of Law and Human Rights Regulation Number 18 of 2022 which requires analysis of the administrative review process for application requirements and efforts to create an integrated public service system between government agencies. in Indonesia. This is necessary because in the process of submitting a passport application for a Child with Dual Citizenship subjects, a more complex administrative review is required to be able to determine and decide on the classification of the passport application which has an impact on the application of different passport validity periods for Children with Dual Citizenship subjects. On the other hand, the formation of a public service system that is mutually integrated between government agencies in Indonesia is also needed to realize a better public service process.

The problem formulation used in this research is what are the dynamics of implementing passport service policies for children with dual citizenship? This research uses Public Policy theory by focusing on the concept of policy implementation and open government and uses qualitative methods with a case study approach. The selection of informants required in this research was chosen by considering the role and contribution of informants internally and externally to the implementation of passport service policies for children with dual citizenship.

Public policy is understood as an action made by government institutions to achieve certain goals (Sumarsono, 2021). One of the goals of a public policy is to produce benefits for many people by minimizing the risks of implementing the policy (Kamal Alamsyah, 2019). The passport service policy as part of public policy is implemented with the aim of providing convenience for service users and officers who carry out sustainable organizational governance (Nurharyoko et al., 2020).

In an effort to achieve this goal, a policy implementation concept is needed which is a joint decision made by policy makers with an orientation towards the public interest (Kurniawan & Lutfi, 2017). A policy can be considered successful if it can be implemented effectively (Nugroho, 2014). This means that effective policy implementation is an appropriate form of policy implementation so that the objectives of the policy can be achieved (Roelfsema et al., 2020).

Methods

This research uses a qualitative approach which seeks to examine the natural conditions of a research object which develops as it is, is not manipulated by the researcher and the presence of the researcher does not influence the dynamics of the object being studied (Sugiyono, 2019). Qualitative research tends to be phenomenologically oriented or emphasizes a particular

phenomenon which places emphasis on the subjective aspect but does not need to be urgent or contrary to people's views so as to be able to reject the action (Salzmann-Erikson, 2024).

Qualitative research seeks to reflect on concepts before collecting data, but concept development and concept refinement are also carried out during or after the data collection process so that data can be produced in the form of speech, actions, sounds, symbols, physical objects or visual images (Hamid & Prasetyowati, 2021). In qualitative research, methods and theories are combined to create a methodology which is a plan for how the research will proceed and how to combine different elements of a particular research (Tracy, 2019).

The method used in this research is a case study method which attempts to analyze a phenomenon that occurs in the passport service process for dual citizen child subjects. This is in accordance with the understanding of the case study method which seeks to explore a phenomenon where the researcher has little opportunity to control the events to be investigated and the focus of the research is a contemporary phenomenon in a real-life context. The research subjects in case study studies can be individuals, groups, institutions or communities who seek to study in depth certain social units with relatively limited subjects but the research dimensions can be very broad (Danim, 2002). Previous research that is used as a reference in this research is "The Citizenship Criteria for the Candidacy in Indonesian General Election: The Formality of Validation Process" (Dwijayanti & Edwinarta, 2023).

Results and Discussion

Dynamics of Implementation of Passport Service Policy for Child Subjects with Dual Citizenship

Passport services are one part of Immigration's duties and functions which cover the fields of public services, law enforcement and state security as well as acting as a facilitator for community welfare development (Wahyudiantoro et al., 2022). As a form of duty and function in the field of public services, the passport service process has policy dynamics that influence the implementation of services provided to the public.

Passport service policies are strongly influenced by regulations issued by the government as the policy maker which has a major role in determining the policy dynamics that apply to the passport service process in Indonesia. The current passport service policy is implemented based on Minister of Law and Human Rights Regulation (Permenkumham) Number 18 of 2022 concerning amendments to Minister of Law and Human Rights Regulation Number 8 of 2014 concerning Ordinary Passports and Travel Documents Like Passports.

