

Legal Protection for the Citizenship Status of Children from Mixed Marriages in the Mandalika Special Economic Zone

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Abstract

The development of the Mandalika Special Economic Zone as a global tourist destination has strengthened social interactions between Indonesians and foreigners, including through intermarriages. This phenomenon has given rise to various family law issues, particularly regarding the citizenship status of children from these marriages. The issues encompass not only child citizenship norms but also the implementation of population administration, immigration documents, and the actual guarantee of children's civil rights. This study aims to analyze the legal provisions for citizenship of children from intermarriages under Indonesian law and evaluate the effectiveness of legal protection for these children in the Mandalika Special Economic Zone (SEZ). The method used is a normative-empirical approach with a socio-legal approach. The normative analysis examines Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia, Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, along with regulations on population administration and child protection. Meanwhile, the empirical approach explores social and administrative practices in the Mandalika Special Economic Zone. The findings indicate that, normatively, limited dual citizenship has protected children from intermarriages. However, field practice remains hampered by delays in marriage registration, inconsistencies in documents between countries, lack of coordination between agencies, and limited public legal knowledge regarding the status of children. Recommendations include strengthening integrated administrative services based in international tourism areas, harmonizing population and immigration regulations, and providing legal education for mixed-marriage couples to ensure legal certainty and children's rights.

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1. INTRODUCTION

Globalization and the advancement of international tourism have profoundly transformed patterns of social interaction in Indonesian society, as evidenced by the significant increase in intermarriage in prime tourist areas. The Mandalika Special Economic Zone in West Nusa Tenggara is one of the areas experiencing rapid growth thanks to the influx of global tourism, with data from the Borobudur, Mandalika, and Labuan Bajo Authority Agency showing a surge in international tourist arrivals of thousands of percent post-pandemic.

As a global tourism hub, the Mandalika Special Economic Zone (SEZ) facilitates intense social, economic, and cultural interactions between residents and foreigners,

ultimately contributing to an exponential increase in the number of mixed marriages. These mixed marriages are an inevitable social impact of the globalization era, supported by Law Number 1 of 1974 concerning Marriage in conjunction with Law Number 16 of 2019, which recognizes the legitimacy of mixed marriages. From a family law perspective, these marriages not only create a civil bond between husband and wife but also have crucial legal implications for children's status, including citizenship, population administration, inheritance, and family protection, all regulated within the national legal framework to ensure legal certainty. (Febrianty et al., 2024)

Among these various issues, the citizenship status of children is the most pressing because it is directly related to legal identity, civil rights, access to education, state protection, and certainty of the child's future, as mandated by the principle of the child's best interests in international law adopted by Indonesia. Before the enactment of Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia, Indonesia adhered to the principle of single citizenship based on patrilineal as per Article 4 of Law Number 62 of 1958, which often harms children of mixed marriages, especially children of Indonesian mothers and foreign fathers because they automatically follow their father's citizenship, making them vulnerable to losing their Indonesian citizenship status and having the status of *stateless*. (Daming & Ernawati, 2024)

This situation has been heavily criticized for violating the principles of child protection (best interest of the child) and gender equality as stipulated in the 1989 Convention on the Rights of the Child, which Indonesia ratified. The 2006 Citizenship Law subsequently introduced significant reforms by recognizing limited dual citizenship for children of mixed marriages, allowing children to hold two citizenships until they reach the age of 18 or marry, and then choosing one within one year. (Mujib & Hafidzi, 2025)

