



The Discourse of Dual Citizenship in Indonesia: Legal Politics and Human Rights Under Law No. 12/2006

Adlyn Adrian

Universitas Padjadjaran
Adlynadian@Email.Com

Received : May 20, 2026
Accepted : May 30, 2026
Published : June 1, 2026

Citation: Adrian, A. (2026). The Discourse of Dual Citizenship in Indonesia: Legal Politics and Human Rights Under Law No. 12/2006. *Lex et Praxis Journal: A Peer-Reviewed Journal of Legal Studies and Practice*,1(1). 23-43

ABSTRACT: Globalization has significantly impacted societal perspectives on citizenship, especially within diaspora communities. From their viewpoint, dual citizenship can raise issues related to loyalty, identity, and potential conflicts of interest. This study aims to explore the dilemmas surrounding the implementation of dual citizenship from the perspectives of legal-political theory and human rights, as outlined in Law No. 12 of 2006. Using a literature-based approach, this research involves gathering and analyzing existing scholarly works, including academic articles, books, reports, and other publications, to build a foundational understanding and support the research objectives. This study is grounded in legal pluralism and cosmopolitan citizenship theory, which are used to analyze the coexistence of multiple citizenship allegiances and the complex relationship between individual rights and state sovereignty. These frameworks provide insights into how dual citizenship aligns or conflicts with the fundamental principles of Pancasila, Indonesia's ideological foundation. Finding this study highlight that dual citizenship, when viewed from an empirical standpoint, underscores significant human rights considerations, especially in protecting individual rights and addressing injustices. Although Indonesia generally upholds the principle of single citizenship, the implementation of Law No. 12 of 2006 signals a shift towards allowing dual citizenship, albeit with restrictions, primarily for children born from mixed marriages. Within this ideological framework, the application of dual citizenship raises questions about its alignment with Pancasila's core values. The conclusions of this study emphasize the central role of political perspectives and human rights considerations in the debate on dual citizenship.

Keywords: Dual Citizenship, Human Rights, Political Rights



This is an open access article under the
CC-BY 4.0 license

INTRODUCTION

The surge in naturalizing foreign soccer players to strengthen Indonesia's national team has sparked debates on dual citizenship, a complex issue tied to legal, nationalistic, and individual rights considerations. Naturalization, aimed at improving Indonesia's performance in international competitions, raises sensitive questions due to Indonesia's single citizenship policy as established by the Citizenship Act (Law No. 12 of 2006). This law mandates that Indonesian citizens must renounce any other nationality upon reaching adulthood, upholding the principle of singular national allegiance.

However, calls for dual citizenship have increased, particularly from the Indonesian diaspora, who argue that dual nationality would enable them to contribute more effectively to Indonesia's economy and society while retaining rights in their current countries of residence. This situation highlights a growing tension between the state's emphasis on loyalty and identity and the individual's desire for global connectivity and flexibility. As international mobility rises, more Indonesians live and work abroad but still wish to participate in their homeland's development. Thus, the issue of dual citizenship is becoming a pressing topic, as it involves reconciling national sovereignty with evolving demands for global integration and individual autonomy.

One prominent example is the case of Minister Archandra Tahar in 2016. Archandra was dismissed from his position as Minister of Energy and Mineral Resources after it was revealed that he held dual citizenship with Indonesia and the United States. This case attracted public attention because ministerial roles require unwavering loyalty to Indonesia, and dual citizenship is viewed as a legal conflict in the context of national regulations.(Hakim, 2021)

Another notable case is Enzo Zenz Allie in 2019. Enzo, an Indonesian Military Academy (Akmil) cadet candidate with a French father and an Indonesian mother, became the subject of public scrutiny regarding his loyalty to Indonesia. As a prospective member of the Indonesian National Armed Forces (TNI), the role requires absolute loyalty and single citizenship. Although Enzo is legally considered an Indonesian citizen, the dual nationality of his parents raised concerns about potential conflicts in loyalty within a military institution.(Wismabrata, 2019)

A further example is Manohara Odelia Pinot, a woman involved in a controversial marriage to a Malaysian royal, has publicly criticized the Indonesian government for not providing adequate protection to Indonesian citizens abroad. The criticism includes non-compliance with Law No. 12/2006 which is supposed to provide protection to Indonesian citizens abroad. This case turned out to be related to Manohara's dual citizenship. She has

dual citizenship because her mother is an Indonesian citizen (WNI), while her father is a foreign national.(Paramita, 2017)

All cases illustrate that dual citizenship issues are not merely administrative but also concern legal and loyalty aspects, especially for those in strategic or national security-related roles. Although Law No. 12/2006 on Citizenship of the Republic of Indonesia does not explicitly recognize dual citizenship, the demand from the Indonesian diaspora for this right is growing stronger. The dilemma of dual citizenship has arisen since 1812. Massive migration at that time sparked international tensions, especially when countries used naturalization as a tool to recruit foreign residents for military purposes. This, in turn, clashed with the principle of sovereignty. The primacy of the principle of state sovereignty in bilateral relations between states often overrides individual rights.(Adnyana, 2022) The treatment of foreign nationals is often determined by political and economic interests, instead of upholding human rights.

Before World War II and the assertion of human rights, states had the freedom to treat their own citizens based on their internal policies. However, this freedom was limited when it came to the treatment of citizens from other countries. However, without a clear human rights framework, protection of individual rights from abuse of state power was often minimal. Human rights violations against foreign nationals were often overlooked or unnoticed, due to the lack of effective international law enforcement mechanisms at the time.(Bahagijo & Nababan, 2014) World War II became an important turning point in the history of human rights, where awareness of the importance of individual rights and their protection became stronger. After the war, various international legal instruments, such as the Universal Declaration of Human Rights, were formulated to ensure that human rights are universally recognized and protected, regardless of nationality or individual status.

