Access to Legal Identity

Preliminary Findings from 2013 AIPJ Baseline Study

Presented in the CPC Bi-Annual Meeting, New York 8-9 October 2013

not for citation awaiting final report
The AIPJ Baseline Study consists of series of the following research:

1. AIPJ-PUSKAPA scoping in 5 provinces (Jabar, NTB, NTT, Sulsel, Sumut);

2. AIPJ-PUSKAPA baseline survey, Puskesmas and school data collection, and focus group discussions in 3 provinces (Jabar, NTB, NTT);

3. **AIPJ-PEKKA baseline survey in 18 provinces**;

4. AIPJ-PUSKAPA analysis of existing government data; and

5. Desk review of existing policies, regulations and previous studies.
study objectives
1. To understand the **barriers to legal identity document ownership** (birth certificate, marriage/divorce certificate);

2. To understand the **outcomes associated with having/not-having those legal identity documents**, specifically with respect to education, health, access to social welfare services, and legal assistance;

3. To understand the **association between the ownership of birth certificate of a child with the ownership of marriage certificate of the parents**;

4. To do **baseline cross-sectional study in 3 provinces** (West Java, East Nusa Tenggara, West Nusa Tenggara) to compare randomly selected intervention and non-intervention districts.

5. To work with government and non-government agencies in Indonesia to consider the policy responses that will lead to an increase the number of children with birth certificates and parents with marriage certificates.
household survey | court data monitoring | focus groups with children and parents | interviews with service providers | analysis of school and puskesmas records | desk review of policy and regulations | statistical analysis of available government data (SUSENAS, BDT TNP2K, SENSUS)
preliminary findings
There is a critical shortage of legal identity documents in a form of birth certificate and marriage certificate.
SUSENAS 2011: 30 million Indonesian children do not have birth certificate

more than 43 million if we include those who do not have the document with them.
a year later:
over 24 million Indonesian children remain lacking legal identity

still almost 40 million if we include those who do not have the document with them.
Important to note:

More than 73% of respondents surveyed who answered they “have BC but unable to show it” admitted that they never had one when further asked why they were unable to show it.
in some provinces, that is the situation of more than half of children

- **ALL**: 51.83% have and able to show, 18.5% have but unable to show, 28.84% don’t have, 13.5% don’t know
- **JABAR**: 47.9% have and able to show, 18.2% have but unable to show, 31.5% don’t have, 20% don’t know
- **NTB**: 32.1% have and able to show, 16% have but unable to show, 48.4% don’t have, 18.5% don’t know
- **NTT**: 31.9% have and able to show, 16% have but unable to show, 50.5% don’t have, 22.6% don’t know
- **SULSEL**: 49.5% have and able to show, 22.6% have but unable to show, 27% don’t have, 13.5% don’t know
- **SUMUT**: 34.4% have and able to show, 13.5% have but unable to show, 51.2% don’t have, 13.5% don’t know

SUSENAS 2012
Only 19% of all respondents & 45% children have a Birth Certificate
Jawa Barat 55%; NTB 58%; NTT 29%

23% under 17yo respondents have Surat Keterangan Lahir
varied between provinces

Children from Moslem family have 3 times higher chance of having a Birth Certificate

76% children from Christian families have Baptism Letters
the survey finds

just over half of marriages are registered

<table>
<thead>
<tr>
<th>Region</th>
<th>Have MC</th>
<th>Don't have MC</th>
<th>Don't know</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALL</td>
<td>52.9</td>
<td>42.3</td>
<td>5.8</td>
<td>1.0</td>
</tr>
<tr>
<td>JABAR</td>
<td>69.73</td>
<td>28.65</td>
<td>1.7</td>
<td>0.0</td>
</tr>
<tr>
<td>NTB</td>
<td>63.17</td>
<td>36.21</td>
<td>0.7</td>
<td>0.0</td>
</tr>
<tr>
<td>NTT</td>
<td>29.83</td>
<td>57.95</td>
<td>0.2</td>
<td>0.0</td>
</tr>
</tbody>
</table>
2. Being poor or from a poor family is a determinant for legal identity document ownership
largest proportion of children without birth certificate is in the poorest families

