

Apostille: Simplifying Legalization Process

Prepared by:

Maurice Maulana Situmorang (Partner), **Ken Atyk Nastiti** (Senior Associate),
Namira Adjani Ramadina (Associate)

The Government of Indonesia has ratified the Convention Abolishing the Requirement of Legalization for Foreign Public Documents ("**Convention**") by way of the enactment of Presidential Regulation number 2 of 2021 on Ratification of Convention Abolishing the Requirement of Legalization for Foreign Public Documents. With Indonesia's joining as a Contracting State of the Convention, the Government of Indonesia is generally bound to abolish the legalization requirement towards public documents produced or to be used in Indonesia. All public documents issued by Parties to the Convention should be acknowledged in the territory of the other Convention Parties once they are stamped with Apostille.

Introducing Apostille Concept

The Convention provides another concept of signatory certification, i.e., "Apostille", being a certificate with a mandatory title of "Apostille (*Convention de la Haye du 5 octobre 1961*)" placed on the relevant document. As of 4 June 2022, the conventional legalization process is no longer applicable for the cross-border exchange of certain documents categorized as public documents. Regulation of Ministry of Law and Human Rights No. 6 of 2022 on Apostille Legalization Services for Public Documents ("**MOLHR 6/2022**") is an implementing regulation for the apostille process locally. Included as public documents are:

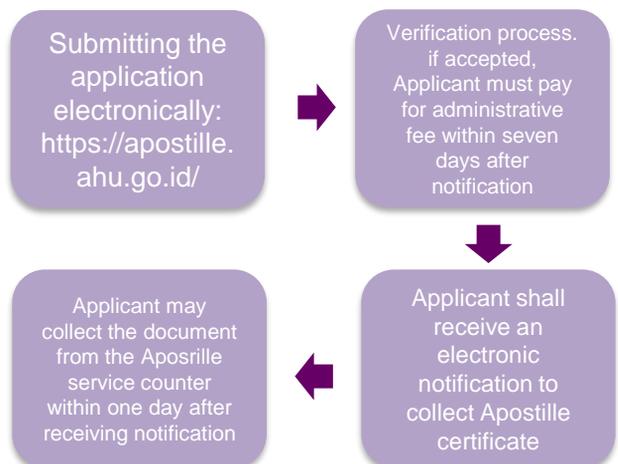
1. documents from an authority or official connected with courts or tribunals of the State, including from a public prosecutor, court registrars, or bailiffs;
2. administrative documents;
3. notarial acts;
4. official certificates attached to Documents, signed by persons in their private capacity, such as official certificates recording the registration of a document or the fact that it was in existence on a certain date and official and notarial authentications of signatures.

As to public documents produced in Indonesia for use in other countries not part of the Convention, the signatory certification (legalization) will depend on the laws and regulations applicable in the relevant countries.

The Convention does not apply to (i) documents executed by diplomatic or consular agents and (ii) administrative documents dealing directly with commercial or customs operations. Moreover, MOLHR 6/2022 added one more document exempted for Apostille: documents issued by a prosecutor's office as a prosecution agency as set out in PR 2/2021.

Apostille Procedure in Indonesia

Public documents produced in Indonesia are processed by the Ministry of Law and Human Resources to be later used in the designated countries after getting the Apostille Certificate. According to MOLHR 6/2022, below are the detailed steps on obtaining an Apostille Certificate in Indonesia:



A list of public documents issued by the Government of the Republic of Indonesia for Apostille according to Minister Decree No. M.HH-01.AH.03.01 Year 2022 can be accessed [here](#).

Practical Issues

Although MOLHR 6/2022 and the Convention have clearly stated the intention to only adopt the Apostille for the public documents that fall within the regulation's scope, as a matter of practice, the Indonesian government institutions have required the legalization of the documents that will be used or submitted here in Indonesia over the years. For instance, the need for legalization of a power of attorney. There is a binding precedent (Decision of the Supreme Court of the Republic of Indonesia Number 3038K/Pdt/1981 dated 18 September 1986) which briefly states that the validity of a power of attorney made abroad must meet formal requirements and be legalized first by the Indonesian Embassy in the originating country. Many government institutions besides the Courts require a legalized power of attorney if it is produced overseas, which recently began to become less popular than the Apostille mechanism.

How about private documents coming from overseas?

