



# Law and Humanities Quarterly Reviews

**Aji, K. P., Syahrin, M. A., Wiraputra, A. R., & Prasetyo, T. (2024). Dual Citizenship in Indonesia from the Perspective of Dignified Justice and Sovereignty. *Law and Humanities Quarterly Reviews*, 3(1), 27-38.**

ISSN 2827-9735

DOI: 10.31014/aior.1996.03.01.100

The online version of this article can be found at:  
<https://www.asianinstituteofresearch.org/>

Published by:  
The Asian Institute of Research

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# Dual Citizenship in Indonesia from the Perspective of Dignified Justice and Sovereignty

Koesmoyo Ponco Aji<sup>1,3</sup>, M. Alvi Syahrin<sup>2</sup> Anindito Rizki Wiraputra<sup>2,3</sup>, Teguh Prasetyo<sup>3</sup>

<sup>1</sup> Immigration Diploma-3 Study Program, Polytechnic of Immigration, Indonesia

<sup>2</sup> Immigration Law Study Program, Polytechnic of Immigration, Indonesia

<sup>3</sup> Law Doctoral Study Program, Faculty of Law, University of Pelita Harapan, Indonesia

Correspondence: Koesmoyo Ponco Aji, Immigration Diploma-3 Study Program, Immigration Polytechnic, Indonesia. E-mail: ponco@poltekim.ac.id

## Abstract

The granting of citizenship constitutes the sovereignty of a country. In state practice, all countries recognize the concept of citizenship because the existence of citizens is one of the requirements of a state. The generally recognized concept of citizenship is single citizenship. However, in the development of global life, countries are creating opportunities for dual citizenship for their residents. Through Law Number 12 of 2006 concerning Citizenship, the Indonesian government opened limited dual citizenship in Indonesia. The limited dual citizenship privileges given to children resulting from mixed marriages and children of Indonesian citizens born outside Indonesia have brought an influx and encouragement from the Indonesian diaspora for the concept of dual citizenship in Indonesia to be widely opened. This research aims to analyze the application of dual citizenship from the perspective of the theory of Dignified Justice and Sovereignty. This research uses a normative method with a conceptual approach, namely by identifying existing doctrinal principles or views. The theories used in this research are the theory of dignified justice and sovereignty theory. The research results show that the theory of dignified justice which originates from the noble values of Pancasila opens up space for the full implementation of dual citizenship in Indonesia, as a fulfilment of human rights and dignity itself. In the aspect of sovereignty theory, the application of single and limited dual citizenship is an absolute right of the Indonesian state which has been stated in its positive law. So it is important to refer to the nation's laws and cultural values as well as the country's long-term interests before implementing dual citizenship in its entirety.

**Keywords:** Dual Citizenship, Dignified Justice, Sovereignty

## 1. Introduction

The application of dual citizenship or even multi-citizenship is a common practice in several countries in the world. According to Satya Arinanto, until 2020 44 countries had implemented the concept of dual citizenship in the context of ensuring that a person does not lose the citizenship of their home country if they continue to take citizenship of another country (Mardatillah, 2020). If you look closely, generally the countries that implement this dual citizenship policy come from Commonwealth countries, the majority of European countries and several

countries that are not territorially large. Referring to this, the policy of granting dual citizenship is more due to preventive measures by the state to prevent the loss of citizens due to naturalization as citizens of another country (brain drain). Apart from that, the implementation of this policy also has aspects of historical ties to Commonwealth countries. Whatever the philosophical basis, the implementation of the dual citizenship policy is the state's effort to fulfil the main element of a state, namely the existence of permanent residents.