Citizenship status is one of the important elements in the formation of a state. By having citizenship status, an individual is recognized as a member of the state that recognizes his or her citizenship. This recognition creates a legal relationship between the individual and the recognizing state. Through citizenship status, individuals can obtain a number of benefits from national and international law.(Prameswari, 2020) So far, citizenship has been regarded as a legal status granted to individuals by a nation-state. According to this conventional view, the state has the authority to determine who is considered its citizen. However, in the 20th century, there was a paradigm shift where the relationship between the individual and the state in the context of citizenship was considered a bottom-up relationship. In social movement studies, this concept emphasizes that individuals are at the center of attention

and the state has an obligation to guarantee and protect their rights. The misunderstanding of this dynamic has influenced debates on various topics in civic politics, such as class, ethnic, cultural, political and religious identities.

Based on this theoretical research, there has been a change of orientation in the concept of citizenship from a top-down to a more bottom-up pattern during the 20th century. Indeed, the ability of individuals to freely choose their national identity without interference is increasingly recognized as a fundamental human right in democratic contexts. This right is closely tied to broader principles of freedom, autonomy, and self-determination, which are essential components of democratic societies.(Sugiyar, 2017) During the New Order era in Indonesia, the political landscape spurred the emergence of the concept of dual citizenship, particularly among individuals belonging to the Indonesian diaspora or residing in exile.(Charity, 2016)

The regulation of citizenship is very important in the life of the nation and state. In Indonesia, rules regarding citizenship are not only contained in the constitution, but also regulated in more detailed laws and regulations. Article 28D paragraph (4) of the 1945 Constitution of the Republic of Indonesia (UUD NRI) emphasizes that every individual has the right to citizenship status. This article is the result of the second amendment to the 1945 Constitution. Meanwhile, according to Article 26 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, a person becomes a citizen if he or she is a native Indonesian or is authorized as a citizen by law. From this article, it is clear that the 1945 Constitution recognizes that citizenship status is a right owned by every individual. The right to citizenship status includes the right to obtain, change and maintain citizenship status. The 1945 Constitution does not explicitly stipulate whether a person is entitled to one or two citizenship statuses. What is important according to the 1945 Constitution is that no individual is stateless, as everyone has the right to citizenship status according to the 1945 Constitution. As for the possibility of dual citizenship, the 1945 Constitution does not stipulate a requirement or prohibition. In this case, further discretion is given to lawmakers to regulate the matter in accordance with the provisions of Article 26 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "Matters concerning citizens and residents shall be regulated by law."

The deliberation over the Dual Citizenship Bill has been ongoing for an extended period within the House of Representatives, even starting since the previous parliamentary period (2014-2019). However, until now, the bill has not been passed due to the dynamics in its discussion in the House of Representatives.(DPR, 2020) The Dual Citizenship Bill, a

longstanding component of the National Legislation Program (Prolegnas), is deemed essential for comprehensive examination to evaluate its potential advantages and drawbacks for the Indonesian nation, particularly concerning defense and security considerations. A nationalist group expressed its disapproval and urged the government to be cautious in allowing its citizens to have dual citizenship, arguing that Indonesia is still a developing country and does not yet have full independence in determining its own foreign policy.(Rajab, 2017) This is exacerbated when Indonesian citizens live and work in countries where foreign and domestic policies are often influenced or controlled by others.

In this context, it is important for the government to consider and balance the need to grant dual citizenship to individuals with the security risks that may arise. Regulations regarding dual citizenship must be carefully designed to prevent abuse by those who wish to use the dual status for harmful purposes. In addition, the government also needs to strengthen the domestic security system to address potential threats arising from individuals with dual citizenship. Thus, efforts to issue regulations on dual citizenship must be followed by strong measures to maintain national security.

The political dynamics and human rights considerations reflected in the interaction between members of the House of Representatives of the Republic of Indonesia (DPR) on the Dual Citizenship Bill show that the discussion on the issue of dual citizenship is still at an unresolved stage in the legislature.(DPR, 2020) This situation suggests the need for a comprehensive analysis to understand the implications and consequences of dual citizenship regulations. The lack of a comprehensive analysis could slow down the bill deliberation process and result in uncertainty in determining the appropriate regulations. Therefore, further efforts are needed to compile a comprehensive analysis to clarify the aspects related to dual citizenship and facilitate a more productive discussion in the Parliament. Whereas since 2012, the Indonesian diaspora has held the First Diaspora Congress in the United States of America.(Charity, 2016) Since then, the Indonesian diaspora organized in the Indonesian Diaspora Network (IDN) has been active in advocating its agendas. One of the main agendas championed is the issue of dual citizenship.(Dilahwangsa, 2022)

Currently, Law No. 12/2006 on Citizenship of the Republic of Indonesia is the legal basis for citizenship in Indonesia. In principle, the law does not support the concept of dual citizenship, as it prioritizes the principle of single citizenship.(Arief, 2020) However, in certain cases, the law recognizes the principle of limited dual citizenship, especially in the context of children, who obtain dual citizenship if one of their parents is an Indonesian citizen (WNI).(Rajab, 2017) This principle is applied to protect children's rights in accordance with

the provisions stipulated in the law. The principle of limited dual citizenship stipulated in Law No. 12/2006 provides necessary exceptions for certain situations, especially related to the protection of children's rights. The establishment of dual citizenship for children born from marriages between parents of different nationalities takes into account their rights and interests in the context of nationality heterogeneous families. Nonetheless, the law affirms the principle of single citizenship for adults, in accordance with the generally accepted principle.

The analysis presented in this article builds upon previous studies, particularly the work by Sibuea (Sibuea, 2016) in his article entitled "Discourse on the Application of Dual Citizenship in Indonesia." This research specifically examines the cases of Archandra Tahar and Gloria N. Hamel within the context of Law No. 12 of 2006.

In contrast, the study by Sumiati & Mardjuki (Sumiati & Mardjuki, 2021), titled "Dual Citizenship in the Perspective of Law No. 12 of 2006 and Human Rights," focuses on the intersection of dual citizenship with human rights as outlined in the same law.

