

The Role of the Semarang Immigration Detention Center in Providing Legal Protection for Stateless Child Detainees

Oleh:

**B. Resti Nurhayati, Theo Adi Negoro,
Rika Saraswati, Marcella E. Simandjuntak**

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1. Introduction

- In both international and national legal frameworks, citizenship status constitutes a fundamental prerequisite for the fulfillment of every individual's civil and political rights (includes children), who, throughout the course of their lives, require legal protection and recognition of identity from the moment of birth.



- In this article, there is a child detainee who doesn't have citizenship, so he has difficulty finding a country that is willing to accommodate him.
- On the other hand, the Semarang Immigration Detention Center cannot accommodate detainees forever.

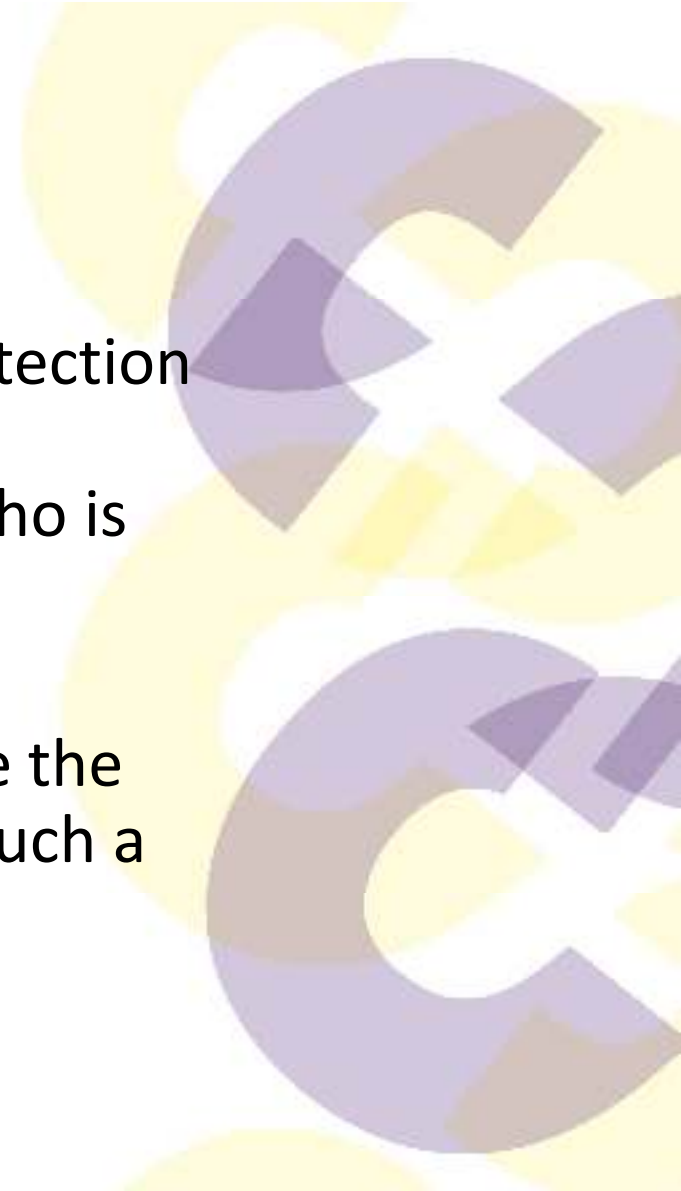


- For the record, the child detainee and his mother have been housed at the Semarang Immigration Detention Center since July 2016. The Immigration Detention Center can only accommodate them for a maximum of 10 years.
- So that up to this year they have been housed at the Semarang Immigration Detention Center for 9 years.



2. Problem Statement

1. What forms and mechanisms of legal protection are available to a stateless child born in Indonesia to a foreign-national mother who is currently in detention; and
2. What legal remedies and enforcement measures are most appropriate to restore the rights of, and resolve the legal status of, such a stateless child.



3. Methodology

- This study employs a **juridical sociological approach** to capture the living law within society by combining **normative analysis** of domestic legislation and international instruments with primary field data sourced directly from practitioners at Rudenim Semarang.



4. Discussion

a. Legal Protection of Stateless Children in Detention Born in Indonesia to a Foreign National Woman

- Under international law, every child (including those at risk of statelessness) enjoys the right to identity and nationality as enshrined in Article 7 of the Convention on the Rights of the Child (CRC) and Article 1 of the 1961 Convention on the Reduction of Statelessness.



- Despite this comprehensive legal framework, practical implementation is hindered by structural obstacles.
- Coordination among Immigration authorities, the Civil Registry Office, and the Ministry of Social Affairs is often fragmented, and the absence of a centralized database delays the swift verification of a child's citizenship status.
- Yet, as this study's initial findings reveal, the Semarang Immigration Detention Center already possesses foundational mechanisms to address statelessness.



Legal Uncertainty of Citizenship Status detainees without citizenship

because of:

- Indonesia applies the principle of *ius sanguinis* in its citizenship law.
- However, considering that FSR did not receive recognition from his biological father, FSR cannot have Indonesian citizenship.
- On the other hand, Taiwan also applies the principle of *ius sanguinis*. However, Taiwan applies a DNA test requirement for FSR.
- Due to economic limitations, the DNA test could not be carried out.

b. Legal Solution for Addressing the Issue of Stateless Child Detainees Born in Indonesia to a Foreign National Woman

- To resolve FSR's statelessness, the primary legal step under Indonesian law is to secure judicial recognition of paternity for FSR.
- The problem is, who will pay for DNA test.



- After RUDENIM coordinated with the Taiwanese representative in Indonesia, the Taiwanese government relinquished FSR's mother's citizenship and Indonesia granted her Indonesian citizenship.
- Thus, FSR will also be granted Indonesian citizenship.
- The approach taken by RUDENIM Semarang is not only a legal approach, but also a humanitarian approach.



5. Conclusion

- The Semarang Detention Center resolves cases of stateless child detainees (FSR) not only through legal means but also through humanitarian means.
- Currently, FSR's mother and FSR have obtained Indonesian citizenship and are being cared for by the Semarang City Social Services.



Thank you