As countries around the world open up and global migration increases, the spread of Indonesian citizens abroad is increasing. Not only migrant workers, but Indonesian citizens who have professional careers abroad are also experiencing growth. This is of course supported by the opening up of opportunities for educational scholarships and global economic growth. Although there is no exact data, it is estimated that around six million Indonesian diaspora are spread abroad. From this estimated number, Dino Patti Djalal conveyed the great potential that Indonesia could gain if the concept of dual citizenship was implemented optimally in Indonesia (Mardatillah, 2020). In another public discussion, Cahyo Rahadian Muzhar, as Director General of General Legal Administration at the Ministry of Law and Human Rights, stated that dual citizenship is considered to have the potential to improve the national economy, one of which is a positive influence on increasing financial inclusion as well as being a source of foreign exchange that influences Indonesia's economic development (Ramadhan, 2022). This will of course change the political map of Indonesian citizenship law which will then institutionally also change a series of citizenship regulations in Indonesia. It cannot be denied that with the rapid flow of global development, the need for individuals, especially the diaspora, to have dual citizenship under Indonesian citizenship law has become a long-awaited desire. However, the state's efforts to realize this concept are another matter that is of course full of considerations (Charity, 2016). In its implementation, of course, the state must consider several aspects such as legal aspects, defence aspects, security aspects, socio-cultural aspects and economic aspects. If implemented, of course, the recognition of dual citizenship can be seen as part of the state's efforts to realize prosperity for all citizens and protect the human rights of citizens regarding their citizenship status.

In some academic literature, the issue of dual citizenship is an interesting topic. Of the several literatures that have topics related to dual citizenship, generally, these academic texts review the concept of dual citizenship from the perspective of Indonesian positive law. As written by Ahmad Jazuli in the *Legal Policy Scientific Journal*, reviewing the concept of dual citizenship for the Indonesian diaspora by referring to the Indonesian Citizenship Law (Jazuli, 2017). Likewise, as written by May Lin Charity in the *Constitution Journal*, which emphasizes the protection of Indonesian citizens who are abroad through the implementation of dual citizenship for the Indonesian diaspora because it is a necessity based on the reality of globalization and the spirit of the constitution which protects all of Indonesia's blood (Charity, 2016). Fery Nuriawan's discussion of dual citizenship emphasized the principle of nationality. From the three literature reviews, there has been no discussion of dual citizenship from the perspective of Dignified Justice and Sovereignty theory. Likewise, regarding literature that uses the theory of dignified justice, such as that written by Teguh Prasetyo, which reviews the theory of dignified justice in the formation of laws and regulations (Prasetyo, 2016), as well as in Indonesian national insight in the global era (Prasetyo, 2017), these two literatures do not specifically use citizenship law as its subject matter. For this reason, discussing dual citizenship from the perspective of Dignified Justice and Sovereignty is an empty gap that has not been filled by any academic writing. So this article is an enrichment of legal literature that is quite important to consider.

Based on the explanation above, it is very important to explore this issue more deeply using the perspective of the theory of Dignified Justice and Sovereignty to assess whether it is time for Indonesia to fully implement the concept of dual citizenship. An independent study in this research needs to be carried out to further analyze aspects relating to the application of dual citizenship to maintain state sovereignty. Furthermore, through a dignified justice approach, this research can explore and formulate appropriate citizenship policies when the concept of dual citizenship is applied in Indonesia so that the results of this research can become a reference in making research-based citizenship policies, not just evaluation-based ones.

## 2. Research Methods

In general, research is defined as human scientific activity that aims to develop or study science (Prasetyo, 2019). Each science has its method of searching for truth (Prasetyo, 2019). In the principles of legal science, the research method used in this research is a normative method. Normative legal research methods can be interpreted as legal research at the level of norms, rules, principles, theories, philosophies and legal rules to find solutions or answers to problems in the form of legal voids, norm conflicts or norm ambiguity. This research method uses primary sources of legal materials in the form of applicable laws and regulations (Prasetyo, 2019), secondary sources of legal materials obtained from sources, books that are related to the research object, and research results in the form of reports, theses and dissertations, as well as tertiary legal material sources such as dictionaries and encyclopedias (Prasetyo, 2019). The data that has been obtained is then used as supporting data in analyzing dual citizenship from the perspective of Dignified Justice and Sovereignty.

### 2.1 Subsection Identification

The specific approach used in this research is theoretical. The theoretical approach is carried out by understanding and reviewing the legal theory of the topic being studied (Taekema, 2018). The theoretical approach connects the theoretical basis with the concept of dual citizenship as a research object. By referring to the theory of dignified justice, this research seeks to answer the question of why and how the concept of dual citizenship in the perspective of dignified justice theory.