Q1: 9,808,791
Q2: 7,106,108
Q3: 5,190,676
Q4: 3,502,693
Q5: 1,645,934

SUSENAS 2011
same proportion if we add those who said they have BC but cannot show it

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Don’t have BC</th>
<th>Have BC but cannot show it</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1</td>
<td>9,808,791</td>
<td>12,344,740</td>
</tr>
<tr>
<td>Q2</td>
<td>7,106,108</td>
<td>9,872,169</td>
</tr>
<tr>
<td>Q3</td>
<td>5,190,676</td>
<td>8,097,431</td>
</tr>
<tr>
<td>Q4</td>
<td>3,502,693</td>
<td>6,434,780</td>
</tr>
<tr>
<td>Q5</td>
<td>1,645,934</td>
<td>4,457,853</td>
</tr>
</tbody>
</table>

SUSENAS 2011
SUSENAS 2012 shows that the number of children without birth certificate in rural areas is double that of children in urban areas.
Cost is the main barrier for people to access legal identity documents, followed by distance and complex processes.
**cannot afford one** is the predominant reason for not having birth certificate

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expensive and cannot afford it</td>
<td>38.4%</td>
</tr>
<tr>
<td>Don’t know how to obtain it</td>
<td>12.6%</td>
</tr>
<tr>
<td>Don’t feel like it’s important</td>
<td>11.2%</td>
</tr>
<tr>
<td>It’s far to obtain one</td>
<td>5.9%</td>
</tr>
<tr>
<td>Don’t know that birth needs to be registered</td>
<td>4.4%</td>
</tr>
<tr>
<td><strong>Others</strong></td>
<td><strong>27.6%</strong></td>
</tr>
</tbody>
</table>

SUSENAS 2012
the survey consistently finds the **cost** as **main barrier** for not having birth certificate

<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expensive and cannot afford it</td>
<td>49.8%</td>
</tr>
<tr>
<td>It’s far to obtain one</td>
<td>18.51%</td>
</tr>
<tr>
<td>Don’t know how to obtain it</td>
<td>14.75%</td>
</tr>
<tr>
<td>Process is too complicated</td>
<td>10.9%</td>
</tr>
<tr>
<td>Don’t feel like it’s important</td>
<td>3.86%</td>
</tr>
<tr>
<td>Don’t know that birth needs to be registered</td>
<td>3.14%</td>
</tr>
<tr>
<td>Do not have all the requirements</td>
<td>2.15%</td>
</tr>
<tr>
<td>Not responsible for the child’s document</td>
<td>0.63%</td>
</tr>
<tr>
<td><strong>Others</strong></td>
<td><strong>28.8%</strong></td>
</tr>
</tbody>
</table>

[most said: “belum sempat”, “belum jadi”]
while distance and lack of knowledge on how to obtain one are the predominant reasons for not having marriage certificate.
time needed to reach nearest services also adds to the **transportation cost**

<table>
<thead>
<tr>
<th>“Extra” Cost Component</th>
<th>Birth Certificate</th>
<th>Marriage Certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>To get to &amp; from the nearest service provider</td>
<td>up to Rp 350,000</td>
<td>up to Rp 200,000</td>
</tr>
<tr>
<td>Distance in time</td>
<td>up to 4 hours</td>
<td>up to 4 hours</td>
</tr>
</tbody>
</table>
due to distance & complex processes, most people asked help from others to obtain marriage certificate, and it adds to the cost.

which is **11% to 337%** of the average monthly income of families living in poverty in Indonesia.
almost 80% also asked help from others to obtain birth certificate.

<table>
<thead>
<tr>
<th>Region</th>
<th>Case 1</th>
<th>Case 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jabar</td>
<td>180,000</td>
<td>700,000</td>
</tr>
<tr>
<td>NTB</td>
<td>75,000</td>
<td>600,000</td>
</tr>
<tr>
<td>NTT</td>
<td>54,000</td>
<td>1,375,000</td>
</tr>
</tbody>
</table>

which is 23% to 598% of the average monthly income of families living in poverty in Indonesia.
almost everyone arranges BC by themselves when they are getting it in less than 60 days after the birth.
who are they resort to for the “help”?:
“the middlemen”