While both studies address Law No. 12 of 2006, this research aims to expand the discourse on dual citizenship by exploring the potential conflicts that may arise between political principles, such as state sovereignty, and human rights, including the right to dual citizenship. Additionally, this article will examine how the implementation of dual citizenship affects individuals and society at large, considering its implications for public policy and political stability.

As such, this research is expected to provide a deeper understanding of the complexities and dilemmas associated with the implementation of dual citizenship in Indonesia. Based on the description and explanation, the author formulates the problem, namely how the application of dual citizenship from the political perspective of law and human rights, with a focus on a review of Law No. 12 of 2006.

Theoretical Framework

This study on dual citizenship in the context of political law and human rights in Indonesia utilizes a theoretical framework based on legal pluralism and cosmopolitan citizenship theory. Legal pluralism explains the existence of different, coexisting legal systems within a single jurisdiction, such as national and international law, which govern the rights and obligations of individuals regarding dual citizenship. This perspective allows for a deeper understanding of the interaction and potential conflict between multiple legal systems, particularly in addressing how international and national laws can work together to protect the rights of individuals holding dual citizenship. In contrast, cosmopolitan citizenship theory

proposes that every individual has the right to be a citizen of the world and participate in multiple communities across national borders. This theory helps to conceptualize that the rights of individuals, especially those living outside their country of origin, are not strictly bound by national boundaries and that citizenship can exist in multiple forms without necessarily resulting in a conflict of loyalties.

The study's conceptual framework begins with the identification of issues arising from globalization, notably the increasing number of Indonesian diaspora members who face a dilemma in maintaining their citizenship identity. Indonesia, with its principle of single citizenship as reflected in Law No. 12 of 2006, encounters the diaspora's demand for dual citizenship, which may pose challenges related to loyalty and identity. Based on the chosen theoretical framework, this study explores how dual citizenship is implemented in the context of Law No. 12 of 2006 and whether the core principles of Pancasila support or conflict with the concept of dual citizenship. The analysis of the implementation of Law No. 12 of 2006 reveals that Indonesia has already accommodated dual citizenship, though limited to specific cases, such as children born of mixed marriages. On the other hand, this study indicates that the application of dual citizenship within the ideological framework of Pancasila needs further examination to ensure alignment with Indonesia's fundamental values. These findings aim to provide a deeper understanding of the dilemmas between protecting individual rights and preserving national identity within the context of dual citizenship.

In terms of the conceptual framework, this research examines three main variables: dual citizenship, human rights, and political law. Dual citizenship focuses on an individual's right to hold more than one nationality, which carries implications for rights and obligations in two or more countries. Human rights emphasize the protection of individual rights to obtain citizenship without sacrificing personal identity and freedom, highlighting the importance of recognizing the fundamental rights of the Indonesian diaspora. Political law, as the third variable, examines the state's policy in regulating citizenship in alignment with national ideology and political stability. Through these variables, the relationship between dual citizenship and considerations of human rights and political law is analyzed to see how the needs of the Indonesian diaspora can be reconciled with the values of Pancasila and Indonesia's nationalistic principles. This research, therefore, provides a more comprehensive understanding of the political, legal, and human rights implications of dual citizenship policies in Indonesia.

METHODOLOGY

In this study, a qualitative approach was chosen as the primary research method due to its ability to provide an in-depth understanding of the complex issues surrounding dual citizenship, specifically in terms of political and human rights considerations. Qualitative research allows for the exploration of detailed contextual factors, which are essential when examining topics like citizenship that involve nuanced legal, social, and political dynamics. Alternative methods, such as quantitative approaches, were deemed unsuitable as they focus on numerical data and statistical analysis, which would not capture the depth of analysis required to understand the dilemmas related to dual citizenship policies. The qualitative approach, on the other hand, is well-suited to interpretive analysis and thematic exploration, which are necessary to address the research objectives.

The researcher used a literature review as the main technique to gather data. This method included a documentation study to compile data from a diverse range of previous studies and media coverage. By examining sources such as academic journals, books, and news reports, the study was able to draw on a wide array of perspectives on dual citizenship issues, both in Indonesia and internationally. The documentation method was chosen to allow for comprehensive data collection from pre-existing works, which provided a solid foundation for understanding current perspectives and debates around dual citizenship. This approach enabled the researcher to identify relevant legal and social issues and helped avoid the time and cost constraints associated with field research.

Data analysis focused on two primary dimensions: political and human rights. Special attention was given to Indonesia's Law No. 12 of 2006, which serves as a central regulatory framework on citizenship. This law was analyzed within the broader political and human rights implications of implementing dual citizenship, especially in the Indonesian context, where principles of national identity and loyalty are strongly emphasized. Through this analysis, the study aimed to assess the extent to which dual citizenship aligns or conflicts with Indonesia's legal and ideological frameworks. The findings of this analysis are intended to provide insights into the dilemmas surrounding the potential implementation of dual citizenship, highlighting the competing political and human rights considerations at play.

RESULTS AND DISCUSSION

1. The Political Law of Citizenship Law Amendment

Citizenship forms a bond of interdependence between the individual and the state as human rights are a fundamental aspect of the state structure. The existence of citizenship is an essential requirement for every individual because it creates a clear relationship between

the state and citizens, and ensures legal stability.(Hermanto, 2022) It recognizes that citizenship status is not just a legal identification, but also the foundation for interaction between individuals and the state. Citizenship provides a foundation for the state to grant rights and responsibilities to its citizens, while also affirming the obligations of citizens towards the state.(Kemenristekdikti, 2016) As such, clarity in citizenship status is important in ensuring law and order and stability in society.