### 2.2 Sampling Procedure

This research takes primary data and secondary data because this research is normative in nature. The following are the legal materials used in the primary data sources and the secondary data used:

#### 2.2.1 Primary Legal Material

Primary legal materials are the main legal materials, as authoritative legal materials, namely legal materials that have authority (Suardita, 2017). Primary legal materials include statutory regulations and all official documents that contain legal provisions. Primary legal material as the main legal material that supports this research, namely:

- 1) Laws of the Republic of Indonesia, including the Citizenship Law, Immigration Law and Population Administration Law;
- 2) Regulations of the Government of the Republic of Indonesia, especially those related to the implementation of citizenship law;

#### 2.2.2 Secondary Legal Materials

Secondary legal materials are documents or legal materials that provide explanations of primary legal materials such as books, articles, journals, research results, papers and so on that are relevant to the issues to be discussed (Prasetyo, 2019).

#### 2.2.3 Tertiary Law Materials

Tertiary legal materials are legal materials that provide instructions and explanations for primary and secondary legal materials, such as legal dictionaries and legal encyclopedias (Prasetyo, 2019).

### 3. Result

#### 3.1. Citizenship

Law as a rule (norm), is a law that is understood as a set of life instructions, namely in the form of commands, prohibitions, permissions and meanings or definitions. Definitions can be found in various kinds of statutory regulations that apply in a legal system. It is often found that definitions in law are regulatory in nature so the nature of the definition cannot be simply ignored. Because this understanding was deliberately formulated to create order in society (Prasetyo, 2021). Juridically, citizenship is defined as all matters relating to citizens, as intended in Law of the Republic of Indonesia Number 12 of 2006 concerning Citizenship of the Republic of Indonesia. Of course, this concept has a very broad explanation depending on the depth of understanding and the aspects you want to study. It's just that Law Number 12 of 2006 concerning the Citizenship of the Republic of Indonesia does not explain further what is meant by matters relating to citizens of that country. Referring to positive law in Indonesia, other provisions that also regulate citizens are included in several laws, including:

- 1) Law Number 1 of 1974 concerning Marriage;
- 2) Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia;
- 3) Law Number 6 of 2011 concerning Immigration;
- 4) Law Number 23 of 2006 as Amended into Law Number 24 of 2013 concerning Population Administration.

These four laws and regulations certainly regulate matters regarding citizens following the main functions they regulate.

In conceptual terms, citizenship is a person's membership in the control of a particular political unit, namely the state. Citizenship gives citizens the right to actively participate in political activities. Citizenship is a process of civic thinking (citizenship). In this sense, residents of a region are referred to as citizens of that region, because both are also political units. In regional autonomy, citizenship becomes important, because each political unit wants to provide different (usually social) rights for its citizens. Citizenship is similar to nationality. What differentiates nationhood from nationality are rights in political activities.

The term citizenship has the meaning of membership which shows the relationship or bond between the state and citizens. Citizenship is defined as any type of relationship with a country that results in that country's obligation to protect the person concerned. The definition of citizenship is divided into two, namely as follows:

- 1) Citizenship in a juridical and sociological sense. Citizenship in the juridical sense is characterized by the existence of a legal bond between people and the state. Citizenship in the sociological sense is not characterized by legal ties, but emotional ties, such as ties of feeling, ties of descent, ties of fate, ties of history, and ties of homeland.
- 2) Citizenship in the formal and material sense. Citizenship in the formal sense indicates the place of citizenship. In legal systematics, citizenship issues fall under public law. Citizenship in the material sense shows the legal consequences of citizenship status, namely the rights and obligations of citizens (Suparno, 2018).

