



Challenges and Implications in the Context of Law and Citizenship Identity in Indonesia



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ABSTRACT

The practice of dual citizenship poses a variety of complex challenges for the individuals and countries involved. From an individual perspective, dual citizenship can lead to identity conflicts, legal uncertainty, and administrative difficulties. Instead, the country faces challenges in establishing proper legal jurisdiction, promoting effective international cooperation, and maintaining national security. Indonesia, for example, adopted a strict approach to dual citizenship by insisting that citizens should choose only one citizenship. While there are some exceptions, this approach reflects efforts to maintain state sovereignty and reduce potential legal and identity conflicts. In facing these challenges, it is important to pay attention to individual rights, maintain national security, and promote international cooperation.

1. Introduction

Historically, Indonesia has been the arena for significant changes in the framework of citizenship law that are reflected in global and local dynamics. During the colonial period, the Dutch colonizers implemented a citizenship policy that often curbed the rights of indigenous citizens, strengthening their colonial dominance. Post-independence in 1945, Indonesia formulated a new constitution that establishes the basic principles of citizenship based on people's sovereignty and equality of rights for all citizens. However, despite efforts to create national unity, ethnic, cultural, and religious differences remain important factors influencing the understanding and application of citizenship law.

With the increase in globalization and human mobility, the issue of dual citizenship has become increasingly important and relevant. The practice of dual citizenship, in which a person has citizenship from two countries, is becoming increasingly common. This phenomenon can occur due to various factors, such as cross-border marriages, studying abroad, or even investing in other countries. However, while this practice can provide benefits such as wider access to economic and educational opportunities, it also creates serious legal and identity complexities for individuals and countries.

Legally, dual citizenship often raises questions about jurisdiction and military obligations, taxes, and other social rights. The two countries involved may have conflicting or different regulations in terms of family law, property ownership, or tax liability. This creates complex administrative and legal challenges, which are often difficult to resolve. The issue of dual citizenship often raises significant legal complexity, especially in terms of jurisdiction and legal obligations. This is due to differences in regulations and laws between the countries involved, which can lead to uncertainty and conflict of laws for individuals with dual citizenship.

In addition, an individual's identity can also be affected by dual citizenship. A person's identity is often closely related to their origin and nationality. Dual citizenship can create identity dilemmas, where a person may feel divided between two different cultures or countries. This can lead to internal conflict and confusion about how they see themselves and how others see them. The phenomenon of dual citizenship can also affect a person's national identity, where the individual may feel torn between two different national identities. This can lead to significant identity dilemmas, as well as affect how individuals view themselves and how they are perceived by society.



For countries, dual citizenship can also be a tricky issue. This can affect immigration policy, social integration, and national security. States may need to adjust their policies to accommodate dual citizens, while still ensuring that sovereignty and national interests are protected. In Indonesia, even though the constitution establishes the principle of one citizenship, there are still a number of individuals who have dual citizenship. This creates challenges in the application of citizenship law and managing national identity in the midst of a heterogeneous society. The importance of overcoming the problem of dual citizenship lies not only in the legal aspect, but also in the understanding of national identity and national unity. The identity implications of dual citizenship can affect the sense of nationality and solidarity in society.

By understanding this background, it will be possible to explore the challenges and implications associated with dual citizenship rights in Indonesia, as well as to develop an inclusive and equitable approach to managing complex citizenship issues. Managing dual citizenship wisely can contribute to the formation of a strong and cohesive national identity, as well as strengthen national solidarity and unity in a diverse society.

2. Method

This article uses the library research method or literature research is an approach used to collect information and data from various written sources available in libraries or in digital form. This method relies on existing literature, such as books, scientific journals, articles, documents, encyclopedias, and other written sources, to gain a deep understanding of the topic being studied.

In the implementation of this method, some of the main steps that are usually carried out are: Identification of Research Topics and Questions, Source Collection, Information Organization: Information obtained from various sources is collected, compiled, and organized systematically. The researcher made notes and summaries of the findings that were important for further analysis. Analysis and Synthesis.

The library research method is very effective for research that requires a strong theoretical understanding, in-depth literature review, and historical or documented data collection. Using this method, researchers can build a solid theoretical basis for further research or to develop arguments and hypotheses based on existing knowledge.

3. Result and Discussion

3.1. Dual Citizenship Rights

Dual citizenship rights refer to situations where a person has citizenship of two or more countries simultaneously. This means that the individual is officially recognized as a citizen by more than one country, which gives them the rights, obligations, and benefits associated with both nationalities. The practice of dual citizenship can arise from a variety of situations, including cross-border marriages, births in different countries of parents of different nationalities, or the granting of citizenship by the laws of both countries to the same individual.

