

## The Role of Birth Certificates in the Population Administration System for Children in Indonesia

**Putri Hafidati**

Universitas Islam Syekh-Yusuf, Tangerang

Email:<sup>1)</sup> phafidati@unis.ac.id

### ABSTRACT

Parents must record the birth of their child, as it is a legal requirement for citizens to have their births registered. By the applicable Law, this recording is carried out through a specific procedure and archived in a sheet that is then known as the "Birth Certificate". This birth certificate marks the beginning of a person's registration in the eyes of the Law in Indonesia. A child needs a status that is listed on a birth certificate, indicating that he is a legal child of parents whose names are also listed on the birth certificate. The purpose of this research is to find out and analyze the implementation of the policy of issuing Birth Certificates and the factors that are obstacles to the implementation of the policy of issuing Birth Certificates. This research method is normative because it is the starting point of existing legal regulations. Research Results: Many couples still do not have a marriage book (Nikah Siri). Marriage under the hand is still not recognized by formal Law because it is not recorded in the KUA or Civil Registry. Not recording the marriage will have an impact on the status of the child, because it will be considered a child out of wedlock, meaning that the child does not have a legal relationship with his father. Children resulting from serial marriages or outside of legal marriage can indeed obtain a birth certificate.

**Keywords:** Birth Certificate, Children, Registration, Marriage, Welfare

### INTRODUCTION

The Unitary State of the Republic of Indonesia envisions national development as a comprehensive process centered on the advancement of human resources and the overall Indonesian society. This development spans all dimensions and aspects of life, aiming to realize a just and prosperous society founded upon the principles of *Pancasila* and the 1945 Constitution. Within this framework, vital events in a person's life—including birth, death, stillbirth, marriage, divorce, child acknowledgment, child legalization, child adoption, name changes, and changes in citizenship status—must be reported and duly recorded in official civil registration documents maintained by the authorized administrative bodies.

Birth registration, in particular, is a critical civil procedure, and it is the responsibility of parents to ensure their child's birth is formally recorded. By prevailing laws and regulations, this registration follows a designated procedure and is documented in an official record known as a *Birth Certificate*. This certificate constitutes the legal foundation for an individual's recognition by the state and serves as a prerequisite for the attainment of civil rights. A child must possess legal status, which is affirmed through the inclusion of their name, along with the names of their legal parents, in the birth certificate.

The process of development should ideally enhance societal well-being—both materially and spiritually. In this context, the issuance of birth certificates must be part of a broader government strategy that integrates social, economic, demographic, and environmental considerations. Among these, demographic factors should serve as a central pillar in both planning and implementation. Failing to account for population-

related concerns could diminish the effectiveness and efficiency of public expenditures.

Law No. 23 of 2006, as amended by Law No. 24 of 2013 on Population Administration, mandates that population data generated through the Population Administration Information System (SIAK) and stored in the national population database must serve as a reference for policy formulation in areas such as public funding and development. Accordingly, regional governments are required to develop and utilize this data through SIAK, ensuring it aligns with public administration and developmental goals. As a result, local regulations must support efforts to ensure the accessibility and issuance of birth certificates for all children. Every citizen must obtain legal identification to establish their civil existence within a given locality, region, or country. The *Birth Certificate* acts as the earliest and most essential civil identity document.

A birth certificate is more than just a formal record; it is the state's legal acknowledgment of an individual's civil status, not only in the context of familial relationships but also in accessing broader legal services. It provides vital information such as the child's name, gender, birthplace, and date, and the names and nationalities of the parents. Meanwhile, civil registration refers to the documentation of such vital events within the registry maintained by the Office of Population and Civil Registration. The importance of birth registration is underscored by three key reasons: (1) Legal Recognition: Birth registration offers formal and legal recognition of a child's existence by the state and affirms the child's legal status as an individual. (2) Policy and Planning Utility: It serves as an essential component for national development planning by offering demographic data critical to formulating effective child-centered policies. (3) Protection of Rights: It secures other legal rights of the child, particularly in sensitive contexts such as war, child abandonment, or kidnapping, ensuring children can be reunited with their families and gain access to public services, legal protections, and age-appropriate rights (e.g., education, employment, military service eligibility, and participation in the juvenile justice system). It also helps mitigate risks related to child trafficking and illegal adoptions.