#### 3.2. Principles of Citizenship

In the discussion of this research, the concept of citizenship that applies in Indonesia is of course based on several principles outlined in Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia, namely:

- 1) The principle of *jus sanguinis* (law of the blood) is a principle that determines a person's citizenship based on descent, not based on the country of birth.
- 2) The limited principle of *ius soli* (law of the soil) is a principle that determines a person's citizenship based on the country of birth, which is limited to children under the provisions regulated in the Citizenship Law of the Republic of Indonesia.
- 3) The principle of single citizenship is the principle that determines one citizenship for each person.
- 4) The principle of limited dual citizenship is the principle that determines dual citizenship for children by the provisions regulated in the Citizenship Law of the Republic of Indonesia.

Apart from the principles mentioned above, several special principles are also the basis for drafting the Law on Citizenship of the Republic of Indonesia as regulated in the Elucidation to Law of the Republic of Indonesia Number 12 of 2006 concerning Citizenship of the Republic of Indonesia, namely:

- 1) The principle of national interest is the principle that determines that citizenship regulations prioritize the national interests of Indonesia, which is determined to maintain its sovereignty as a unitary state that has its ideals and goals,
- 2) The principle of maximum protection is a principle that determines that the government is obliged to provide full protection to every Indonesian citizen under any circumstances, both at home and abroad.
- 3) The principle of equality in law and government is a principle that determines that every Indonesian citizen receives equal treatment in law and government.
- 4) The principle of substantive truth is a procedure. A person's citizenship is not only administrative in nature, but is also accompanied by the substance and conditions of the application which can be justified.
- 5) The non-discriminatory principle is a principle that does not differentiate treatment in all matters relating to citizens based on ethnicity, race, religion, class, sex and gender.
- 6) The principle of recognition and respect for human rights is the basis that in all matters relating to citizens must guarantee, protect and glorify human rights in general and the rights of citizens in particular.
- 7) The principle of openness is a principle that determines that all matters relating to citizens must be carried out openly.
- 8) The principle of publicity is the principle that determines that a person who obtains or loses Citizenship of the Republic of Indonesia is announced in the State Gazette of the Republic of Indonesia so that the public knows about it.

### 3.3. *Dignified Justice*

Dignified justice is a legal theory that has several important postulates in the legal field (Prasetyo, 2015). The postulate in question, among others, is that law is a system. A system is a unit that consists of several interrelated parts. In the system, several elements or elements are interconnected with each other to achieve the goal. Other postulates include justice that humanizes humans (Prasetyo, 2023). The Theory of Dignified Justice offers the postulate of law as a system where one important characteristic is that conflict is not desired. What is desired is a healthy debate, a dialectic that is beneficial for the development of legal thinking (Prasetyo, 2023).

The theory of dignified justice is based on the soul of the nation. Referring to this, Pancasila as the soul of the people and the soul of the nation (*volksgeist*) of Indonesia is the basis of the theory of dignified justice in the Indonesian legal system (Prasetyo, 2015). Pancasila is the basic norm of the state (*philosophische grondslag*), an important element in the legal system, which is called the Pancasila Legal System. The precepts in the Pancasila principles are measures of goodness for a legal system. Another element or elements in the Pancasila Legal System are legal objectives (Prasetyo & Barkatullah, 2020). According to the perspective of Dignified Justice, the aim of law is justice that humanizes humans. In the concept of justice that humanizes humans, there is justice itself, benefits and legal certainty. These three components of justice that humanize humans are always present in every rule and legal principle and concrete legal regulations and legal discoveries (Prasetyo, 2023).

According to the perspective of Dignified Justice, a system does not allow conflict to occur within it. So in the philosophy of Dignified Justice, there is no conflict between justice and expediency. Likewise, there is no conflict between usefulness and legal certainty (Prasetyo, 2020). Justice, certainty and expediency as legal objectives are a unified balance. Every time the law is discussed, it automatically contains the meaning of justice, as well as certainty and all laws are useful. Teguh Prasetyo sees the aim of law as justice - because in justice there is certainty and in justice there is benefit.

The theory of dignified justice also adheres to another postulate, namely the principle that if people want to search for the law, the law can only be found in the soul of the nation. What is meant by the soul of the nation are 2 things. First, namely the applicable laws and regulations. Second, the court decision which, if possible, has permanent legal force (Prasetyo & Barkatullah, 2020).