- Petugas KUA: 0.78
- Petugas Pengadilan: 0.39
- Aparat Desa: 9.6 (the highest in JABAR and NTB)
- Petugas Sekolah: 0.55
- Petugas Kesehatan: 7.06
- Bidan: 0.39
- LSM: 12.94
- Others: 5.36

- don’t know how to obtain BC: 43.31%
- don’t have time to arrange it by themselves: 18.11%
- too far to obtain BC: 17.42%
- don’t have the requirements: 2.36%
- other: 36.9% [majority being “that’s how you’re supposed to get it”]
There is an association between parents owning marriage certificate and their children owning birth certificate.
Birth Certificate’s Requirements: 
*Parents’ Marriage Certificate*

Parents with no MC have **3 times higher chance** of having children with no BC

- In JABAR: 5 times higher
- In NTB: 1 times higher*
- In NTT: 3 times higher

* against the sample taken, it is statistically not significant
5. The biggest proportion of children without birth certificate is under-1 year old.
Have and able to show  Have but unable to show  Don't have  Don't know
SUSENAS 2012
policy review finds that *birth registration* becomes more complicated and at times more expensive, when done after 60 days.
There is a gap between number of births and number of 0-1 yo with a birth certificate. This gap has doubled in the last 4 years.
number of birth & number of 0-1yo children who have BC: Jawa Barat

- **Kab Bogor**
  - Number of Birth from PEMDA data 2007: 88,633
  - Number of Children 0-1yo with BC from SUSENAS 2007: 30,604
  - Percentage: 34.53%

- **Sukabumi**
  - Number of Birth from PEMDA data 2007: 49,220
  - Number of Children 0-1yo with BC from SUSENAS 2007: 16,453
  - Percentage: 33.43%

- **Cianjur**
  - Number of Birth from PEMDA data 2007: 45,874
  - Number of Children 0-1yo with BC from SUSENAS 2007: 18,782
  - Percentage: 40.93%

- **Garut**
  - Number of Birth from PEMDA data 2007: 35,629
  - Number of Children 0-1yo with BC from SUSENAS 2007: 15,483
  - Percentage: 43.46%

**PERHATIKAN** presentase hijau hanya menunjukkan mereka yang “punya dan menunjukkan”, kalau diterapkan meningkatkan kesenjanganannya sebanyak 20%
Number of Birth from PEMDA data 2011
Number of Children 0-1yo with BC from SUSENAS 2011
number of birth & number of 0-1yo children who have BC: *Sumatera Utara*

- **Mandailing Natal**: 24,898 child with BC, 6,793 births, 20.08%.
- **Asahan**: 14,257 child with BC, 3,052 births, 22.81%.
- **Langkat**: 3,311 child with BC, 3,292 births, 6.4%.
- **Humbang Hasundutan**: 212 child with BC, 3,311 births, 6.4%.

- Number of Birth from PEMDA data 2007
- Number of Children 0-1yo with BC from SUSENAS 2007
number of birth & number of 0-1yo children who have BC: Nusa Tenggara Barat

- Lombok Barat: 13,252 (54.2%) births, 7,183 (43.9%) children with BC
- Lombok Utara: 4,643 (34.83%) births, 1,764 (37.3%) children with BC
- Bima: 10,094 (30.66%) births, 3,095 (30.6%) children with BC
- Dompu: 5,064 (94.74%) births, 4,399 (94.74%) children with BC

Legend:
- Green circle: Number of Birth from PEMDA data 2011
- Orange circle: Number of Children 0-1yo with BC from SUSENAS 2011
number of birth & number of 0-1 yo children who have BC: Nusa Tenggara Timur

- **Timor Tengah Utara**: 988 births, 18.9% with BC
- **Belu**: 3,173 births, 48.27% with BC
- **Sumba Barat Daya**: 127 births, 2.14% with BC
- **Manggarai Timur**: 4,887 births, 8.29% with BC

- Number of Birth from PEMDA data 2009
- Number of Children 0-1yo with BC from SUSENAS 2009
<table>
<thead>
<tr>
<th>District</th>
<th>Number of Birth</th>
<th>Number of Children 0-1yo with BC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timor Tengah Utara</td>
<td>5,444</td>
<td>1,052</td>
</tr>
<tr>
<td>Belu</td>
<td>7,701</td>
<td>2,638</td>
</tr>
<tr>
<td>Sumba Barat Daya</td>
<td>5,226</td>
<td>157</td>
</tr>
<tr>
<td>Manggarai Timur</td>
<td>5,080</td>
<td>647</td>
</tr>
</tbody>
</table>