In Permenkumham Number 18 of 2022, which came into effect on September 29 2022, there are several points of change that have an influence on passport service policies in Indonesia. These points are included in the following table description:

Table 1. Points of Amendment to Permenkumham Number 18 of 2022

No.	Article	Points of Change
1.	2 article (3)	Electronic ordinary passports as referred to in paragraph (2) letter a consist of: a. Electronic ordinary passport with laminated sheet; and b. Electronic ordinary passport with polycarbonate sheet.
2.	2A	(1) The validity period of an ordinary passport shall not exceed 10 (ten) years from the date of issue; (2) Ordinary passports with a maximum validity of 10 (ten) years are only issued to Indonesian citizens who are 17 (seventeen) years old or married;

		<p>(3) The validity period of an ordinary passport issued to a child with dual nationality shall not exceed the age at which the child may declare his or her nationality;</p> <p>(4) The age limit of children as referred to in paragraph (3) shall be determined in accordance with the provisions of laws and regulations.</p>
3.	4 article (2&3)	Deleted
4.	5A	<p>For children with dual nationality who are domiciled or residing in Indonesian territory, Passport applications are usually submitted to the Minister or Immigration Officer appointed at the immigration office by filling out the data application and attaching the requirements:</p> <ul style="list-style-type: none"> a. electronic identity card of Indonesian citizen father or mother; b. family card; c. marriage certificate or marriage book of parents; d. Birth Act; e. immigration stay permit of the foreigner's father or mother; f. photocopy of father's or mother's ordinary passport; g. proof of Affidavit for those who already have a passport of nationality or proof of registration of a child with dual nationality; and h. a statement letter from both parents stating responsibility for the use of the travel document of the Republic of Indonesia.
5.	8 letter b, c & d	<p>For children of Indonesian nationality who are domiciled or located outside the territory of Indonesia, an application for an ordinary passport outside the territory of Indonesia is submitted to the Minister or Head of Representative of the Republic of Indonesia by attaching the requirements:</p> <ul style="list-style-type: none"> b. birth certificate or birth certificate from the representative of the Republic of Indonesia for children born outside the territory of Indonesia; c. Old ordinary passport for those who already have an ordinary passport; and d. local country resident card of father or mother, evidence, instructions or information showing that the applicant resides in the country.
6.	Article 10	<p>(1) For ordinary Passport applications submitted electronically, the Applicant must fill out a data application and upload the required documents on the official website of the Directorate General of Immigration.</p> <p>(2) For applications as referred to in paragraph (1) that have been successfully uploaded documents for the completeness of the requirements, a payment code is given via short message and/or electronic mail.</p> <p>(3) An applicant who has filled out a data application and uploaded the required documents as referred to in paragraph (1) shall receive a notification of receipt of the application and it can be printed as proof of application.</p>

Other changes related to the technical services of passports are contained in article 5 letter g, article 6, article 14, article 20, article 22, article 23, article 24, article 26, article 28, article 29A, article 41, article 41A, article 41B, article 61, article 61A, article 61B, article 61C, article 61D, article 61E, article 61F, article 61G, article 61H, article 61I and article 61J.

Source: Permenkumham Number 18 of 2022, processed by the author, 2023

Some of the main points in the changes to Permenkumham Number 18 of 2022 are in the policy of enforcing a passport validity period of a maximum of 10 years from the previous maximum of 5 years. However, the implementation of this policy has a clause that applies to Indonesian citizens who are 17 years old or married, while the passport validity period policy for children or Indonesian citizens who are not yet 17 years old is a maximum of 5 years.

The implementation of the passport validity policy also provides special regulations regarding the application of passport validity periods for Child Subjects with Dual Citizenship who must not exceed the age limit for the child to choose their citizenship. In fact, children with dual citizenship have an obligation to choose their citizenship at the age of 18 (eighteen) years and are given 3 (three) years until the age of 21 (twenty-one) years.

The citizenship selection policy for Child Subjects with Dual Citizenship is regulated in Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia which places emphasis on the age limit for children born before 2006 having an obligation to register an affidavit or status as Child Subjects with Dual Citizenship. after 2006 they will automatically have the status of a Child Subject with Dual Citizenship. In fact, if a child was born before 2006 and has the potential to become a Dual Citizenship Child Subject but does not register an affidavit or even submit an application to become a full Indonesian Citizen (WNI) until he exceeds the age limit of 21 years, then the child's citizenship status is a Foreign Citizen.

Policies related to determining citizenship status for Child Subjects with Dual Citizenship are basically also developing dynamically with the latest regulations contained in Government Regulation Number 21 of 2022 concerning Amendments to Government Regulation Number 2 of 2007 concerning Procedures for Obtaining, Losing, Cancelling and Regaining Citizenship Republic of Indonesia. The main points of policy regulation for children with dual citizenship are in article 3A paragraphs (1-5) and article 67A which states as follows: (PP Number 21 of 2022)

Article 3A

For children as intended in Article 41 of the Law who: Not yet registered, have registered but have not chosen citizenship as stipulated in Article 6 of the Law, they can submit an application for citizenship to the President through the Minister.

The application as intended in paragraph (1) is submitted in Indonesia by the applicant in writing in Indonesian on sufficient stamped paper and contains at least: Full name, place and date of birth, gender, marital status, address, employment and/or steady income, nationality of origin; And population registration number or single identity number.