### 3.4. *Sovereignty*

The word 'sovereignty' comes from English, namely 'sovereignty' which comes from the Latin word 'superanus' meaning 'the top'. The state is said to be sovereign or sovereign because sovereignty is an essential trait or characteristic of the state (Santoso, 2018). When it is said that a country is sovereign, it means that that country has supreme power. In the context of its implementation, even this supreme power has its limits. The space for the application of supreme power is limited by the country's territorial boundaries, meaning that a country only has supreme power within its territorial boundaries. So, the definition of sovereignty as supreme power contains two important limitations, namely (Kusumaatmadja & Agoes):

- 1) Power is limited to the territorial boundaries of the country that has that power, and
- 2) That power ends when the power of another country begins.

In general, there are 2 (two) types of popular sovereignty theories, namely (Akani, 2019):

- 1) **Absolute Sovereignty**

This doctrine emphasizes that sovereignty is not only the highest authority but also does not recognize the existence of other authorities and sovereignty has more or less unlimited power. The holder of power has full authority in determining national interests. Situations like this allow for coercion of will in implementing various decisions taken by the owner of power.

- 2) **Relative Sovereignty**

The idea of relative sovereignty is that sovereignty can be subordinated to international law. However, the sovereignty of one country cannot be subordinated to another country because in principle all countries are the same. The doctrine of relative sovereignty emphasizes that the sovereignty of a country must be free from the form of authority of other parties. States are sovereign within the scope of their jurisdiction and have the right to be free from all forms of intervention. However, countries cannot be free from international legal norms. Because international law also regulates various other sovereign countries and each country has the same obligations in international relations based on agreed international conventions and agreements.

## 4. **Discussion**

### 4.1. *Application of the Dual Citizenship Concept*

As agreed in the 1933 Montevideo Convention which regulates the rights and duties of states (Montevideo Convention in Rights and Duties of States), the existence of permanent residents is the first element of a state. This is as stated in Article 1 of the convention, where a group of people/individuals who live in an area where there is a government and can communicate with and be recognized by other countries as an international entity is a qualification for a country to be recognized as an international legal person. In the following clauses, the convention does not specifically discuss who a "permanent resident" is. Even in the discussion in Article 9, the term "permanent residents" which is referred to as "residents" (inhabitants) is then translated into citizens and foreigners (nationals and foreigners). In the following clauses, there is no other explanation in this convention regarding permanent residents, citizens and even citizenship which are the basic elements of a country.

Apart from what is regulated in international agreements, citizenship is a basic right of every human being. This is as regulated in Article 15 of the Universal Declaration of Human Rights which states "Everyone has the right to a nationality" and in Paragraph (2) it is stated that "No one may be arbitrarily deprived of his citizenship or denied the right to change his nationality". Other international legal instruments that specifically regulate citizenship include the 1951 Convention concerning the Status of Refugees. In addition, to address the protection issues faced by stateless persons, especially those who are not refugees, the international community has adopted the 1954 Convention on the Status of Stateless Persons. This agreement aims to regulate the status of stateless persons and to ensure that their human rights can be exercised as widely as possible. This convention complements the provisions in various international human rights treaties (UNHCR, 2010). Of course, the concept of statelessness emerged along with global political dynamics and increasing international migration.

In Indonesia, positive law regarding Indonesian citizenship is regulated in Law of the Republic of Indonesia Number 12 of 2006 concerning Citizenship of the Republic of Indonesia. In general, this law regulates:

- 1) Anyone who is an Indonesian citizen (Article 2 and Article 4);
- 2) Requirements and Procedures for obtaining citizenship of the Republic of Indonesia (Article 3, Articles 8-22);
- 3) Loss of Citizenship of the Republic of Indonesia (Articles 23-30);
- 4) Requirements and procedures for regaining Republic of Indonesia Citizenship (Articles 31-35), and;
- 5) Criminal provisions (Articles 36-38).