This policy not only protects children's identities but also marks substantial progress in Indonesia's citizenship system toward inclusivity. However, despite strong normative protections, its implementation on the ground, particularly in the Mandalika Special Economic Zone (SEZ) with high international mobility, still faces various systemic administrative and legal obstacles. Many couples experience difficulties registering marriages, obtaining children's citizenship, birth certificates, residence permits, and passports, often stemming from differences in legal systems across countries, such as the principle of *blood right* in Indonesia versus *right of the soil* in other countries (Nasoha et al., 2024). This obstacle is exacerbated by a lack of coordination between agencies (Population and Civil Registration Service/Dukcapil, Immigration, Ministry of Religious Affairs), as well as low public legal literacy, resulting in real cases of delays of up to years, as seen in similar tourist areas (e.g., Bali). As a result, children from mixed marriages are at risk of experiencing uncertainty regarding their legal identity and civil rights, which contradicts Law Number 35 of 2014 concerning Child Protection. (Horii et al., 2022). Although research on mixed marriages has been extensive, the focus is generally limited to international civil law, inheritance, or divorce. Specific studies on the protection of children's citizenship in the context of international tourist SEZs such as Mandalika are still very limited, even though the dynamics of high mobility and ethnic diversity require in-depth contextual analysis. Therefore, this research is crucial to comprehensively analyze the legal provisions on citizenship of children of mixed marriages in Indonesia and evaluate the implementation of these protections in the Mandalika SEZ to propose adaptive solutions.

2. RESEARCH METHODS

This study uses a normative-empirical legal research method with a socio-legal approach. The normative approach is carried out through an analysis of laws and regulations relating to citizenship, mixed marriages, population administration, and child protection. The

primary legal materials used include Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia, Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, the Population Administration Law, and various other implementing regulations.

A conceptual approach is used to analyze the concepts of legal protection, limited dual citizenship, legal certainty, and children's rights from a family law perspective. Meanwhile, an empirical approach is employed by examining the implementation of citizenship law for children born to mixed marriages in the Mandalika Special Economic Zone through observations of the social and administrative realities developing in the community.

The data obtained was analyzed qualitatively by linking legal norms with practical facts. The analysis was conducted to identify gaps between normative law and administrative implementation, while also formulating a legal protection model that is more adaptive to the characteristics of international tourism areas.

3. RESULTS AND DISCUSSION

A. Regulation of Children's Citizenship in Mixed Marriages in Indonesia

The citizenship regulations for children of mixed marriages in Indonesia have undergone significant developments following the enactment of Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia, which reformed the principle of single, patrilineal citizenship into a more inclusive and gender-equitable system. Previously, based on Article 4 of Law Number 62 of 1958 concerning Citizenship of the Republic of Indonesia, children of Indonesian mothers and foreign fathers automatically inherited their father's citizenship, often resulting in the loss of Indonesian citizenship status and vulnerability to *statelessness* or *statelessness* (Salim et al., 2022)

This condition is in stark contrast to the 1989 Convention on the Rights of the Child, which Indonesia has ratified through Presidential Decree Number 36 of 1990, particularly Article 7, which guarantees children's rights to identity, name, and citizenship from birth, and Article 8, which protects children from losing their identity. (Agnetha & Cahyaningtyas, 2022)

Reform through Law Number 12 of 2006 introduced limited dual citizenship as explicitly regulated in Article 6, which allows children to have two citizenships until they reach the age of 18 or marry, then they are required to choose one within one year, as stated in Article 6.

This limited dual citizenship policy does not merely protect the legal identity of children in line with the principle of *the best interest of the child* (Article 3 CRC) (Panjaitan, 2020), but also functions as a control instrument to prevent permanent bi-nationality through a time-bound election mechanism (*time-bound election*). Substantively, this regulation guarantees the fulfillment of fundamental rights such as education, health, and civil protection without gender discrimination, a progressiveness that is in line with Article 26 of the UDHR and Article 24 of the CRC. (Sihabudin et al., 2023) However, at the implementation level, this legal certainty is often reduced by sectoral egos and a lack of harmonization of procedures between the Population and Civil Registration Service, the Directorate General of Immigration, and related ministries. These administrative obstacles, coupled with low legal literacy of parents regarding cross-border procedures, create a gap between ideal legal norms and the reality of child protection in the field.

Empirical evidence from similar cases in tourist destinations like Bali shows that without cross-sectoral integration, the bureaucratic citizenship process can take up to 2-3 years. This stagnant duration significantly increases the risk. *stateless* temporary (*temporary statelessness*), which places children in legal vulnerability. (Arpanudin &

Dewantara, 2025) In the discourse of family law, citizenship status is not merely an administrative label, but an integral element of comprehensive protection as mandated by Law No. 35 of 2014. Therefore, high mobility in the Mandalika Special Economic Zone requires more concrete adaptive policy interventions. Development of 'One-Stop Service' and acceleration of data digitalization population becomes a non-negotiable urgency to mitigate *delays in* administrative processes and guarantee legal certainty for children resulting from mixed marriages in *real-time*.