(The application as intended in paragraph (2) must be accompanied by: Photocopy of the birth certificate or letter proving the applicant's birth, legalized by an authorized official, photocopy of extract from marriage certificate/marriage book, extract from divorce certificate, or extract from death certificate of the applicant's wife/husband for those who are not yet 18 (eighteen) years old and already married, which is legalized by an authorized official, photocopy of the marriage certificate/marriage book, divorce certificate, or death certificate of one of the applicant's parents, authenticated by an authorized official, an immigration certificate issued by the immigration office whose working area includes 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, physical and mental health certificate from the hospital, statement letter that the applicant can speak Indonesian, the applicant's statement letter acknowledges the state foundation of Pancasila and the 1945 Constitution of the Republic of Indonesia, police certificate, a certificate from the representative of the applicant's country that by obtaining Republic of Indonesia Citizenship he does not become a dual citizen, a certificate from the sub-district head whose work area covers the applicant's residence that the applicant has a job and/or a fixed income, proof of payment of Citizenship money as non-tax state revenue; And 6 (six) recent color photographs of the applicant measuring 4x6 (four by six) centimeters.

In the event that the child as intended in paragraph (1) was born in the territory of the Republic of Indonesia and does not have an immigration certificate as intended in paragraph (3) letter d, the applicant must attach resident biodata issued by the population and civil registration service.

The application as intended in paragraph (1) and its attachments are submitted to the official whose work area includes the applicant's residence.

Article 67A

When this Government Regulation comes into force, children who have not registered or have registered but have not chosen citizenship as intended in Article 3A must apply for Citizenship to the President through the Minister no later than 2 (two) years after this Government Regulation is promulgated.

The issuance of Government Regulation (PP) Number 21 of 2022 which will come into effect on May 31, 2022, has an influence on policies regarding the regulation of passport services for Child Subjects with Dual Citizenship. This is because the implementation of the passport validity period policy of a maximum of 10 years starting on October 12, 2022, has a direct influence on the review of the implementation of the passport service policy for Child Subjects with Dual Citizenship.

The implementation of the passport validity period policy for Child Subjects with Dual Citizenship has a limit on the age at which Child Subjects with Dual Citizenship choose their citizenship. The obstacle that then arises is the absence of a mechanism for determining or validating citizenship status that is directly integrated into the Immigration Information Management System (SIMKIM) which is the main system in the passport service process in Indonesia.

Basically, SIMKIM already has a review submenu related to citizenship status for processed passport applicants. There is a Dual Citizen check results submenu which can provide information regarding the citizenship status of the passport applicant with the information that he is a Dual Citizen or Not a Dual Citizen. The problem that then arises is that the information in the submenu is only limited to citizenship status, which is conveyed briefly, namely information about Dual Citizen or Not Dual Citizen.

Dual Citizen status can only appear for passport applicants who have been registered and have an affidavit or certificate as a Dual Citizen Child Subject. However, the information contained in this submenu is only limited to status as a Dual Citizen, while other information such as Niora or other citizenships does not appear, including the renewal of citizenship status which is the basis for determining the passport validity period for applicants who are Child Subjects with Dual Citizenship.

Figure 1. Information on Dual Citizenship Status on SIMKIM

Source: SIMKIM v.2, processed by the author, 2023

This obstacle will not be a problem for passport applicants who are Dual Citizenship Child Subjects if they are under 16 years of age because they can still be given a passport with a validity period of 5 years. However, if the age of the passport applicant who is a Child Subject with Dual Citizenship has entered the age of 16 years or above, then further study is needed regarding the decision to grant a passport validity period because based on Permenkumham Number 18 of 2022, the passport validity period for Child Subjects with Dual Citizenship is given up to the age limit of choice. Citizenship is 21 years of age.

The calculation of granting a passport validity period up to the age limit for choosing citizenship means that Dual Citizenship Child Subjects who are 16 years of age or older require a separate study because the validity period of the passport granted can range from less than 5 years. The process of reviewing the validity period of this passport then needs to be given attention because if there are documents that need to be completed again related to verifying the validity of citizenship for Dual Citizenship Child Subjects, a maximum period of 14 days is given as regulated in Article 14 paragraph (3) of the Minister of Law and Human Rights Regulation. Number 18 of 2022 (Permenkumham Number 18 of 2022).