An individual's citizenship status, which affects their rights and responsibilities in a country, is an integral part of their identity. Dissatisfaction with citizenship laws has prompted efforts to reform them in the interests of citizens, particularly with regard to dual citizenship laws, which have become a topic of global debate. It involves aspects of economics, security, sovereignty, human rights and political participation, making political dynamics very significant in this process. Political dynamics involving stakeholders, both at the national and international levels, play a key role in determining the direction of changes in citizenship laws. The issue of dual citizenship does not only affect individuals personally, but also has a widespread impact on the social, economic and political levels of different countries. Therefore, in changing or modifying citizenship laws, it is important to take into account these various factors to ensure fairness and sustainability in the citizenship system.

In the context of legal politics, policies often reflect the values and goals of the state, which may include developing or changing the law to achieve goals such as social justice, the protection of human rights, or improving the efficiency of legal administration.(MD, 1999) The politics of law also encompasses the process of making legal policy, including the interaction between the legislature, executive, and judiciary in shaping, amending, or repealing laws.(Mia Kusuma Fitriana, 2015) Thus, legal politics is not only about lawmaking itself, but also about how legal decisions are influenced by political, social, and economic factors.(Mahfuz, 2020) The creation of Law No. 62 of 1958 on citizenship, which specifically addressed the refinement of loss of citizenship provisions, marked the beginning of legal politics in the domain of citizenship in Indonesia.(Elan et al., 2022) This step was taken in response to the emergence of citizenship issues arising from political conflicts after the proclamation of independence and other political conflicts that occurred in the government at that time. The law was a first step in responding to the complex challenges faced by the state in relation to the citizenship status of individuals in the context of political upheaval and regime change during that period. (Khoirunnisa & Jubaidi, 2023)

With the passage of time and the evolution of global civilization, and the eventual easing of the conflict between Eastern and Western countries followed by the emergence of

the reformasi movement in 1998, Indonesians began to demand significant changes in the structure of the state. This demand voiced the need to amend the 1945 Constitution. Eventually, Indonesia's People's Consultative Assembly (MPR) successfully completed four amendments to the 1945 Constitution, marking an important milestone in the evolution of Indonesia's legal and political system.

Constitutional changes, including amendments to the 1945 Constitution, not only reflect the dynamics of national politics, but are also the result of closely related legal politics. (Firmansyah, 2021) The politics of law encompasses the official policies that govern the laws to be enacted, including the creation of new laws or changes to existing laws. In the context of the 1945 Constitution amendment, the politics of law is a reflection of the political process that occurs at the highest level of government, where decisions on human rights, including citizenship, are discussed and enacted. (Mia Kusuma Fitriana, 2015)

With the amendment of the 1945 Constitution, including in terms of citizenship, the political policy of law established a new constitutional foundation that regulates the rights and obligations of citizens. This legal political process reflects the dynamics of society and the aspiration to improve the existing legal framework to better suit the times and the increasing demands of human rights.

Thus, the changes in citizenship reflected in the amendments to the 1945 Constitution are not only the result of a political process, but also the implementation of a political legal policy aimed at achieving the goals of a just and civilized state, in line with the development of human rights globally. Changes to the constitution through amendments to the 1945 Constitution affected the entire structure of law and legislation in Indonesia, including citizenship laws. As a result, Law No. 62/1958 on citizenship was no longer considered adequate to meet the demands and needs of society at that time. Therefore, a new law is needed that is in accordance with the conditions and demands of the times.

In response to constitutional amendments and societal demands, Law No. 12/2006 on citizenship was enacted. The new law reflects a commitment to bring the legal framework more in line with human rights principles, as well as adapting to the development of modern society and the world. (Yoyon M. Darusman, 2000) Thus, the changes to citizenship law through Law No. 12/2006 are part of an effort to update and strengthen the Indonesian legal system, in line with the principles of democracy, justice, and the protection of human rights. It also reflects the role of legal politics in adjusting legislation to the development of society and the needs of the times.

Law No. 12/2006 includes several principles of citizenship, as outlined below:

- a. The *ius sanguinis* principle, which determines citizenship based on descent and not birthplace.
- b. The *ius soli* principle, which is applied in a limited way to determine citizenship based on the country of birth, particularly for children as specified in Law No. 12/2006.
- c. The single citizenship principle, which asserts that each individual has only one citizenship.
- d. The limited dual citizenship principle, which allows children to have dual citizenship in accordance with the regulations set out in Law No. 12/2006.

With the presence of foreign individuals or individuals with dual citizenship, the directly related institution is the immigration institution. The presence of this institution is understood because of its functions that include providing services, law enforcement, and security for the traffic of people in and out of a country. In addition, this institution is tasked with overseeing the presence and activities of foreign individuals while within the territory of the country.

According to Article 1 of Law No. 6/2011 on Immigration, immigration includes all matters related to the traffic of people entering or leaving the territory of Indonesia as well as its supervision, which aims to maintain the sovereignty of the state (Wilonotomo & Fatcahya, 2018)

In the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. M. 80-H1.04.01 of 2007 concerning procedures for registration, recording, and providing immigration facilities for Indonesian citizens who are dual nationals, the following matters are regulated: *Kemenkumham Republik Indonesia, Peraturan Menteri Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor 22 Tahun 2012, Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia, 2012.*

- a) Children who have dual nationality and only carry a foreign passport when entering and being in the territory of the Republic of Indonesia are free from the obligation to have a visa, immigration permit, and re-entry permit.
- b) Children who have dual nationality and carry only a foreign passport, who travel in or out of the territory of the Republic of Indonesia, must obtain a Departure Mark / Entry Mark on their passport from an immigration official or landing examiner at an immigration checkpoint.
- c) Children who have dual citizenship, who are holders of both a Republic of Indonesia passport and a foreign passport, must use the same passport when entering and/or exiting the territory of the Republic of Indonesia.
- d) Children who have dual citizenship and choose to use a foreign passport when entering and/or exiting the territory of the Republic of Indonesia will be stamped by immigration officials or landing examiners at the immigration checkpoint in accordance with the provisions of the Law.

e) Children who have dual nationality and have not chosen their nationality and are not yet 21 years old will be given a passport of the Republic of Indonesia with a limited validity period until the age of 21 years.