In general, this citizenship law states that Indonesian citizens are native Indonesian people and other people who are authorized by law as citizens (Article 2). This law does not recognize the concept of dual citizenship (bipatride) for its citizens or the concept of statelessness (apatride) for anyone residing in the country's territory. The dual citizenship granted to children in the Indonesian Citizenship Law is an exception. Regarding the implementation of dual citizenship, Indonesia does not fully recognize the concept of dual citizenship. This is as regulated in the Constitution of the Republic of Indonesia Article 26 Paragraph (1), that:

- 1) Those who become citizens are people from the original Indonesian nation and people from other nations who are legalized by law as citizens.
- 2) Residents are Indonesian citizens and foreigners residing in Indonesia.
- 3) Matters concerning citizens and residents are regulated by law.

The basic idea of implementing dual citizenship is to bring back citizens who have been successful abroad to build their own country, as has been done by China and India, which have succeeded in building a technology centre in Mumbai to match Silicon Valley, United States (Jazuli, 2017). This is of course in line with the government policy conveyed by Vice President Ma'ruf Amin to representatives of the Indonesian Diaspora in Singapore, namely that all Indonesian citizens wherever they are can continue to optimize their potential, both Human Resources and Natural Resources to provide good impact for the Indonesian nation and state (Jazuli, 2017).

However, the government's response regarding the regulation of dual citizenship in Indonesia must be examined carefully from a multi-variable analytical perspective. Will dual citizenship then bring a spirit of nationalism to the diaspora or will it instead become a "tool" for a handful of world citizens who simply want to make a profit in Indonesia? For this reason, in this paper, the discourse on dual citizenship needs to be seen as an effort to strengthen nationalism, not as a technical issue to facilitate naturalization itself.

In discussions related to the application of the concept of dual citizenship, there are at least 4 (four) considerations of urgency in its application, namely:

- 1) Rights and obligations of citizens.

The clear separation in the concept of citizenship in the current Indonesian Citizenship Law has implications regarding different rights and obligations between Indonesian citizens and foreigners, especially those in Indonesian territory. The concept of single citizenship that is implemented provides clear limits on the rights of foreigners in Indonesia regarding financial (fiscal) matters, asset ownership, population and immigration administration as well as political and state defence matters. If the principle of dual citizenship is implemented, then arrangements regarding fiscal matters, property rights, political rights and obligations as well as a national defence will become important aspects that need to be restructured. For example, we can see its application in the United States regarding strict military and fiscal regulations for citizens, including those who have dual citizenship (Jazuli, 2017). Such legal authority is given to everyone within the territory of the state. In principle, all individuals are free and entitled to enjoy the rights as citizens and also have obligations as citizens (Prasetyo, 2018).

- 2) State rights and obligations.

It is clearly stated in the 1945 Constitution of the Republic of Indonesia (along with its amendments) that the state, through the government, must guarantee protection, measurable freedom and welfare for its citizens. Do individuals with dual citizenship who have loyalty to more than one country and its legitimate and sovereign government then receive equal rights from the state when compared to individuals who only



have a single citizenship? Likewise state rights from individuals when the state demands loyalty to the basic ideology, defence of the state by citizens and role and development of the state by citizens. Of course, this must be considered carefully to maintain the dignity of the state and human dignity as citizens.

3) Benefits of applying Dual Citizenship.

Based on a study conducted by the Immigration and Citizenship Task Force (TFIK) as quoted by May Lim Charity, there are several advantages to implementing dual citizenship (Charity, 2016), including:

- a) Improving the economy;
- b) Increasing competitiveness and state revenue;
- c) Creating new jobs;
- d) Bridging investment and investment in the country, negotiations, technology transfer and infrastructure development;
- e) Increasing human resource potential, transferring competencies and skills to reduce dependence on foreigners;
- f) Maintain regional stability or international peace

4) Disadvantages of implementing Dual Citizenship.

Apart from the potential benefits that can be obtained, the implementation of dual citizenship also has the potential to cause losses to both individuals and the state (Charity, 2016), including:

- a) Creates dual obligations (fiscal obligations and national defence obligations) for individuals with dual citizenship;
- b) The possibility of getting different behaviour (political and social rights);
- c) Dualism in implementing Rights and Obligations as a citizen;
- d) Potential low social participation of individuals with dual citizenship for both countries;
- e) Increased motivation to migrate for families or relatives of individuals with dual citizenship;
- f) Ideological, political and state loyalty;
- g) There is the potential for legal violations.