Article 14

In the event that the requirements are incomplete or not appropriate, the appointed Immigration Officer returns the application requirements documents to the applicant within a maximum of 1 (one) day from the date the application is received. Return of the application requirements documents as intended in paragraph (1) is accompanied by notes or explanations regarding requirements that have not been fulfilled or need to be corrected. The applicant must complete or correct the application requirements documents as intended in paragraph (2) within a period of no more than 14 (fourteen) days from the date the required documents are returned to the applicant.

The limited time period for returning documents makes reviewing document files to determine the validity of citizenship status for Child Subjects with Dual Citizenship more complicated to carry out. This can be related to the process of verifying the validity of citizenship which sometimes requires confirmation from other agencies such as the Directorate General of General Legal Administration at the Ministry of Law and Human Rights of the Republic of Indonesia which is in charge of reviewing citizenship status or can be directly related to

Embassies and Representatives of other countries which is the basis for determining citizenship status for applicants who are Child Subjects with Dual Citizenship.

Systemically, the passport application limit will be automatically canceled if it exceeds the period of 30 (thirty) days from the date the passport application process is carried out. This has consequences for the policy options that can be implemented in relation to passport applications for Child Subjects with Dual Citizenship, namely providing a passport with a validity period up to the age limit for selecting the passport applicant's nationality, postponing the passport application until the passport applicant completes the process of submitting their citizenship selection, or rejecting the passport application because passport applicants cannot complete documents verifying the validity of their citizenship status by the previously determined deadline (Fortier, 2021).

Passport applications for Child Subjects with Dual Citizenship can be accepted by considering the age limit for choosing the citizenship of the passport applicant if the passport applicant has not yet decided to choose his or her citizenship. This means that the passport application process can be given a passport with a non-standard validity period (5 or 10 years) in accordance with the age limit for choosing citizenship for passport applicants who are Dual Citizenship Child Subjects.

The passport application may also be postponed until the time limit for processing the passport in order to complete the citizenship selection process which could result in differences in the validity period of the passport. For example, there is a passport applicant who is a Child Subject with Dual Citizenship who was born in September 2006 and is now 17 years old. If the passport applicant is willing to go through the process of selecting his citizenship, he can be given a passport with a maximum validity period of 10 years. However, if the person concerned is not willing to continue the process of selecting their citizenship, they can be given a passport with a validity period of until September 2027 or less than 4 years.

Passport applications for Child Subjects with Dual Citizenship can also be rejected because the passport applicant is not willing to carry out the process of selecting his or her citizenship and renouncing his or her foreign citizenship even though the person concerned is known to be over 21 years old at the time of the passport application process. This is because in PP Number 21 of 2022 there is still an opportunity for Child Subjects with Dual Citizenship to register or choose their citizenship up to 2 years after the regulation is promulgated or until 31 May 2024.

Policy on Providing Passport Validity Periods in Accordance with the Age Limit for Choosing Citizenship for Children with Dual Citizenship

The issuance of Minister of Law and Human Rights Number 18 of 2022 provides a new policy regarding passport applications for children with dual citizenship. One of the clauses related to the policy of granting passport validity periods is the implementation of the policy of granting passports with a validity period that corresponds to the age limit for choosing citizenship for dual citizen child subjects. This then gives rise to consequences for the issuance of passports even with a validity period of less than 5 years, which is the passport validity period for applicants with the status of children under the age of 17 years.

The problem is that with the implementation of the policy of granting passport validity periods in accordance with the restrictions on choosing citizenship for Child Subjects with Dual Citizenship, the validity period that can be given to applicants who are Child Subjects with Dual Citizenship can be less than 5 years which can be caused by several factors. The first is a passport applicant who has the status of a Child Subject with Dual Citizenship but has not registered himself administratively as evidenced by the attachment of the Certificate of Child Subject with Dual Citizenship or also known as an affidavit.

For example, an applicant with the initials JIH applied for a passport in February 2023. This applicant has the status of a Child Subject with Dual Citizenship on the basis of the applicant's birth in the United States in May 2008. At the time of submitting the passport application, the applicant was found to have not yet processed the affidavit and the officer provided The validity period of the passport is up to 2025 or 2 years with the consideration that the person concerned can immediately process the affidavit registration and choose their citizenship.



Figure 2. Sample passport with a validity period of 2 years

Source: SIMKIM v.2, processed by the author, 2023

The second point is if the applicant has been registered and has an affidavit but has not chosen Indonesian citizenship and given up his foreign citizenship. This is an important point because Dual Citizenship Child Subjects have an age limit of up to 21 years to be able to have an Indonesian passport and are given the opportunity to choose citizenship for 3 years within the age range of 18-21 years, so there is a possibility that there will be passport applicants who should get a passport. with a validity period of 10 years but is only given less than this according to the age limit for choosing citizenship.