2. Integration of Human Rights and Citizenship Dynamics

In social interactions and economic activities, it is important that we recognize a person's identity as part of Indonesian society, even if they are not Indonesian citizens. Foreigners living in Indonesia should be considered as part of the Indonesian community, at least as members of society. On the other hand, Indonesians living abroad, whether they still hold Indonesian citizenship or have taken foreign citizenship, in some contexts, should still be recognized as part of the Indonesian community. (Isharyanto, 2016) It is important to recognize that citizenship issues have a significant impact on individuals within a country. A person's rights and obligations are often closely linked to their citizenship status. However, it is important to remember that the determination of citizenship status is ultimately the authority of the state, which sets the applicable limits and requirements. A person's citizenship status also determines his or her relationship with a country's legal jurisdiction.

Although it has undergone significant evolution and many regulations have been enacted, the issue of citizenship still requires continuous improvement. (Rajab, 2017) These changes are needed to respond to developments in the human rights domain and also to respond to any dissatisfaction that may arise from the public in dealing with citizenship issues. Indeed, improvements in citizenship regulation are crucial as citizenship issues have a profound impact on the lives of individuals and society as a whole. With changing times and the complexity of global challenges, it is important for countries to continuously evaluate and update their citizenship policies to keep them relevant and fair for all their citizens. This includes adjustments to ensure the protection of human rights, recognition of individual rights, and addressing new challenges that arise, such as global migration and changes in citizenship status. (Ginanjari et al., 2022) Thus, continuous improvement in the citizenship domain is needed to ensure that individuals are properly recognized and protected in accordance with human rights principles.

Human rights are a moral and legal foundation that states that every individual has the same intrinsic value and dignity, regardless of their background, race, religion, or social status. (Bahagijo & Nababan, 2014) This emphasizes that these rights cannot be ignored or violated by anyone, including the state or other institutions. Human rights include civil, political, economic, social, and cultural rights, which are granted to every individual to ensure a decent and dignified life. Therefore, the protection and respect of human rights is a

top priority in legal systems and policies around the world. Human rights can be divided into two parts, namely "rights" and "people". "Rights" refers to possession or ownership, while "human" refers to fundamental things.(Yunara, 2019) Therefore, human rights are fundamental things that every individual should have. Human Rights are universally applicable, which means they apply anywhere, anytime, and to anyone, regardless of their background or circumstances.(Nasution, 2017) Human rights are also moral rights that relate to things that are fundamentally important to be owned equally by every human being, without exception and cannot be questioned. This is because human rights are inherent in individuals from birth into this world.

Therefore, human rights have several characteristics, including:(Tim ICCE UIN Jakarta, 2020)

1. **Universality:** Human rights apply to all individuals, regardless of race, religion, gender, or socioeconomic status.
2. **Inalienable:** Human rights are inherent and inalienable by anyone, including by governments or other authorities.
3. **Interconnectedness:** Human rights are interrelated and cannot be separated from each other. For example, the right to freedom of expression is related to the right to freedom of religion.
4. **Inviolability:** Human rights must be respected and protected without exception or unfair exclusion.
5. **Life and dignity:** Human rights include the right to life, as well as the right to be treated with dignity and respect.
6. **Sustainability:** Human rights are timeless and relevant for all times and places.
7. **Responsibility:** Governments and other entities have a responsibility to ensure the recognition, protection and fulfillment of individual human rights.

The rights of each individual are protected by a series of legal regulations to prevent rebellion, and these rights are universal so they cannot be separated or divided. According to Law No. 39 of 1999, Human Rights emphasizes that human rights are rights given to every individual as part of his or her nature as a human being, which must be respected, protected, and upheld by the state, government, and all citizens.Presiden Republik Indonesia, Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia, Komnas Ham, 1999. These principles are an important foundation in maintaining human dignity and providing protection for individual rights in the context of law and social order. And dual citizenship is the status that a person legally has as a legal citizen of more than one country. The existence

of dual citizenship is caused by different requirements in each country. Each country has various provisions in setting the criteria for having dual citizenship, and these regulations sometimes provide loopholes that allow a person to acquire additional citizenship without losing their original citizenship, thus creating a situation where a person can have two or more citizenships.(Hidayati, 2016)

In the context of Article 26 of the Human Rights Law No. 39/1999, individuals who hold dual citizenship have rights and responsibilities regulated by law. The article affirms that every individual has the right to have, acquire, change, or maintain their nationality status. They also have the freedom to choose their nationality without fear of discrimination, and are entitled to enjoy the rights attached to their nationality status. In addition, such individuals are required to fulfill their obligations as citizens in accordance with the provisions stipulated in the legislation. However, the Article does not provide an explanation of the sanctions for individuals who hold dual citizenship.

The debate on dual citizenship in Indonesia covers many aspects, including property and land rights. Property rights are often closely linked to one's citizenship status, and the regulation of land ownership is often a sensitive topic in many countries, including Indonesia. In this context, debates involve not only political and human rights considerations, but also economic, social, and security issues.(Arief, 2020)

Therefore, in regulating the legal status of dual citizenship, the government needs to consider various factors, including economic, social, and security implications, as well as ensuring that the policies adopted are in line with the principles of human rights and social justice.(Alisjahbana & Murniningtyas, 2018) Thus, a balance between political interests, human rights, and property and land issues can be achieved to create a balanced and fair regulatory framework for all parties.