Dual citizenship can have complex implications, especially when it comes to legal rights and obligations. Individuals with dual citizenship may have broader rights and access to a wide range of facilities and services in both countries of which they have citizenship. However, they can also face challenges in terms of law, such as jurisdictional conflicts between two different countries in resolving certain legal issues. Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia stipulates that individuals who voluntarily acquire other citizenship automatically lose their Indonesian citizenship, (Lazuardi, 2020).

In addition, dual citizenship can also affect an individual's identity. They may experience an identity dilemma, where they feel divided between the cultures, languages, and values of the two countries they belong to. This can create internal conflict and confusion about how they identify themselves and how they are perceived by others. The phenomenon of dual citizenship can also affect a person's national identity, where the individual may feel torn between two different national identities. This can lead to significant identity dilemmas, as well as affect how individuals view themselves and how they are perceived by society.

Although some countries recognize and allow dual citizenship, there are also countries that implement policies that prohibit it. Some countries require individuals who obtain a new citizenship to relinquish their previous citizenship, while other countries can grant additional citizenship without restricting their previous citizenship. Overall, dual citizenship rights create complex dynamics in the context of state law, identity, and policy. This raises questions about how to manage these practices efficiently and fairly, while still maintaining sovereignty and national interests.

With this understanding, we can further explore the challenges and implications associated with dual citizenship rights in Indonesia, as well as develop an inclusive and equitable approach to managing complex citizenship issues. Managing dual citizenship wisely can contribute to the formation of a strong and cohesive national identity, as well



as strengthen national solidarity and unity in a diverse society.

3.2. Legal Challenges

3.2.1. Jurisdictional Conflict

One of the biggest challenges is the conflict that arises when there are cases where the laws of two different countries collide. For example, in the case of a marriage between two citizens of different nationalities, when a divorce occurs, the question of legal jurisdiction to regulate the division of property or custody of the child can be complicated. This kind of conflict can result in confusion and legal uncertainty for the individuals involved. Dual citizenship in Indonesia has significant implications for the rights and obligations of citizens, creating a variety of complex legal and administrative challenges (Rokilah, 2017). Jurisdictional conflicts can also occur in inheritance cases, where the laws of one country may not recognize the rights recognized by other countries, making the dispute resolution process difficult.

3.2.2. Tax

Another challenge occurs in the context of taxes. Each country has different tax laws, and when someone has dual citizenship, they may be taxed from both countries. This can create administrative and financial complexity, especially if those countries do not have tax treaties that regulate double taxation. Individuals with dual citizenship can experience double tax burdens or require complex procedures to claim tax relief. This adds to the financial and administrative pressure that the individual has to face.

3.2.3. Military Service

In some countries, citizens are subject to military service. However, when a person has dual citizenship, it may not be clear which country has the right to demand conscription from the individual. This can be a source of serious legal conflicts, especially in situations where the countries are involved in armed conflicts or important national security. This ambiguity can lead individuals to be caught in situations where they are required to serve two different countries, or face sanctions if they fail to meet military obligations in either country.

3.2.4. Military Service

Property ownership issues can also arise, especially if someone owns assets in two different countries. Questions about jurisdiction and laws applicable to property ownership, inheritance, or taxation can be confusing and difficult to resolve. Different regulations regarding foreign ownership rights, investment restrictions, and property taxes can create significant barriers for individuals trying to manage their assets in some countries. In addition, legal conflicts can arise when regulations regarding inheritance

rights or transfer of property conflict between the two countries, complicating the resolution of property disputes.

3.2.5. Travel Obligations and Residence Permits

Individuals with dual citizenship may also face challenges in terms of travel and residence permits in other countries. Some countries may require additional visas or residence permits for dual citizens, while others may require them to choose one nationality or another to be eligible for entry. This can limit freedom of movement and create obstacles in accessing employment or education opportunities abroad. In addition, different regulations regarding permanent residence permits, the right to work, and access to social services can add layers of complexity to the lives of individuals with dual citizenship, who have to navigate through various bureaucratic systems in different countries. Overall, the legal challenges faced by individuals with dual citizenship are complex and require special attention from governments and international institutions to create a fair and efficient framework for addressing these issues.

3.3. Implications of Dual Citizenship

The implications of dual citizenship for Indonesian citizens include various aspects of individual life as well as interstate dynamics. Dual citizenship not only brings benefits in the form of access to rights and facilities in both countries, but also poses complex challenges in terms of legal, identity, administration, and diplomatic relations.

Legally, dual citizenship often creates jurisdictional conflicts and complexities in the application of the law. Individuals with dual citizenship may face difficulties in determining the laws that apply in certain situations, such as marriage, divorce, or child custody. For example, one country may have different rules regarding the division of assets or child custody than another, which can complicate the legal process and create uncertainty for the individuals involved. This situation can require cross-border recognition and enforcement that is often difficult to achieve.