As to private documents signed or produced outside Indonesia, it remains the same the law is silent on the necessity of the legalization. Nevertheless, it should be fully subject to the purpose of such documents and the relevant parties if they see that the Signatory Certification is fundamental for the transaction.

-oOo-

The article above was prepared by Dentons HPRP's lawyers

This publication is not intended to be a comprehensive review of all developments in the law and practice, or to cover all aspects of those referred to. Readers should take legal advice before applying the information contained in this publication to specific issues or transactions or matters. For more information, please contact us at dentons.hprp@dentons.com or Partners listed above.

No part of this publication may be reproduced by any process whatsoever without prior written permission from Hanafiah Ponggawa & Partners.

List of Apostille Legalization Service for Public Documents

Supreme Court

1. Copy of Legal and Binding Court Decision
2. Copy of Court Decree
3. Deed of Divorce

Ministry of Youth and Sports

1. Certificate of Sports Personnel (Coach, Coach Assistant, Referees, and others)

Ministry of State-Owned Enterprises

1. Approval Documents for the Transfer of State-Owned Enterprises Assets Overseas
2. Approval Documents for Stated-Owned Enterprises Cooperation with Overseas Parties

Ministry of Religious Affairs

1. Marriage Book
2. Halal Certificate
3. Deed of Grant
4. Deed of Waqf
5. Public Religious University Diploma (*Perguruan Tinggi Keagamaan Negeri* - "PTKN")
6. Public Aliah Madrasa Diploma (*Madrasah Aliah Negeri* - "MAN")
7. Public Sanawiah Madrasa Diploma (*Madrasah Sanawiah Negeri* - "MTs")
8. Public Ibtidaiah Madrasa Diploma (*Madrasah Ibtidaiah Negeri* - "MIN")
9. Public Religious University Academic Transcript
10. MAN Academic Transcript
11. MTs Academic Transcript
12. MIN Academic Transcript
13. Translation

Ministry of Education, Culture, Research and Technology

1. Diploma
2. Academic Transcript
3. Courses Institution Certificate
4. Certificate of Profession
5. Certificate of Competence
6. Educator Certificate
7. Professional Allowance Authorization Letter
8. Certificate of Education Completion issued by Center for Teacher and Education Personnel Development and Empowerment (PPPPTK)/Institutions for the Development and Empowerment of School Principals (LPPKS)/Institutions for the Development and Empowerment of Educators and Education Personnel (LPPPTK)
9. School's Principal Unique Number Document (*Dokumen Nomor Unik Kepala Sekolah* - "NUKS")
10. School Registration Number Document (*Dokumen Nomor Registrasi Sekolah* - "NRG")
11. Certificate of Training Attendance
12. Formal and Non-formal Certificate of Appreciation as an Outstanding Teacher/Principal

13. Cultural Heritage Stipulation Certificate
14. Stipulation of an Intangible Cultural Heritage Certificate
15. Other Academic Documents
16. Other Cultural Documents

Indonesian National Police

1. International Driver's License
2. Police Records Statement Letter
3. Police Report

Ministry of Defence

1. National Defense Certificate
2. University of Defense Diploma

Ministry of Home Affairs

1. Birth Certificate
2. Death Certificate
3. Marriage Certificate
4. Deed of Divorce
5. Deed of Child Acknowledgement
6. Deed of Child Authorization

Ministry of Social Affairs

1. Ministry of Social Affairs Authorization Letter on Child Adoption Grants
2. Social Worker Competency Certificate
3. Social Educator Competency Certificate
4. Diploma and Academic Transcript Issued by Social Welfare Polytechnic (*Politeknik Kesejahteraan Sosial "Poltekkesos"*)

Ministry of Tourism and Creative Economy

1. Polytechnic Tourism Diploma
2. Polytechnic Tourism Academic Transcript
3. Statement Letter to Accompany Polytechnic Tourism Diploma
4. Certificate of Competence on Polytechnic Tourism
5. Polytechnic Tourism Accreditation Certificate

National Professional Certification Board (BNSP)

1. Certificate of Competence
2. Certificate of Assessor Competency
3. Certificate of Master on Assessor Competency
4. Memorandum of Understanding (MoU)
5. Cooperation Agreement

Ministry of Agrarian Affairs and Spatial Planning/National Land Agency

1. Diploma issued by National Defense University
2. Academic Transcript issued by National Defense University
3. Training Certificate issued by National Defense University

Others

1. Notarial Documents
2. Sworn Translation Documents
3. Documents issued by Ministry of Law and Human Rights Officers