#### 4.2. *Dual Citizenship in the Concept of Sovereignty*

The application of dual citizenship refers to a situation where a person legally holds citizenship of more than one country. The relationship between the application of dual citizenship and state sovereignty can be complex and varies depending on citizenship policies and laws in the country concerned. Here are some factors to consider:

1) Dual Citizenship and Legal Sovereignty

Some countries have regulations against accepting dual citizenship, where individuals are required to renounce their other citizenship if they wish to become citizens of their country. This is intended to ensure the individual's absolute loyalty to the country and maintain the integrity of the country's legal sovereignty. In this case, the application of dual citizenship can be considered contrary to state sovereignty, because the person has ties to another country which can affect his or her loyalty and allegiance to the country of origin (Novianti, 2014).

2) Economic and Social Benefits

The application of dual citizenship can provide economic and social benefits for individuals and the country concerned. Individuals with dual citizenship can access more opportunities and benefits, such as freedom of travel, access to a broader labour market, and property ownership rights in different countries. However, in some cases, this can also cause problems such as possible tax evasion or economic activities that are detrimental to both countries (Novianti, 2014).

3) International Cooperation and Diplomacy

The application of dual citizenship can have implications in the context of international cooperation and diplomacy. Some countries allow dual citizenship to strengthen diplomatic ties with other countries and facilitate the flow of investment and technology transfer. However, some countries prohibit their citizens from having dual citizenship due to national security considerations (Rumetor, 2019).

4) Conflicts of Interest and Loyalty

The application of dual citizenship can create potential conflicts of interest and loyalty for individuals who have dual citizenship. Sometimes these situations can be difficult to resolve, especially in the context of political conflicts or the interests of different countries. This can raise questions about a person's loyalty

and dedication to their country of origin, as well as influence the decisions and actions taken by that individual (Romdiati, 2015).

In maintaining state sovereignty, countries have different policies in regulating the application of dual citizenship. Some countries prohibit it completely, while others allow it with certain restrictions and conditions. The main goal of the state is to ensure that individuals who have dual citizenship continue to uphold the country's sovereignty and national interests (Asshiddiqie, 2011).

#### *4.3. Dual Citizenship in the Perspective of Dignified Justice Theory*

The law exists in every group of people on this earth. Despite the complexity and modernity of human groups, none of these groups is free from rules, norms and laws that regulate their lives. Therefore, the existence of law is universal and cannot be separated from society as a human group. As society grows, law, which was originally an agreement on life arrangements, develops in such a way that, in deep thought, it becomes a concept, structured as a science and develops into various theories. As in all other sciences, in the development of legal science, there is the formation of theories relating to the legal material itself. Apart from that, the formation of legal theory is followed by the formation of legal concepts in the context of systematizing and structuring legal material (Prasetyo & Barkatullah, 2020).

In analyzing the implementation of dual citizenship in Indonesia, it would be very relevant to analyze it from a theory that originates from Pancasila as the soul of the nation (*volkgeist*), namely the theory of dignified justice (Prasetyo, 2018). From the perspective of dignified justice theory, several aspects need to be considered, including:

1) Equality and Social Justice

The application of dual citizenship must take into account the principles of equality and social justice. In this context, it is important to ensure that granting dual citizenship does not create unfair social inequalities or inequality. All citizens, including dual citizens, must have equal access to the rights, benefits, and resources provided by the state. If the implementation of dual citizenship can ensure equality and reduce social disparities, then it can be seen as a step in line with the principle of justice and dignity.

2) Human Dignity and Protection of Human Rights

The theory of dignified justice emphasizes the importance of respecting and protecting human dignity and individual human rights. In implementing dual citizenship, it is important to ensure that individual rights are protected without discrimination or unfair treatment. This includes the right to identity and citizenship that are recognized fairly and proportionately. States must ensure that dual citizens receive full protection of their rights, and recognize and respect their dual identities.