In terms of identity, dual citizenship can create identity dilemmas. Individuals who have dual citizenship may feel divided between two different cultures, languages, or national identities. This can create confusion and internal conflict about how the individual identifies with themselves and how they interact with the world around them. The phenomenon of dual citizenship can also affect a person's national identity, where the individual may feel torn between two different national identities. This can lead to significant identity dilemmas, as well as affect how individuals view themselves and how they are perceived by society.



Administratively, dual citizenship often creates complexity in terms of administrative paperwork and procedures. Individuals with dual citizenship may need to take care of documents from both countries, such as passports, visas, or residence permits. This complicated administrative process can be time-consuming and energy-consuming, and requires additional costs for the individuals involved. In addition, different regulations regarding permanent residence permits, the right to work, and access to social services can add layers of complexity to the lives of individuals with dual citizenship.

From a diplomatic perspective, dual citizenship can have an impact on relations between countries. Legal conflicts or disputes involving individuals with dual citizenship can create tensions between the countries involved, and complicate cross-border cooperation in various fields. For example, countries that have different approaches to dual citizenship may have difficulty reaching a consistent agreement or framework for dealing with related issues. This uncertainty can affect diplomatic, economic, and security relations between countries.

Overall, the implications of dual citizenship reflect the complexity of issues related to identity, law, administration, and diplomacy. To address the challenges arising from this practice, effective cooperation between countries and a holistic approach are needed to ensure the protection of individual rights and maintain the stability of international relations. This cooperation must involve constructive dialogue and inclusive policy development, capable of addressing issues related to dual citizenship in a fair and efficient manner.

3.4. Policies and Regulations Related to Dual Citizenship Law

Dual citizenship in Indonesia is treated very strictly. Based on Article 26 of Law Number 12 of 2006 concerning Indonesian Citizenship, Indonesian citizens who voluntarily obtain other citizenship are declared to have lost their Indonesian citizenship. This means that Indonesia generally does not recognize dual citizenship and asks its citizens to choose one citizenship. This approach reflects the government's efforts to safeguard the country's sovereignty and avoid potential legal and identity conflicts that may arise.

However, there are some exceptions that allow Indonesian citizens to retain dual citizenship under certain circumstances. For example, a person born with dual citizenship due to the laws of another country without voluntary action, or a child born with dual citizenship because one of the parents is a foreign citizen and one parent is an Indonesian citizen, can still retain both of his or her citizenship until reaching a certain age. At that age, the

individual must choose one of the nationalities in accordance with the applicable policy.

In addition, the Indonesian government also provides leniency in certain situations, such as when dual citizenship is obtained without voluntary action from the individual. For example, children born abroad to Indonesian parents and automatically acquire citizenship of the country of their birth can still have dual citizenship until a certain age. After reaching the age of majority, they are required to choose which nationality they will retain.

This policy shows Indonesia's tough stance on dual citizenship, but it also leaves room for exceptions in special situations. The goal is to safeguard the country's sovereignty and ensure that citizens' loyalty remains focused on a single country, avoiding the potential conflicts of law and identity that can arise from dual citizenship. As such, the Indonesian government seeks to manage the issue of dual citizenship in a way that safeguards national interests while providing adequate legal protection for individuals in this complex situation.

However, in an increasingly dynamic era of globalization, there is a need to continuously evaluate and update these policies. The government needs to consider the demographic changes and high global mobility, as well as their impact on Indonesian citizens living abroad or who have international relations. For example, more and more Indonesians who are married to foreign nationals or who work and live abroad are demanding more flexible and adaptive policies.

An ongoing evaluation of dual citizenship policies is needed to ensure that they remain relevant and effective in the face of today's global challenges. International cooperation is also the key in overcoming various problems arising from dual citizenship, including in terms of taxation, military service, and the protection of basic rights. With a more inclusive and responsive approach, Indonesia can better manage the issue of dual citizenship, provide maximum benefits to individuals and countries, and strengthen diplomatic relations with other countries.

3.5. International Perspective

The main challenges faced by countries in managing the practice of dual citizenship in the international field include:

3.5.1. Jurisdictional Conflict

Each country often faces challenges in determining the legal jurisdiction that applies to individuals with dual citizenship. Cases involving individuals with dual citizenship often raise questions about the applicable law, especially in situations such as marriage, divorce, or property ownership in two



different countries. For example, in the case of divorce, one country may have different rules regarding the division of property and custody of children than another, leading to confusion and conflict of laws. In addition, jurisdictional issues often arise in cases of inheritance and transfer of property, where the laws of one country may not recognize the rights recognized by another country, complicating the settlement of disputes.