Despite facing opposition from nationalist organizations, the Indonesian diaspora continues to fight for dual-citizenship policies in various parts of the world. This struggle emerged as a response to the need for individuals to maintain ties to their home country while taking advantage of opportunities available in a second country.(Dilahwangsa, 2022)

Fundamental legal changes will be needed to accommodate these needs. However, this process is not easy and often involves complex debates between parties with diverse interests. While the Indonesian diaspora may see the dual-citizenship policy as a way to facilitate mobility and accommodate their dual identity, nationalist organizations tend to see it as a threat to sovereignty and national identity.(Charity, 2016)

Amidst this debate, it is important for the government to carefully consider the implications of the proposed legal changes. The government must strike a balance between meeting the needs of the diaspora and maintaining national sovereignty and identity. Measures such as extensive public consultations and dialog between various parties may be necessary to reach an agreement that is acceptable to all parties involved.

3. Enactment of Law Number 12 Year 2006

The enactment of law number 12 year 2006 on Citizenship of the Republic of Indonesia covers various aspects that reflect the relationship between individuals and the state and the rules governing citizenship. Some of the key points in the implementation of the law include (JDIH, 2006):

1. Determination of Citizenship Status, this law sets out provisions on who is considered an Indonesian citizen, including the requirements that must be met to acquire or lose citizenship status.
2. Protection of Rights and Obligations, this law provides a legal foundation for the protection of the rights and obligations of Indonesian citizens, which include human rights, the right to public services, and the duty to obey the law.
3. Policy Update, the implementation of the Act also involves the government's efforts to review and update citizenship policies in line with the times and the needs of society.
4. Monitoring and Enforcement, the law establishes monitoring and enforcement procedures and mechanisms related to the exercise of citizenship, including sanctions for violations of rules related to citizenship status.
5. Limited Dual citizenship, while the law adheres to the principle of single citizenship in principle, there are exceptions that allow for limited dual citizenship, particularly for children with parents who hold different nationalities. Indonesia basically applies the principle of single citizenship, which means that each individual is recognized as having only one citizenship.

However, with the enactment of Law No. 12/2006 on Citizenship of the Republic of Indonesia, there are exceptions or limited dual citizenship principles. This means that although the principle is still single citizenship, there are cases where a person can legally hold two citizenships, especially in certain situations regulated by law.

As such, Law No. 12/2006 provides a legal basis for granting dual citizenship in a limited number of special cases, such as for children born to parents with different nationalities. Nonetheless, the overriding principle remains single citizenship, and the granting of dual citizenship is only allowed in certain situations regulated by law.

In the implementation of Law No. 12/2006, the government provided immigration facilities for children affected by limited dual citizenship status and born before the law was enacted. This refers to the government's efforts to deal with cases that arose in connection with the enactment of the new law.

One form of facilitation is the possibility of adjusting the immigration status of such children, which may allow them to have better access to immigration services and cross-border travel. This may involve certain administrative processes, such as the renewal of identity documents, adjustment of immigration status, or the granting of residence permits in accordance with applicable provisions.

The purpose of this immigration facility is to provide an adequate solution for children affected by the change in the law, so that they can go about their daily lives and activities without excessive hindrance due to their limited dual nationality status.

Law No. 12/2006 on Citizenship of the Republic of Indonesia initiated a new phase in Indonesian law with regard to citizenship issues. This law, which came into effect on August 1, 2006, specifically addresses the citizenship status of children born from mixed marriages between Indonesian and foreign nationals. With the enactment of this law, there has been a significant change in the legal regulation of citizenship in Indonesia, particularly in the context of international marriages. It provides legal clarity and a stronger foundation for resolving the citizenship status of children born from such marriages, as well as establishing the procedures to be followed in determining their citizenship.

Law No. 12/2006 on Citizenship sets the age limit for choosing citizenship at 21 years old. This implies that the ideal time for a young person to choose their citizenship is when they reach the age of 21. At this age, a person is considered legally and psychologically mature enough to make important decisions about his or her citizenship. Davit Setyawan, "Status Hukum Kewarganegaraan 'Anak' Hasil Perkawinan Campuran," KPAI, 2014, <https://www.kpai.go.id/publikasi/artikel/status-hukum-kewarganegaraan-anak-hasil-perkawinan-campuran>.

Many children under the age of 21 feel uncomfortable deciding on their nationality, especially as the majority of them are still attending school in their parents' home country. (Gayo, 2019) This makes the citizenship determination process very difficult for them. That the social and environmental conditions of children under the age of 21 affect their difficulties in determining citizenship. School life and family environment can affect their understanding and identity of citizenship. Therefore, it is important for the government and

society to understand these challenges in setting citizenship policies that take into account the conditions and needs of children in the process.(Gayo, 2019)

In Law No. 12/2006 on Citizenship, it can be seen that Indonesia initially adopted the *ius sanguinis* principle, which grants citizenship rights to children based on the citizenship of their parents. However, with the adoption of the *ius soli* principle, children were also allowed to acquire citizenship from their place of birth. This resulted in a merger of the two principles, allowing children to follow the citizenship of both their father and mother, as well as providing the possibility of dual citizenship.(Sukmawaty, 2016) The enactment of Law No. 12/2006 on citizenship of the Republic of Indonesia basically aims to provide protection and legal certainty for children who are subject to limited dual citizenship. With this law, such children can have the status of an Indonesian citizen as well as a foreign citizen, following the citizenship status of their mother or father.

In the context of implementing Law No. 12/2006, it is important for the government to ensure that all children affected by dual citizenship status receive equal protection with other citizens. This includes basic rights such as access to health services, education, and adequate legal protection. In addition, the government also needs to ensure that there is clarity and legal certainty in handling cases involving children with dual citizenship, including in terms of property and land ownership and other rights. The circular includes guidelines and policies related to legal status recognition, fulfillment of basic rights, and access to public services for children with limited dual citizenship. In addition, the circular may also provide guidance to relevant agencies in implementing the protections and facilities provided to such children, including in terms of immigration administration and other aspects related to their citizenship status.