3) Legal Certainty

The principle of legal certainty is an important element in the theory of dignified justice. In implementing dual citizenship, it is important to ensure that there is a clear and definite legal framework. The procedures, requirements and rights relating to dual citizenship must be clearly defined and accessible to all eligible individuals. This will provide legal certainty for individuals with dual citizenship and enable them to understand and organize their lives better.

4) Contribution and Responsibility

In implementing dual citizenship, it is important to consider the contributions that dual citizens bring to their countries. This relates to aspects of responsibility inherent in both citizenships. States must ensure that dual citizens fulfil their responsibilities and obligations towards both countries to which they belong, including tax obligations, participation in society, and involvement in social and economic development. The implementation of dual citizenship that takes into account these contributions and responsibilities can be considered a fair and sustainable step.

It is important to note that the application of dual citizenship from a dignified justice perspective may differ depending on the context and social values prevailing in each country. Therefore, a more in-depth and contextual analysis is needed to consider the implications and consequences of implementing dual citizenship in each country context. In the context of Indonesian law, the application of dual citizenship is not recognized based on

the 1945 Constitution of the Republic of Indonesia and the Citizenship Law of the Republic of Indonesia. Therefore, the current application of dual citizenship in Indonesia cannot be said to be a legally recognized form of application. However, if we analyze the application of dual citizenship from the perspective of dignified justice theory by paying attention to two variables, namely certainty and benefit (Prasetyo, 2015), different arguments can be found.

1) Certainty

Legal certainty is an important principle in the theory of justice. In the context of implementing dual citizenship, the aspect of certainty can be an important argument. If the application of dual citizenship is regulated and there are regulations governing the rights and obligations of dual citizens, it can provide legal certainty for individuals who have both citizenships. This allows individuals to better organize their lives, including in terms of access to the rights and benefits of citizenship.

2) Expediency

Benefit is another important variable in justice theory. In the context of implementing dual citizenship, expediency arguments can relate to the economic, social and political benefits obtained by individuals and the country. Dual citizenship can provide broader economic opportunities, such as access to international markets and greater business opportunities. Additionally, in a social and political context, dual citizenship can allow individuals to have close ties to more than one community, expand networks, and contribute to the development of bilateral relations between related countries.

## 5. Conclusion

Implementing dual citizenship in Indonesia is a necessity. After upholding the concept of single citizenship for six decades, through Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia, the Indonesian people are familiar with the new concept of limited dual citizenship. This concept then continues to become a discussion that is often raised by Indonesian diaspora groups so that it becomes a concept of dual citizenship that is fully implemented, especially for these diaspora groups. For this reason, academic discussion with a theoretical approach regarding the full implementation of dual citizenship in Indonesia is a very wide space. In terms of basic principles, the theory of dignified justice and the theory of sovereignty have their rationale which can justify the full implementation of the concept of dual citizenship in Indonesia.

However, it is important to note that implementing dual citizenship can also pose challenges and conflicts. Considerations such as national defence, political interests, and social justice considerations may also need to be taken into account in the context of the legal recognition or application of dual citizenship. From the aspect of dignified justice, the full implementation of dual citizenship in Indonesia is a fulfilment of human rights and dignity itself. This is of course in line with the noble values of Pancasila which are the foundation of the theory of dignified justice itself. However, the granting of citizenship and Indonesia's position in adopting limited forms of single and dual citizenship in positive law constitutes the full sovereignty of the Indonesian government which is full of political considerations and processes. It should be remembered that the discussion from the perspective of the theory of dignified justice and sovereignty and sovereignty theory above does not yet reflect the legal position currently in force in Indonesia. For this reason, it is important to refer to the nation's laws and cultural values as well as the country's long-term interests before fully implementing dual citizenship. Apart from that, national interest variables such as national defence, political interests, and social justice considerations are empty spaces that are very worthy of further study in terms of implementing dual citizenship in Indonesia.

**Author Contributions:** All authors contributed to this research

**Funding:** NA

**Conflicts of Interest:** The authors declare no conflict of interest

**Informed Consent Statement/Ethics approval:** Not applicable.

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