3.5.2. Diplomatic Uncertainty

Dual citizenship can also create uncertainty in diplomatic relations between the countries involved. Legal conflicts or disputes involving individuals with dual citizenship can complicate cooperation and communication between countries. This can affect bilateral or multilateral relations, especially when the countries have different approaches to dual citizenship. For example, disagreements over the handling of individuals with dual citizenship involved in criminal acts can create diplomatic tensions and worsen relations between countries.

3.5.3. National Security

In some cases, the practice of dual citizenship can become a national security issue. Individuals with dual citizenship may have easier access to countries involved in conflicts or terrorist activities. This has sparked concerns about the use of dual citizenship for adverse purposes, such as espionage or terrorism. States must be careful in monitoring and managing the security risks that may arise from individuals with dual citizenship, especially in situations where they can use their citizenship to escape punishment or avoid legal responsibility.

3.5.4. International Cooperation

Another challenge is in promoting international cooperation in dealing with issues related to dual citizenship. Each country may have a different approach to dual citizenship, which can make it difficult to reach a consistent agreement or framework for addressing this issue at the global level. Effective international cooperation is needed to address legal and policy differences, as well as to ensure that the rights of individuals with dual citizenship are protected. Countries need to work together in developing bilateral or multilateral agreements that govern issues such as taxation, child custody, and military obligations.

3.5.5. Protection of Individual Rights

Each country is also faced with challenges in ensuring the protection of the rights of individuals with dual citizenship. This includes basic rights such as travel rights, property rights, or child custody. States need to ensure that their policies and practices do not come at the expense of the rights of individuals with dual citizenship. For example, individuals with dual citizenship may face obstacles in

obtaining travel documents or face discrimination in accessing public services. States must work together to develop fair and inclusive policies that protect individual rights without sacrificing national interests.

These challenges demonstrate the complexity and challenges associated with the practice of dual citizenship in the context of international relations. To address these challenges, effective cooperation and coordination between countries is needed, as well as a holistic and balanced approach that takes into account the interests of all parties involved. This approach should include constructive dialogue, inclusive policy development, and joint efforts to address legal and policy differences. Thus, the state can manage the issue of dual citizenship in a more efficient and fair way, ensure the protection of individual rights, and maintain international stability and security.

4. Conclusion

In the context of the practice of dual citizenship, this phenomenon presents complex challenges for both individuals and countries involved. First, from an individual's point of view, dual citizenship can create identity conflicts, legal uncertainty, and administrative complexity in everyday life. Individuals may experience dilemmas in determining their identity as well as have to face challenges in navigating different legal systems between countries of which they have citizenship. This identity conflict can lead to confusion and stress, especially when the individual feels divided between two different cultures, values, and expectations.

Legal uncertainty is also a major issue for individuals with dual citizenship. Differences in legal regulations in different countries can create challenges in terms of jurisdiction, child custody, taxation, and conscription. For example, individuals may face double tax liability or jurisdictional conflicts in divorce or inheritance cases. Additionally, complicated administrative processes, such as the processing of travel documents, visas, and residence permits, can be a significant burden for those with dual citizenship.

From a country's point of view, the practice of dual citizenship creates challenges in terms of establishing applicable legal jurisdiction, promoting effective international cooperation, and safeguarding national security. Each country must manage situations where individuals have rights and obligations in more than one country, which can affect immigration policy, national security, and social integration. In addition, there are concerns regarding potential security threats that may arise from individuals with dual citizenship, especially in the context of terrorism or espionage activities.



In the context of Indonesia, the country adopts a harsh approach to dual citizenship with the principle that Indonesian citizens must choose only one nationality. While there are some exceptions that allow individuals to maintain dual citizenship under certain circumstances, this approach reflects a desire to maintain the country's sovereignty as well as minimize the potential for legal and identity conflicts that may arise as a result of dual citizenship. This exception often applies to children born with dual citizenship and given the opportunity to choose their nationality at a certain age.

To address these complex challenges, a careful approach and good coordination between countries are needed. It is important to pay attention to individual rights, maintain national security, and promote international cooperation in dealing with the issue of dual citizenship effectively and fairly. Each country needs to work together to develop clear, consistent, and inclusive policies and regulations that can address the legal and administrative challenges faced by individuals with dual citizenship.

International cooperation is also important in ensuring that the rights of individuals with dual citizenship are protected. Each country needs to develop bilateral and multilateral agreements that cover issues such as taxation, child custody, and military obligations, to reduce jurisdictional conflicts and ensure justice for the individuals involved. Thus, the country can better manage the practice of dual citizenship, ensuring that the benefits of dual citizenship can be maximized, while its risks and challenges are minimized.

Overall, the practice of dual citizenship is a complex issue that requires a multidimensional approach. Governments, international institutions, and communities must work together to create a supportive and equitable environment for individuals with dual citizenship, while ensuring that national interests and security are maintained. With the right approach, the challenges faced can be overcome, and the benefits of dual citizenship can be realized for the benefit of individuals and countries.

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