Policy for Suspension of Passport Applications Until Child Subjects with Dual Citizenship Decide to Choose Their Citizenship

The passport service policy for Child Subjects with Dual Citizenship is inseparable from Government Regulation Number 21 of 2022 which provides an opportunity for Child Subjects with Dual Citizenship to register or choose their citizenship until May 31 2024. During this period, applicants who are known to be Child Subjects with Dual Citizenship can register themselves. or choose citizenship for Dual Citizenship Child Subjects who have previously registered an affidavit or those who have not.

The problem that then arises is when an applicant with the status of a Child Subject with Dual Citizenship applies for a passport but has not registered himself or even chosen a citizenship even though it is known that he has entered the age to choose his citizenship, then the passport application in question will be postponed until the person concerned completes the documents required for the passport application.

In Permenkumham Number 18 of 2022 article 14 regulates the mechanism for returning and correcting application required documents which is given a maximum time of 14 (fourteen) days from the date the required documents are returned to the applicant. This is also confirmed by the limitation that passport applications can be canceled by the system no later than 30 days from the date the application is submitted. In fact, the process of submitting an affidavit registration and the process of choosing citizenship can take longer than this time limit, thereby increasing the potential for cancellation of the application even if the application process has been postponed for 14 to 30 days.

Policy on Cancellation of Passport Applications for Children with Dual Citizenship

Passport applications for Child Subjects with Dual Citizenship are a type of passport application that requires further study to determine citizenship status and is directly related to the policy of granting a passport validity period in the passport service process. Several obstacles that could be the reason for canceling a passport application for a Child with Dual Citizenship include the fact that the passport applicant is known to already have a foreign passport and has not yet decided to choose his citizenship and give up his foreign citizenship.

For example, in the application for a child's passport with the initials SWL in August 2023 and it is known that the person concerned was born in the United States in November 2005. SWL is known to have not registered himself as a Dual Citizenship Child Subject even though he is approaching the age of 18. It is also known that SWL still has a foreign passport from the United States and is still valid until 2032. SWL's passport application cannot then be continued because he has a passport of a foreign nationality, so he must first apply for the renunciation of his foreign citizenship and carry out the citizenship process to become a full Indonesian citizen. However, until the required deadline for returning the documents cannot be met by the applicant, the passport application will be cancelled.



Figure 3. Passport of Foreign Nationality Subject of Dual Nationality Child

Source: Tanjung Perak Immigration Office Report, processed by author, 2023

Improvement of passport service mechanism for child subjects with dual nationality in Indonesia

The passport service policy for Child Subjects with Dual Citizenship in Indonesia cannot be separated from the regulations issued by the Indonesian government as a stakeholder in every policy implementation in Indonesia. The issuance of PP Number 21 of 2022 and Minister of Law and Human Rights Regulation Number 18 of 2022 formulates new policies in the passport service process for Child Subjects with Dual Citizenship in Indonesia. Several points implemented in the new passport service policy for Child Subjects with Dual Citizenship are regarding the validity period of the passport according to the voting age limit for Child Subjects with Dual Citizenship.

The problem that then occurs is that the policy for children with dual citizenship becomes more complex due to differences in age limits which are the basis for categorization in the implementation of policies implemented in PP Number 21 of 2022 and Permenkumham Number 18 of 2022. In PP Number 21 of 2022, the limits The age used in the policy to register as a Child Subject with Dual Citizenship and make a decision to choose citizenship is 18 years old and time is given to choose citizenship until the age of 21 years. In fact, in Permenkumham Number 18 of 2022 which regulates passport services, the validity period of passports is divided into 3 categories, namely a maximum of 5 years for children under 17 years of age, a

maximum of 10 years for applicants who are 17 years of age or older or married, and given a passport validity period up to the age limit for choosing citizenship for Child Subjects with Dual Citizenship.

The passport service policy for Child Subjects with Dual Citizenship will not cause problems if the applicant who is a Child Subject with Dual Citizenship is under 16 years of age when submitting the passport application and has proof of being registered as a Child Subject with Dual Citizenship or an affidavit. This is because for applicants who are Dual Citizenship Child Subjects who are under 16 years of age at the time of submitting the passport application and already have an affidavit, they can be given a passport with a maximum validity period of 5 years. However, if the applicant who is a Child Subject with Dual Citizenship is aged 16 years or more at the time of submitting the passport application and does not even have an affidavit, then the granting of the passport requires further study regarding the policy of granting a passport validity period that is in line with the voting age limit for Child Subjects with Citizenship Double.