Children represent the future generation and hold significant strategic value in preserving and advancing familial and societal ideals. As such, they must be provided with the broadest possible opportunities to grow and develop holistically—both physically and psychologically. Protection of children and the guarantee of their rights must be upheld rigorously, free from all forms of discrimination.

Article 27, Paragraph (1) of Law No. 23 of 2006 stipulates that "The resident must report every birth to the Implementing Agency at the location where the birth took place within no later than 60 (sixty) days from the date of birth." Furthermore, Paragraph (2) of the same article mandates that "Based on the report referred to in Paragraph (1), the Civil Registration Officer shall record the birth in the Birth Register and issue a Birth Certificate Citation."

By this legal framework, parents are legally obligated to obtain a birth certificate for their child. This aligns with Article 5 of Law No. 23 of 2002 on Child Protection, which asserts that "Every child has the right to a name as part of their personal identity and citizenship status." Therefore, civil rights—starting with birth registration—must be guaranteed for every child in order to ensure their rightful status as an Indonesian citizen.

Despite this legal imperative, data from the Indonesian Child Protection Commission (*KPAI*) in West Java Province in 2008 revealed that more than 35,000 children aged 0–5 years were without birth certificates, out of a total of over 50,000 children in the region. This statistic highlights a significant disregard among parents toward the civil rights of their children. Such neglect has potentially serious long-term implications, including difficulties in obtaining inheritance rights, registering for school, acquiring identity documents (e.g., national ID cards or family cards), and accessing other essential services.

## METHOD

This study employs a descriptive-analytical approach, which is designed to provide an overview and explanation of a particular situation (Bungin, 2005, p. 87). The descriptive element focuses on presenting facts and characteristics of the phenomenon under study, while the analytical aspect involves interpreting those facts to identify patterns, relationships, or legal implications.

Data collection in this research was conducted through a literature-based method, utilizing both primary legal materials (such as statutes, regulations, and court decisions) and secondary legal materials (including legal doctrines, scholarly articles, and expert commentary). The analysis follows a normative-qualitative method: normative in the sense that it refers to existing legal norms and frameworks, and qualitative because it involves interpreting the data systematically to produce a comprehensive understanding of the legal issues being examined (Sugiyono, 2012, p. 17).

## Results and Discussion

The possession of a birth certificate represents a fundamental obligation of parents in fulfilling their civil responsibility towards their children. In Indonesia, every birth must be reported by the resident to the Regency/Municipal Office of Population and Civil Registration no later than sixty (60) days following the date of birth. The issuance of birth certificates by the Regency Office is regulated by Law Number 23 of 2006 on Population Administration.

Birth certificates are categorized into two types: general birth certificates and special birth certificates. A general birth certificate is issued for children aged between 0 to 2 months, while a special birth certificate is designated for children who are over 2 months old at the time of application.

According to Article 27(1) of Law Number 23 of 2006 on Population Administration, it is stipulated that: "*Residents are required to report every birth to the implementing agency located in the area where the birth occurred, no later than sixty (60) days after the date of birth.*"

Furthermore, Article 32(1) states that: "*Reporting of births, as referred to in Article 27 paragraph (1), that exceeds the time limit of sixty (60) days but is within one (1) year of birth, can be recorded upon approval of the Head of the local Implementing Agency.*"

Article 32(2) further clarifies that: "*Birth registration that exceeds the time limit of one (1) year shall be conducted based on a ruling from the District Court.*"

The phrase "place of birth" in this legal context refers to the specific locality in which the birth occurred, adhering to the principle of territoriality. The sixty (60)-day

grace period is provided to accommodate the varying geographical and logistical conditions across Indonesia, particularly in remote and rural regions.

The responsibility for reporting the birth falls on the Head of the Family, who is legally recognized as the party accountable for fulfilling administrative requirements related to family members.