B. Administrative Problems of Children from Mixed Marriages in the Mandalika Special Economic Zone

The Mandalika Special Economic Zone (SEZ), as an international tourism special economic zone, presents unique social dynamics due to the high mobility of foreign workers and tourists. This has not only fueled an increase in intermarriages but also exacerbated multiple administrative challenges for the children of these marriages.

The main problem arises from the registration of marriages conducted abroad, which are often not reported to the Indonesian Civil Registration Agency in accordance with Article 56 of Law Number 1 of 1974 concerning Marriage, in conjunction with Government Regulation Number 9 of 1975. As a result, children's documents, such as birth certificates, are incomplete, thus disrupting the process of granting limited dual citizenship. (Ramsen et al., 2025)

In addition, there are differences in the principles of citizenship between countries, for example, *blood right* in Indonesia versus *right of the soil*. In some Western countries, this leads to identity data mismatches. Lengthy bureaucratic processes involving the Civil Registration Department, Immigration, and embassies, without a centralized data integration system, often result in delays of up to years. This situation exacerbates the risks for *stateless* children. (Manby, 2020) On the other hand, the lack of public understanding about the mechanism of limited dual citizenship makes parents neglect to meet the election deadline until the age of 18 or marriage.

However, there are counterarguments that argue that these administrative problems are not solely due to systemic errors, but rather to community indiscipline and a lack of parental initiative in reporting marriages and processing documents early. Some argue that existing regulations, such as Law No. 12 of 2006, are already sufficiently flexible, limiting dual citizenship, and that delays often stem from extreme cases that do not represent the majority. Furthermore, experience in other tourist destinations, such as Bali, shows that data integration between agencies has proceeded relatively smoothly thanks to local collaboration, so a major reform in Mandalika might be excessive and burden the state budget. However, these counterarguments do not negate the urgency of improvements, especially given Mandalika's unique and more intensive dynamics. Therefore, effective and integrated administrative reforms are needed, beyond simply strengthening regulations, to ensure smooth administrative processes.

C. Legal Protection of Children from a Family Law Perspective

From a family law perspective, children are legal subjects who must receive optimal protection from both the state and their parents. The principle of child protection in Indonesian law refers to the principle of the *best interest of the child*. This principle prioritizes children's rights and welfare in all policies and legal actions. This is explicitly stated in Article 4 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, which states that every child has the right to live, grow, develop, and participate optimally in accordance with human dignity and honor, and to receive protection from violence and discrimination. (Widyaningsih & Suryaningsih, 2022)

Citizenship status is closely linked to the protection of children's civil rights. Children without secure citizenship face potential barriers in accessing education, health services, social protection, and even international travel rights. Therefore, the state has an obligation to ensure that every child has a clear legal identity.

In the context of mixed marriages, legal protection also relates to the protection of Indonesian women, who are often in vulnerable positions. (Anjani et al., 2025) Many women lack understanding of the legal implications of mixed marriages for children's status and citizenship administration. Consequently, when divorce or family conflict occurs, children are often the ones most disadvantaged administratively and socially.

Protection from 'discrimination' in Article 4 must be interpreted as an obligation for legal authorities to eliminate bureaucratic barriers that hinder children's legal identity. Without certainty of citizenship status and civil registration that favors the best interests of children (*the best interests of the child*), other basic rights, such as access to education and health insurance, will be difficult to fulfill. Therefore, family law must transform into an active protection instrument that ensures that every child, regardless of their parents' marital status, continues to receive their full constitutional rights as mandated by law.

D. Model for Strengthening Legal Protection Based on Tourism Areas

The characteristics of the Mandalika Special Economic Zone (SEZ) as an international tourism area require a more adaptive and responsive legal protection model to the dynamics of globalization. One possible step is to establish an integrated administrative service system between the Population and Civil Registration Office and the Immigration Office.

The protection model is expected to be able to proactively address the problem by responding to the counter-argument that the main problem stems from public indiscipline by integrating education and technology, thereby ensuring compliance without excessively burdening the state budget.