Passport applicants who are included in the Dual Citizenship Child Subject category have an age limit of up to 21 years to have an Indonesian passport before deciding on their chosen citizenship, whether they choose to remain an Indonesian citizen or follow their foreign citizenship. This makes the age limit under 16 years old for applicants in the category of children under 17 years old who can be given a passport with a maximum validity period of 5 years. However, if the applicant is 16 years old or above, then the passport validity period will follow the maximum age limit of 21 years so that the passport given may be valid for less than 5 years.

This also applies to applicants who are included in the category of Children with Dual Citizenship but are over 17 years of age who, based on PP Number 21 of 2022, are still given the opportunity to register an affidavit or even carry out a procession to choose their citizenship. If an applicant who falls into the category of Dual Citizenship Child Subjects is over 17 years old or married, they cannot immediately be given a passport with a maximum validity period of 10 years. The validity period of the passport given will depend on the completeness of the documents required for the passport application which must include an affidavit or even a Decree from the Minister of Law and Human Rights (SK Menkumham) relating to the decision to choose citizenship.

Applicants who are over 17 years old or are married and are children with dual citizenship who already have an affidavit and a decision letter to choose citizenship can be given a passport with a maximum validity period of 10 years. However, for applicants who only have an affidavit but have not yet chosen their citizenship, they will be given a passport with a maximum validity period until the passport applicant is 21 years old. Meanwhile, for applicants who are over 17 years old or married but do not yet have an affidavit or a Decree from the Minister of Law and Human Rights relating to the decision to choose citizenship, their application can be postponed until the applicant completes the application documents with a time limit of 14 days and will be canceled systemically if exceed 30 days.

Passport applications for Child Subjects with Dual Citizenship can also be canceled if the applicant is unable to complete the required application documents, especially regarding the registration of an affidavit or Decree of the Minister of Law and Human Rights relating to the decision to choose his/her citizenship. This condition can occur especially for applicants who are in the age range of 18-21 years or even more than 21 years but do not yet have an affidavit or Decree from the Minister of Law and Human Rights, so they are required to register the

affidavit and choose citizenship with proof of the Minister of Law and Human Rights Decree in accordance with Government Regulation Number 21 of 2022.

The points outlined above are basically the implementation of the passport service policy for Child Subjects with Dual Citizenship. The complexity of the policies that cover passport applications for Child Subjects with Dual Citizenship cannot be separated from the administrative problems that must be faced by Child Subjects with Dual Citizenship. For children with dual citizenship who are born from mixed marriages between Indonesian citizens and foreigners, it will be easier to detect and report an affidavit early. However, for Child Subjects with Dual Citizenship who obtain their status from birth in a country that adheres to the principle of *jus soli* or citizenship based on land of birth, this requires inter-institutional cooperation to determine approval of the passport application for the Child Subject with Dual Citizenship.

Passport service policy for Child Subjects with Dual Citizenship, especially for applicants who were born abroad and whose country of birth adheres to the principle of *ius soli*, the applicant must include a Birth Certificate from the local Hospital/Government, a birth report letter from the Embassy or Representative of the Government of the Republic of Indonesia, as well as proof of birth report to the Population and Civil Registry Service (Dispendukcapil) where the applicant is domiciled. The birth report letter from Dispendukcapil is the first local population document issued to passport applicants who are subjects of dual nationality children born abroad, but sometimes their existence is not paid enough attention. In fact, the Birth Report Letter from Dispendukcapil contains information related to personal identity, data on both parents and information stating that the Birth Report Letter is not a substitute for a Birth Certificate.

PEMERINTAH KOTA
DINAS KEPENDUDUKAN DAN PENCATATAN SIPIL

TANDA BUKTI PELAPORAN KELAHIRAN WNI DI LUAR NEGERI

Nomor
Yang bertanda tangan di bawah ini, menerangkan bahwa :

Pada hari : Rabu
Tanggal :
Telah tercatat dalam daftar pelaporan kelahiran di luar negeri berdasarkan Akta Kelahiran dari " **NEW SOUTH WALES-AUSTRALIA** "
Nomor : 12638/2013
Tanggal : 2013
Bahwa di : **RUMAH SAKIT SWASTA PRINCE OF WALES,**
Pada tanggal : 2013
Jam : -
Telah lahir :
N a m a : **LIO**
Nama Keluarga :
Jenis kelamin : **LAKI-LAKI**
Nama ayah : **PA**
Nama Keluarga Ayah :
Dan :
Nama ibu : **VEN**
Nama Keluarga Ibu :
Tanda bukti pelaporan kelahiran ini **BUKAN** merupakan AKTA KELAHIRAN

