

CHAPTER ONE

INTRODUCTION

A. Background of Research

The appointment of Arcandra Tahar (Arcandra) as the minister in Ministry of Energy and Mineral Resources (ESDM) on July 27th, 2016 lastly bring up the problem that made him to be terminated from his position. President Joko Widodo (Jokowi) must terminate Arcandra from his position as a Minister due to citizenship issues owned by Arcandra. Arcandra alleged having dual citizenship namely citizenship of Indonesia also citizenship of America. Based on the issue Jokowi on August 15th, 2016 decide to give an honorable discharge to Arcandra from his position.¹

Along with citizenship issues being overwritten by Arcandra at the same time one of The Sacred Red and White Heirloom Flag Hoisting Troop (Flag Hoisting Troop) August 17th, 2016 also reported be failed to perform due to her citizenship status. This Flag Hoisting Troop known by the name of Gloria Natapradja Hamel (Gloria) also alleged to have dual citizenship, namely Indonesia and France. Gloria who was in 16 years got her

¹ Lily Rusna Fajriah, 2016, "Catatan Sejarah, Arcandra Menteri dengan Masa Jabatan Terpendek", available at <http://nasional.sindonews.com/read/1131490/12/catatan-sejarah-arcandra-menteri-dengan-masa-jabatan-terpendek-1471273099>, accessed on Wednesday, November 2nd, 2016 at 3.32 p.m.

citizenship status from the inter-marriage of her parents. Her mother is Indonesian and her father is French.²

Simply, both cases on citizenship above have a strong similarity that is in the position of having dual citizenship. But both of citizenship issues above cannot be equated when we analyze it from the perspective of Law No. 12 Year 2006 about Indonesian Citizenship (Indonesian Citizenship Act).

These two cases which had happened in August 2016 quite famous and got more attention from the society. The dual citizenship issues of Arcandra invited the society to have their own argument in this issue. Arcandra which was considered as the asset of this country who has a very good potential and qualification to change and develop this country being stopped to contribute and give a hand to this country because of the dual citizenship status owned by Arcandra.

When we analyze this issue in a wider perspective, Indonesia should learn a lesson from those problems for the better future. The case of Arcandra can be the first lesson where the Indonesian diaspora that have a very good qualification and potential being stopped to contribute in developing this country only because of dual citizenship issues. To anticipate this issue reoccurs, Indonesian Government needs to discuss deeply on the citizenship system applied in Indonesia. Whether the

² Taufiqurrohman, 2016, "Polemik Kewarganegaraan Gloria Natapradja, Ibunda Mengaku Lalai", available at m.liputan6.com/news/read/2601734/polemik-kewarganegaraan-gloria-natapradja-ibunda-mengaku-lalai, accessed on Wednesday, November 2nd, 2016 at 4.11 p.m.

citizenship system applied in Indonesia recently is the best one to accommodate the citizens of Indonesia and the Indonesian diaspora abroad.

When we look at the citizenship system which is applied in Indonesia, it will strongly relate to the Law No. 12 Year 2006 about Indonesian Citizenship. In 1945 Constitution, article 26 states that citizens are those who are indigenous Indonesians and persons of foreign origin who are legalized as citizens in accordance with the law. In Indonesian Citizenship Act in article 1 also explains on who the citizens of Indonesia are. Concerning on dual citizenship, the law explained that Indonesia recognizes only limited dual citizenship. It means that dual citizenship is only valid for the children who are born from inter-marriage, where the mother is foreign and the father is Indonesian or vice versa. Enabling dual citizenship in Indonesian Citizenship Act is intended to protect any children born from intermarriage where the child will be required to choose one nationality if he/she has reached the age of 18 years.

The implementation of dual citizenship nowadays is not something strange or unusual things internationally. By considering the international environment that is nowadays being wider and no limit, everyone has an easy access to go abroad.

Citizen of one country nowadays commonly leave their country for looking a job, education, doing research and other similar purposes. It happens also to the citizens of Indonesia where they go abroad for looking a job, education, doing research, and other needs. Sometimes some of them

miss their Indonesian citizenship because they have to change their citizenship status to get more access they need in that country. It is truly bad for Indonesia. Indonesia lose their potential citizens or potential generation for contribute to the development of the country.

The data from the Indonesian Diaspora Network (IDN) show the number of Indonesian nation whether they are still Indonesian citizen or not citizen of Indonesia who are a part of the IDN reach a number of 8 billion people.³ Its number is not big as like as the number of diaspora owned by China and India, but if Indonesia can maximize the utilization of this Indonesian Diaspora surely, it would greatly assist Indonesia in its development. The application of dual citizenship in Indonesia will give big influences to Indonesia. Through the application of dual citizenship, the whole of Indonesian people abroad can contribute more in the development of Indonesia. It makes the Indonesia government consider more about the application of dual citizenship in Indonesia. Therefore, through this research, the researcher attempts to show the advantages and disadvantages in applying dual citizenship system in Indonesia in order to be the consideration for the Indonesia government in improving the citizenship system in Indonesia.

³ Indonesian Diaspora Network, "About Indonesia Diaspora Network", available at www.diasporaindonesia.org/index.php/about/idn, accessed on Wednesday, November 2nd, 2016 at 7.41 p.m.

B. Statement of Problem

1. What are the reasons in retaining the concept of single citizenship in Indonesia?
2. What are the advantages and disadvantages of implementing dual citizenship in Indonesia?

C. Objective of Research

1. To analyze the reasons of the implementation of single citizenship in Indonesia.
2. To analyze the advantages and disadvantages of the implementation of dual citizenship in Indonesia
3. To give suggestion to the government concerning on the appropriate citizenship system applied in Indonesia.

D. Benefits of Research

Benefits of the research are to know the reasons of the implementation of single citizenship in Indonesia. The research also learn more and deeply about the implementation of dual citizenship in Indonesia and give the suggestion to the Indonesian Government on the appropriate citizenship system applied in Indonesia. It will be a suggestion for the Government of Indonesia in revising the citizenship system in Indonesia. Through this research, researcher also tries to show the role of Indonesian Diaspora that

are separated in a few countries over the world for the development of the country.