Key strategic steps include:

- 1. Integration One-Stop Service Integration (Aji et al., 2025)** between the main agencies regulated by Government Regulations and their derivatives from Law Number 23 of 2006 concerning Population Administration, in conjunction with Law Number 6 of 2011 concerning Immigration. This facility allows for the simultaneous processing of mixed marriages (in accordance with Article 56 of the Marriage Law), birth certificates, and the election of limited dual citizenship in accordance with Law 12 of 2006, reducing the processing time from 2-3 years to 2-4 weeks, as proven. This integration model has shown significant results in areas with high international mobility, such as Bali. Through the optimization of the Public Service Mall, the synchronization of population and immigration data has been proven to drastically reduce bureaucratic time compared to conventional procedures. This success is not only measured by the processing time, but also by the high level of legal certainty for mixed marriage subjects in completing population administration and child citizenship simultaneously.
- 2. Intensive Legal Counseling and sustainable** (Abrianti et al., 2024). This program, implemented by the local government in collaboration with child rights NGOs, focuses on reporting foreign marriages (PP No. 9 of 1975) and the deadline for citizenship selection, which is 18 years of age or marriage. This program can be integrated into the Mandalika tourism app to reach foreign tourists and migrant workers, addressing the low legal literacy that underlies parental negligence.
- 3. Regulatory Harmonization** (Fuspitasari et al., 2024) through an integrated national data platform (such as the National Population Information System or INA-Population), aligning the principles of *blood right* Indonesia with the practice of the

soil partner countries, thus avoiding overlapping authority and data mismatches, problems that exacerbate *statelessness*.

4. **Full Digitalization of Services** (Choirunnisa et al., 2023) through the SIAP-KIA application enhanced with AI features for real-time document verification, online submission, and automatic notifications. This innovation not only minimizes manual intervention but also supports the principles of the *best interest of the child* (Law No. 35 of 2014, Article 4), ensuring access to civil rights such as education and health care without administrative barriers. Implementing this model, built on Bali's successful experience but adapted to Mandalika's mobility intensity, will provide holistic protection, reduce the long-term burden on the state, and establish the Mandalika Special Economic Zone as a model for legally sustainable tourism.

This integrated service aims to streamline the process of obtaining mixed-marriage documents and citizenship for children. With this integrated service system, the public no longer needs to process separate documents, making the administrative process more effective and efficient.

4. CONCLUSION

Normatively, Indonesia has laid the foundation for legal protection for children born of mixed marriages through the concept of limited dual citizenship in Law No. 12 of 2006. This policy embodies the state's obligation to guarantee children's identity and civil rights. However, its implementation in the Mandalika Special Economic Zone (KEK) demonstrates that the *gap* between *das Sollen* and *das Sein*, where administrative obstacles such as the complexity of registering foreign marriages, inconsistencies in cross-border documents, and weak coordination between agencies remain systemic residual problems.

As a mitigation measure, a transformation of the legal protection model to be region-centric is needed. This includes the integration of one-stop administrative services (*one-stop service*), harmonization of sectoral regulations, and acceleration of the digitalization of public services. Strengthening legal education for local communities and tourism actors is a crucial complement to ensuring legal certainty and the protection of children's rights are no longer diminished by bureaucratic obstacles, but are instead guaranteed sustainably amidst the dynamic international mobility in the Mandalika Special Economic Zone.

5. SUGGESTION

The central and regional governments need to establish an integrated coordination mechanism between the Population and Civil Registration Service, the Immigration Office, and child protection agencies. This collaboration should be realized in the form of a standing protocol (*Standard Operating Procedure*) that prioritizes the principle of the best interests of the child to minimize bureaucratic obstacles in administrative services. A centralized, digital-based administration system for mixed marriages and child citizenship needs to be developed. This digitalization is expected to synchronize data across countries in *real-time*, thus facilitating the monitoring of children's citizenship status and ensuring their civil rights are effectively fulfilled. Harmonization and synchronization efforts are needed between regulations in the areas of citizenship, population administration, and immigration. This alignment is crucial to ensuring legal certainty for children born to mixed marriages, ensuring comprehensive and sustainable protection from the risk of discrimination and *statelessness* (*stateless*).

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