Facilities provided by the government for children with limited dual nationality may be further regulated in a circular letter from the Ministry of Law and Human Rights of the Republic of Indonesia number M. 09-IZ. 03. 10 of 2006. The circular is likely to provide guidelines regarding the recognition of legal status, fulfillment of basic rights, and access to public services for affected children, as well as provide direction to relevant agencies in the implementation of the protection and facilities provided to them. The facilities that may be afforded to children with limited dual citizenship include ease of residence in Indonesian territory without the need for immigration permits that apply to foreigners in general, as well as ease of travel in and out of Indonesian territory. One of the main benefits is the ability to obtain a Travel Document of the Republic of Indonesia (SPRI) as needed.

Although children with dual citizenship are given equal treatment with Indonesian citizens under Article 4 of Law No. 12/2006, they are still subject to the provisions of Article 21 of the Basic Agrarian Law. This article emphasizes that individuals who hold foreign citizenship other than Indonesian citizenship are not allowed to have ownership or rights to land in Indonesia,(Nurhidayati, 2018)

CONCLUSION

In Law No. 12/2006, there are no specific provisions regarding sanctions or penalties for individuals holding dual citizenship. While Indonesia fundamentally adheres to the principle of single citizenship, the law facilitates a limited form of dual citizenship, specifically for children born from mixed marriages between parents of different nationalities. This creates complexities, particularly as individuals under the age of 18 are legally considered incapable of making decisions about their nationality. However, upon reaching the age of 18, these individuals are regarded as legally mature and should have the authority to decide their citizenship status.

Article 26 of Human Rights Law No. 39/1999 affirms every person's right to choose, maintain, or change their nationality without discrimination, underscoring the human rights principles that empower individuals to define their identity and citizenship. In contrast, Article 9 of Law No. 12/2006 clarifies that acquiring Indonesian citizenship does not automatically confer dual citizenship, reinforcing Indonesia's commitment to single citizenship, with limited exceptions for children from mixed marriages.

While both articles pertain to citizenship, they address different facets of the issue. Article 26 encompasses broader human rights considerations, while Article 9 specifically pertains to dual citizenship within Indonesian law. Despite their apparent contradictions, these articles complement each other within a comprehensive legal framework.

REFERENCES

- Adnyana, K. R. T. (2022). Kedaulatan Negara Dalam Hukum Internasional. *Jurnal Pacta Sunt Servanda*, 3(2), 32–41.
<https://ejournal2.undiksha.ac.id/index.php/JPSS/article/view/1412/687>
- Alisjahbana, A. S., & Murniningtyas, E. (2018). *Tujuan Pembangunan Berkelanjutan di Indonesia* (2nd ed.). Unpad Press. https://sdgcenter.unpad.ac.id/wp-content/uploads/2020/04/Tujuan-Pembangunan-Berkelanjutan-SDGs-di-Indonesia_compressed.pdf
- Arief, S. A. (2020). Mengurai Kewarganegaraan Ganda (Dual Citizenship) Di Indonesia Dalam Perspektif Hak Asasi Manusia Dan Negara Kesejahteraan. *SASI*, 26(4), 527–539.

<https://doi.org/10.47268/sasi.v26i4.269>

- Bahagijo, S., & Nababan, A. (2014). Hak Asasi Manusia (Tanggung Jawab Negara, Peran Institusi Nasional dan Masyarakat)”, Komisi Nasional Hak Asasi Manusia. *KOMNAS HAM*, 157.
- Charity, M. L. (2016). Urgensi Pengaturan Kewarganegaraan Ganda Bagi Diaspora Indonesia. *Jurnal Konstitusi*, 13(4), 809. <https://doi.org/10.31078/jk1346>
- Davit Setyawan. (2014). *STATUS HUKUM KEWARGANEGARAAN “ANAK” HASIL PERKAWINAN CAMPURAN*. KPAI. <https://www.kpai.go.id/publikasi/artikel/status-hukum-kewarganegaraan-anak-hasil-perkawinan-campuran>
- Dilahwangsa, Z. (2022). Pembentukan Wacana Dwi Kewarganegaraan oleh Komunitas Diaspora Indonesia dalam Perspektif Teori Identitas Sosial. *Kajian*, 27(1), 43–56.
- DPR. (2020). *RUU Dwi Kewarganegaraan Harus Dikaji Mendalam*. Sekretariat Jenderal DPR RI. <https://www.dpr.go.id/berita/detail/id/30939/t/RUU+Dwi+Kewarganegaraan+Harus+Di+kaji+Mendalam>
- Elan, Situmeang, A., & Girsang, J. (2022). Efektivitas Undang-Undang Ite Dalam Menangani Ujaran. *Jurnal Pendidikan Kewarganegaraan Undiksha*, 10(3), 83–100.
- Firmansyah, F. (2021). Perubahan Konstitusi: Dinamika Politik Dan Hukum Dalam Negara Yang Demokratis. *Istinbath: Jurnal Hukum*, 18(2), 313–314. <https://e-journal.metrouniv.ac.id/index.php/istinbath/article/view/3629>
- Gayo, A. A. (2019). Problematika Status Kewarganegaraan Anak Melampaui Batas Usia 21 Tahun (Studi Kasus Provinsi Bali). *Jurnal Penelitian Hukum De Jure*, 19(3), 269–284.
- Ginangjar, D., Fajar Firdausyi, M., Suswandy, S., Tresna Andini, N., Program Studi PPKN, D., PGRI Sukabumi, S., Karamat No, J., Gunungpuyuh, K., Sukabumi, K., & Barat, J. (2022). Perlindungan HAM dalam Era Digital: Tantangan dan Solusi Hukum. *Journal on Education*, 04(04), 2080–2094.
- Hakim, R. N. (2021). *Polemik Pejabat yang Berkewarganegaraan Ganda, dari Arcandra Tahar hingga Bupati Sabu Raijua*. KOMPAS. Com. <https://nasional.kompas.com/read/2021/02/03/15434031/polemik-pejabat-yang-berkewarganegaraan-ganda-dari-arcandra-tahar-hingga>
- Hermanto, B. (2022). Reformulasi Undang-Undang Kewarganegaraan Indonesia: Perspektif Politik Hukum, Problematika, dan Prospek Pengaturan. *Jurnal Legislasi Indonesia*, 19(2), 209–230.
- Hidayati, N. (2016). Kewarganegaraan Ganda Di Indonesia Dalam Perspektif Negara Hukum.