- Number of Birth from PEMDA data 2011
- Number of Children 0-1yo with BC from SUSENAS 2011
number of birth & number of 0-1yo children who have BC: Sulawesi Selatan

- Bulukumba: 6,840 (35.47%) children with BC
- Jeneponto: 6,098 (27.63%) children with BC
- Bone: 4,403 (29.97%) children with BC
- Wajo: 3,320 (45.57%) children with BC

Number of Birth from PEMDA data 2009
Number of Children 0-1yo with BC from SUSENAS 2009
Number of Birth from PEMDA data 2011
Number of Children 0-1yo with BC from SUSENAS 2011
Education policy can also influence the ownership of birth certificate.
BC is a requirement for SD national exam, showing increase of ownership once reach 6th grade

<table>
<thead>
<tr>
<th>Kelas</th>
<th>Jawa Barat</th>
<th>NTB</th>
<th>NTT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SD 1</td>
<td>23.33%</td>
<td>57.94%</td>
<td>100%</td>
</tr>
<tr>
<td>SD 6</td>
<td>73.74%</td>
<td>72.97%</td>
<td>100%</td>
</tr>
<tr>
<td>SMP 7</td>
<td>72.75%</td>
<td>46.25%</td>
<td>n/a</td>
</tr>
<tr>
<td>SMP 9</td>
<td>86.01%</td>
<td>100%</td>
<td>n/a</td>
</tr>
<tr>
<td>SLB 1</td>
<td>n/a</td>
<td>86%</td>
<td>0%</td>
</tr>
<tr>
<td>SLB 6</td>
<td>n/a</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>n</td>
<td>2,264</td>
<td>259</td>
<td>390</td>
</tr>
</tbody>
</table>

some schools made BC mandatory for registration.
SUSENAS 2012 shows that the proportion of children without birth certificate is the biggest amongst school dropouts (47%) followed by those who never attended school (30%). Only 23% in-school children do not have birth certificate.
Although very preliminary, the study finds indication of association between child’s disability or parents’ disability with ownership of birth certificate.
Children with parents/guardians that have no apparent physical disability have 4.5 greater chance of having a BC compared to children with parents with apparent physical disabilities.

To note:
- Disability is very difficult to measure even with our large sample size;
- Associations found need to be further explored;
- Result from cognitive interview will be provided in the report.
9. Deprivation from legal identity is passed across generations within families.
Is lacking access to legal identity inter-generational?

The probability for a child to have birth certificate is **3 times higher** when one of the parents has birth certificate.

- In JABAR it is 4 times higher
- In NTB it is 3 times higher
- In NTT it is 4 times higher
10. Lack of birth certificate may impede children’s progress to upper levels of education, particularly to SMP.
Birth Registration and Access to Education
simple regression assessment in SUSENAS 2011

In the school age group (7-17yo), the chance for a child to attend school increases 68% if he/she has birth certificate.

When we assess based on school age cohorts* (SD 7-12 SMP 13-15 SMA 16-18, but only counting 7-17yo), then the chance for a child to attend SD only increases 1.4% if he/she has birth certificate.

However the chance for a child to attend SMP increases 54% and 89% for SMA if he/she has birth certificate.

*SLB, SMPLB, SMALB included.
11. Lack of birth certificate predicts children’s limited access to health services.
Lack of birth certificate ownership limits access to health care in NTB and NTT

In NTB, children with BC were 75% more likely to access health services compared to children without BC. In NTT, it was 68% more likely

In NTT and NTB, lacking birth certificate was associated with a child’s not accessing health care in the last 2 months
Lack of marriage certificate predicts women’s limited access to social assistance.
Lack of marriage certificates may limit access to social assistances in NTB.

In NTB, having a marriage certificate increases access to Jamkesmas/Jamkesda/Askeskin by 74% and to Raskin by 84%.

This relationship was not statistically significant in other provinces.
Although existed as alternative, most people do not favor having birth certificate with only the mother’s name for their child. Arguably, this will deprive the child from legal protection.
most people do not favor putting only mother’s name in child’s BC
terima kasih