With regard to the procedure for obtaining a birth certificate within or before the 60-day period (i.e., on time), several administrative and documentary requirements must be fulfilled:

- a. A Birth Reporter Certificate issued by the local neighborhood association (RT) and/or community association (RW)
- b. An original birth certificate issued by a hospital, clinic, or certified midwife
- c. A completed application form provided by the Office of Population and Civil Registration (available at the sub-district or village office)
- d. Copies of both parents' national identity cards (KTP)
- e. A copy of the family card (Kartu Keluarga) in which the child's identification number (NIK) must already be registered
- f. A copy of the marriage certificate, religious marriage book, court-issued isbat (marriage validation), or a relevant decision issued by the District Court
- g. Presence of two witnesses, along with copies of their identity cards (KTP)
- h. If the reporting party is not the biological parent, a notarized power of attorney (with an official duty stamp) must be provided, authorizing the reporting party to submit the application

The above procedure reflects Indonesia's effort to streamline civil registration and ensure every child's legal identity is recognized by the state. It highlights the state's commitment to upholding the right to legal identity as mandated by international human rights conventions and national legislation. Moreover, by categorizing registration into general and special cases based on the timing of the application, the law accommodates both timely and delayed reporting while ensuring procedural safeguards and legal certainty.

Following the expiration of the one-year and one-month dispensation period, which commenced on November 1, 2008, Law No. 23 of 2006 concerning Population Administration was formally enacted. Despite the existence of the dispensation period, many children over the age of one still lack a birth certificate (Girsang, 2011, p. 33). This is evident from the significant number of citizens who express objections to the requirement that birth certificate applications for children over one year of age must be processed through a District Court ruling. Their objections are generally based on the following reasons:

**1. Excessive Legal Costs:** The cost of the court proceedings is perceived as burdensome, particularly for economically disadvantaged families. Ironically, while the Regency Government has issued Regional Regulation No. 11 of 2008 concerning the Implementation of Population Administration and Civil Registration, and Regional Regulation No. 12 of 2009 concerning Service Charges in the field of Population and Civil Registration—both of which exempt citizens from the cost of birth certificate issuance—the District Court still imposes a trial fee of Rp. 161,000, excluding additional administrative fees. Most of the children without birth certificates come from lower- and middle-income households.

2. **Delays in Legal Processing:** The long wait for court summons is problematic, especially when birth certificates are urgently needed for school enrollment, final exams, job applications, and other critical needs.
3. **Bureaucratic Procedures:** Applicants are required to obtain a referral letter from the District Population and Civil Registration Office before proceeding to court.
4. **Parental and Witness Presence:** Court attendance mandates the presence of both parents and witnesses, resulting in financial costs due to travel and missed work opportunities.

Data from the Data and Information Section indicates that birth certificate applications surged in August, September, and October 2008—prior to the full implementation of Law No. 23 of 2006—with approximately 2,000 to 3,000 applications per month. However, after the law came into effect on November 1, 2008, there was a significant decline in applications to around 800–900 per month through December 2008. This downward trend continued in 2009, with monthly applications ranging from 700 to 900.

Community complaints and reports submitted to the Regency Government and the Regency Population and Civil Registration Office after the law's implementation were documented and addressed in coordination meetings, daily briefings (referred to as "copy morning") (Nasution, 2009, p. 55), and discussions among the heads of the Population and Civil Registration Offices across South Kalimantan Province. These meetings aimed to unify the interpretation and implementation of Law No. 23 of 2006 among municipalities and regencies and served as a platform for evaluating the law's effectiveness.

Furthermore, the Directorate General of Population Administration hosted the second phase of the Technical Working Meeting on Population Policy Harmonization in Jakarta from July 27–29, 2009. During these discussions, nearly 90% of the complaints from heads of Regency and City Population and Civil Registration Offices that had implemented Law No. 23 of 2006 pertained to the requirement for District Court rulings and the strict application of birth occurrence principles (as outlined in Articles 27 and 32 of the Law).

To improve birth registration services and fulfill the government's mandate to provide birth certificates as stipulated in Law No. 23 of 2002 on Child Protection and Law No. 23 of 2006 on Population Administration, and to support the strategic target of "All Indonesian Children Are Registered for Birth" by 2011, the dispensation period was extended to December 2010 through a letter from the Minister of Home Affairs (No. 472.11/2945/SJ, dated August 10, 2009).