April 2015
PEMERINTAH KOTA
DINAS KEPENDUDUKAN DAN PENCATATAN SIPIL
KOTA



Figure 4. Sample Birth Report Letter Dispendukcapil

Source: SIMKIM v.2, processed by the author, 2023

After receiving a Birth Report Letter from Dispendukcapil, the child will be registered in the KK and will receive an KTP at the age of 17 years. The problem that then arises is that in the process of submitting population administration, both Birth Report Letters, recording on KK and making KTPs, Dispendukcapil does not have connectivity to the Directorate General of General Legal Administration (Ditjen AHU) of the Ministry of Law and Human Rights which is the institution tasked with carrying out verification of citizenship validity, especially for Subjects. Children with Dual Citizenship.

This is important to do considering that the age limit for choosing citizenship for Child Subjects with Dual Citizenship is from the age of 18 years and is given 3 years until the person concerned reaches the age of 21 years. This means that until the person concerned is 21 years old, the Child Subject with Dual Citizenship has the right to obtain facilities like Indonesian citizens without having to give up his foreign citizenship, provided that the person concerned has registered an affidavit. The obligation to register this affidavit is often not paid enough attention because children born after 2006 are considered to be automatically registered as Dual Citizenship Child Subjects. In fact, recording this affidavit will serve as an introduction to the process of selecting citizenship when the Child Subject with Dual Citizenship is in the age range of 18-21 years.

The recording of the affidavit for Child Subjects with Dual Citizenship will also be recorded in the SIMKIM of the Directorate General of Immigration which will be a marker for Child Subjects with Dual Citizenship during the passport application process. Although at this time, the marking in the Dual Citizenship Child Subject data on SIMKIM is still limited and very minimal information is displayed.

Figure 5. Subject Data of Dual Nationality Children in SIMKIM

Source: SIMKIM v.2, processed by the author, 2023

Basically, improving the passport service mechanism for Child Subjects with Dual Citizenship in Indonesia can be focused on controlling the interrelated population administration processes. Dispendukcapil, which is a population administration service agency in Indonesia, should be able to provide education as well as notifications to the families of Dual Citizenship Child Subjects regarding the obligation to manage administrative files, specially making Birth Reporting Certificates, recording them on Family Cards, and making KTPs later. This is because in each population administration file, there is a column stating a person's nationality,

especially in the KTP and KK. Even though Dispendukcapil does not have a direct connection with the Director General of AHU, Ministry of Law and Human Rights, which is the institution that has the authority to determine the validity of a person's citizenship status.

According to the regulations, children with dual citizenship have the right to become dual citizens until the age of 21 years. However, the existence of a citizenship column on the population document written only as Indonesian Citizen can create confusion for Dual Citizenship Child Subjects when processing other population administration such as passports, for example. For Child Subjects with Dual Citizenship, it should also be necessary to write down their foreign citizenship status or if in population documents such as KTPs you only want to write citizenship as Indonesian Citizen, then when applying for the KTP it can also be a momentum for Child Subjects with Dual Citizenship to choose their citizenship.

This requires Dispendukcapil to be actively involved in coordinating with the Directorate General of AHU to ensure citizenship status and provide citizenship marking on population administration documents for Child Subjects with Dual Citizenship. Providing certainty of citizenship status and marking dual citizenship for Child Subjects with Dual Citizenship will result in orderly population administration and prevent Child Subjects with Dual Citizenship from passing the age limit for choosing citizenship without choosing citizenship in accordance with applicable regulations.

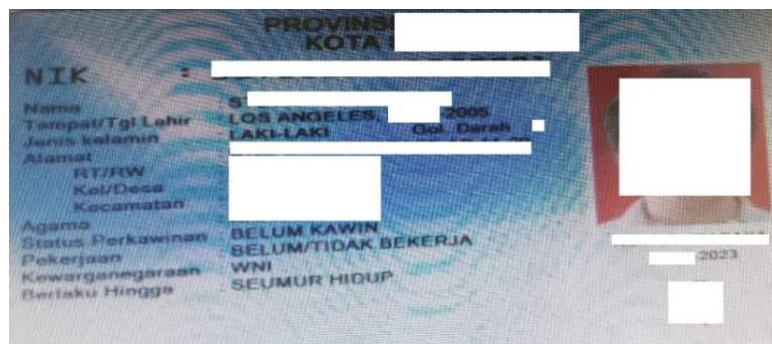


Figure 6. Citizenship Status of Children with Dual Nationality on KTP

Source: SIMKIM v.2, processed by the author, 2023

In the case study of a passport application with the initials SWL whose passport application was rejected, the passport applicant already had a KTP whose citizenship column was only recorded as Indonesian citizen. Even though the applicant has a valid United States passport which should also be recorded as citizenship status on the applicant's KTP. This is something that needs attention because improving citizenship status on population documents such as KTP or Family Card, for example, will be very helpful in the identification process as well as providing the best solution in passport services for Child Subjects with Dual Citizenship.