Jurnal Pengembangan Humaniora, 16(1).

Isharyanto. (2016). *Teori Hukum Suatu Pengantar Dengan Pendekatan Tematik*. WR.

Kemenkumham Republik Indonesia. (2012). PERATURAN MENTERI HUKUM DAN HAK ASASI MANUSIA REPUBLIK INDONESIA NOMOR 22 TAHUN 2012. In *Kementerian Hukum Dan Hak Asasi Manusia Republik Indonesia* (Issue 1370).

Kemenristekdikti. (2016). *Pendidikan Kewarganegaraan* (I). Direktorat Jenderal Pembelajaran dan Kemahasiswaan Kementerian Riset, Teknologi, dan Pendidikan Tinggi Republik Indonesia.

Khoirunnisa, K., & Jubaidi, D. (2023). Political Configuration of Law in Law Enforcement in Indonesia. *Ilomata International Journal of Social Science*, 4(4), 560–576.
<https://doi.org/10.52728/ijss.v4i4.880>

Mahfuz, A. L. (2020). Faktor Yang Mempengaruhi Politik Hukum Dalam Suatu Pembentukan Undang-Undang. *Jurnal Kepastian Hukum Dan Keadilan*, 1(1), 43.
<https://doi.org/10.32502/khdk.v1i1.2442>

MD, M. M. (1999). *Pergulatan Politik dan Hukum Di Indonesia*. Gema Media.

Mia Kusuma Fitriana. (2015). Peranan Politik Hukum Dalam Pembentukan Peraturan Perundang-Undangan Di Indonesia Sebagai Sarana Mewujudkan Tujuan Negara. *Jurnal Legislasi Indonesia*, 12(02), 1–27.

Nasution, B. J. (2017). *Negara Hukum Dan Hak Asasi Manusia*. Mandar Maju.

Nurhidayati, N. (2018). Kebijakan Pemerintah Dalam Kepemilikan Rumah Tempat Tinggal Bagi Orang Asing Dan Kewarganegaraan Ganda. *Jurnal Administrasi Kantor*, 6(1), 23–32.

Paramita, D. (2017). *Kasus Kewarganegaraan Ganda Di Indonesia*. GuruPPKN.Com.
<https://guruppkn.com/conto-kasus-kewarganegaraan-ganda>

Prameswari, Z. W. A. W. (2020). *Kewarganegaraan Ganda Bagi Warga Negara Indonesia*. UNAIR News. <https://news.unair.ac.id/2020/02/17/kewarganegaraan-ganda-bagi-warga-negara-indonesia/?lang=id>

PRESIDEN REPUBLIK INDONESIA. (1999). Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 tentang Hak Asasi Manusia. In *Komnas Ham* (Issue 39).

Rajab, A. (2017). Peran Perubahan Undang-Undang Kewarganegaraan dalam Mengakomodir Diaspora untuk Peningkatan Kesejahteraan Masyarakat. *Jurnal Konstitusi*, 14(3), 530–552.

Sibuea, H. Y. P. (2016). Wacana Penerapan Kewarganegaraan Ganda di Indonesia. *Pusat Penelitian Badan Keahlian DPR RI*, 1–4.

- Sugiyar. (2017). Demokrasi Dan Hak Asasi Manusia Dalam Masyarakat Multikultural. *Jurnal Pendidikan Agama Islam P*, 3(1), 51–68.
<http://jurnal.yudharta.ac.id/v2/index.php/pa>
- Sukmawaty, S. . (2016). Kepulauan Riau Sebagai Daerah Perbatasan Dengan Masalah Kewarganegaraan Ganda Terbatas. *Jurnal Selat*, 3(2), 411-450.
- Sumiati, M., & Mardjuki, A. (2021). Kewarganegaraan Ganda Perspektif UU No 12 Tahun 2006 Dan Hak Asasi Manusia. *Al Qisthas Jurnal Hukum Dan Politik*, 11(2), 1–17.
<https://doi.org/10.37035/alqisthas.v11i2.3793>
- Tim ICCE UIN Jakarta. (2020). *Demokrasi, Hak Asasi Manusia, dan Masyarakat Madani*. Kencana.
- Wilonotomo, & Fatcahya, R. D. (2018). Analisis Tindakan Administratif Keimigrasian Terhadap Warga Negara Asing Di Indonesia. *Jurnal Ilmiah Kajian Keimigrasian*, 1(1), 97–108.
- Wismabrata, M. H. (2019). *Cerita Enzo, Taruna Akmil Keturunan Perancis, Fasih 4 Bahasa hingga Jago Ngaji*. KOMPAS.Com.
<https://regional.kompas.com/read/2019/08/07/06520091/cerita-enzo-taruna-akmil-keturunan-perancis-fasih-4-bahasa-hingga-jago-ngaji?page=all>
- Yoyon M. Darusman. (2000). Kajian Yuridis Dualisme Kewarganegaraan Dalam Undang-Undang Nomor : 12 Tahun 2006 Tentang Kewarganegaraan. *Kajian Yuridis Dualisme Kewarganegaraan Dalam Undang-Undang Nomor : 12 Tahun 2006 Tentang Kewarganegaraan*, 5(1), 374.
<https://jurnal.unigal.ac.id/index.php/galuhjustisi/article/download/233/247>
- Yunara, A. Y. (2019). Efektivitas Undang-Undang Nomor 26 Tahun 2000 dan Pengadilan Hak Asasi Manusia. *Al-Dustur*, 2(2), 1–21.