**Institutional Challenges:** Internally, several obstacles hindered the effectiveness of birth certificate issuance. These include limited facilities, insufficient technical staff, and inadequate service infrastructure—particularly during the dispensation period (Adisasmita, 2006, p. 98). Although the service facilities remain substandard in terms of comfort and administrative efficiency, the Regency Population and Civil Registration Office continues to strive for improvement through enhanced service quality, transparent cost structures, defined processing timeframes, and simplified administrative procedures. However, some service counters are still staffed by officers who hold dual roles. From a technical standpoint, there is a pressing need for additional archiving staff, improved computer infrastructure, and more computer operators. To address personnel shortages during the dispensation period, contract

workers and interns from vocational schools and higher education institutions have been recruited.

**Public Awareness and Social Issues:** There is a general lack of public awareness about the importance of birth certificates, especially among lower-income communities. Many parents only apply for their child's birth certificate when required for specific purposes, such as school enrollment (Rukminto, 2007, p. 65). In reality, birth certificates serve numerous functions, including as requirements for employment, marriage registration, obtaining a driver's license, and most importantly, as legal proof of a child's Indonesian citizenship. To address this issue, extensive community outreach has been conducted, including field counseling, banner installations in strategic locations, circulars distributed to neighborhood leaders (RTs), schools, and collaborations with foundations and social institutions. Mass issuance of birth certificates is also organized during special events such as National Children's Day and religious holidays.

A significant problem that persists is the prevalence of unregistered marriages (commonly referred to as *nikah siri*). These informal marriages are not legally recognized as they are not recorded with the Office of Religious Affairs (KUA) or the Civil Registry. This lack of formal recognition affects the legal status of children, who may be categorized as born out of wedlock, resulting in the absence of a legal paternal relationship. While it is possible to issue birth certificates for children born from such unions, only the mother's name is recorded. This omission of the father's name can have long-term social and psychological consequences for the child, including complications in matters of inheritance and paternal support (Slamet Y., 1994, p. 98).

The legal remedy for such situations involves the parents remarrying through a formal process, followed by a court ruling—issued either by the Religious Court for Muslims or the State Court for non-Muslims—on the child's parentage. However, this legal process is often seen as burdensome due to the associated court fees, which typically range from Rp. 150,000 to Rp. 200,000, while birth certificates themselves are issued free of charge. To mitigate this issue, the Regency Government, in cooperation with private institutions and the Ministry of Religious Affairs, has initiated mass wedding ceremonies for couples lacking marriage books. It is hoped that, in the future, the legal process to determine a child's parentage will also be made accessible at no cost, especially for low-income families. When a court decision is obtained regarding the child's paternity, the father's name can subsequently be added to the birth certificate through a marginal note (Huraerah, 2008, p. 45).

**The Role of Brokers:** Another persistent issue is the use of intermediaries or brokers, known locally as *calo*. Many citizens rely on these individuals for the sake of convenience and to avoid lengthy bureaucratic procedures. Field observations reveal that brokers can be categorized into three groups: (1) external brokers who wait at the Population Office to assist citizens for a fee; (2) internal brokers—staff or officials within the office who offer expedited services informally; and (3) community representatives such as neighborhood leaders (RTs) who submit collective applications on behalf of residents. Typically, citizens pay between Rp. 20,000 and Rp. 50,000 for such services.

## CONCLUSION

The possession of a birth certificate represents the fulfillment of parental obligations and responsibilities toward their children. Accordingly, the question arises: how significant is a birth certificate for a child, and should it be regarded as a fundamental civil right that must be guaranteed? The implementation of policies regarding the issuance of birth certificates at the Regency Office of Population and Civil Registration is guided by Law No. 23 of 2006 and Regional Regulation No. 11 of 2008. Under these legal provisions, every parent is legally required to report the occurrence of a birth to the local Population and Civil Registration Office within a maximum period of sixty (60) days from the date of birth and at the location where the birth took place. Failure to report the birth within this timeframe—specifically, if the child is over one (1) year of age—necessitates a court decision to authorize the issuance of the birth certificate. Prior to the enactment of Law No. 23 of 2006, the Regency Government had already introduced several policies through the Regency Office of Population and Civil Registration in the form of local regulations and official decrees. These were implemented through initiatives such as dispensations for delayed birth registration and the waiver of fees for the issuance of birth certificates (i.e., the provision of free birth certificates).

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