The statement of dual citizenship status on the KTP and KK will be a reference in the passport service process for Child Subjects with Dual Citizenship because with this information, it will help passport service officers to recommend submitting an affidavit or choosing citizenship, especially for Child Subjects with Dual Citizenship resulting from mixed marriages between Indonesian citizens. and foreigners who were born and live in Indonesia, but apply for a replacement passport when they are over 17 years old so that in accordance with applicable regulations, they can apply for a passport only by bringing their E-KTP and Old Passport documents.

One of the cases that occurred at the Immigration Office was a passport applicant with the initials B, who was 19 years old at the time, who applied for a passport replacement by bringing

[illegible][illegible]

Source: SIMKIM v.2, processed by the author, 2023

The current policy provides an opportunity for Child Subjects with Dual Citizenship to be able to choose their citizenship between the ages of 18-21 years. Basically, the obligation to choose citizenship can be done before the age of 18 years, but the opportunity to become a Child Subject with Dual Citizenship can still be given until the age of 21 years provided that the person concerned has a Decree from the Minister of Law and Human Rights regarding the Citizenship of the Republic of Indonesia. The problem that then occurs is that many applicants who are Dual Citizenship Subjects feel that they have become full Indonesian citizens after obtaining an ID card. This is because the citizenship column on the KTP has stated the status as an Indonesian citizen without any other information stating that the person concerned is a Child Subject with Dual Citizenship.

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of the Open Government concept which seeks to form a government pattern that is mutually integrated between one agency and another.

The integration process between Dispendukcapil and the Directorate General of AHU, Ministry of Law and Human Rights can also open up the potential for service integration between population administration services at Dispendukcapil and passport services at the Directorate General of Immigration, Ministry of Law and Human Rights. With these integrations, a dynamic and mutually supportive pattern of government can be formed to anticipate the emergence of population administration problems that occur at the Population and Civil Registration Department, the Directorate General of AHU and Immigration.

Conclusion

The implementation of the passport service policy for Child Subjects with Dual Citizenship in Indonesia is a policy that develops dynamically and always adapts to regulations issued by the government as a stakeholder in implementing public policy in Indonesia. The issuance of PP Number 21 of 2022 and Minister of Law and Human Rights Regulation Number 18 of 2022 has changed the implementation of passport policy for children with dual citizenship.

The existence of a policy related to granting a passport validity period in accordance with the age limit for choosing citizenship for Child Subjects with Dual Citizenship in accordance with Minister of Law and Human Rights Regulation Number 18 of 2022 is considered as confirmation of Government Regulation Number 21 of 2022 regarding the obligation to register and choose citizenship for Child Subjects with Dual Citizenship and is given restrictions. implementation until 31 May 2024. In its implementation at the community level for a period of one year after the issuance of these two regulations, there are still several obstacles and problems in the passport service process for Child Subjects with Dual Citizenship.

Passport services for Child Subjects with Dual Citizenship which are implemented based on current government policy will result in at least three decision options, namely providing a passport with a validity period up to the age limit for selecting the passport applicant's nationality, postponing the passport application until the passport applicant completes the process of submitting his or her citizenship selection, or rejecting the passport application because passport applicants cannot complete documents verifying the validity of their citizenship status by the previously determined deadline.

Improving the passport service mechanism for Child Subjects with Dual Citizenship requires at least several main points of improvement, namely by stating dual citizenship status on population documents such as KTP or KK, the obligation to choose citizenship which can be carried out starting at the age of 17 years or at the time of application for the KTP process, until integration of service policies that can be carried out by Dispendukcapil, Directorate General of AHU Kemenkumham and Directorate General of Immigration. Specifically on the point of service policy integration, it can be understood that integration between institutions or government agencies, as well as international cooperation to create a database of citizenship status that is connected throughout Indonesia is very much needed (Amin, 2023). This will be a preventive effort as well as handling citizenship problems that have been occurring, especially for the passport service process for Child Subjects with Dual Citizenship. It is hoped that improvements to this mechanism will be able to produce a better evaluation and reformulation of passport service policies, especially for policies implemented for Dual Citizenship Child Subjects in Indonesia.

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