

## Stranger in A Strange Land: Is Indonesia's Limited Dual Citizenship Policy Antiquated?

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### Abstract

The United Nations identified them as part of the “international migrants” movement; they call themselves the “Indonesian Diaspora” – a lingering name to which the public’s ears have become rather acquainted with. Born in 2012, the Diaspora crusade vined through all odds that one specific Presidential Regulation on their account was enacted in 2017. The Regulation defines the composition of Indonesian Diaspora to include not only Indonesian nationals living abroad but also ‘foreigners’ who once bore the Indonesian citizenship status as well as the descendants of these two groups. Nonetheless, on one certain matter, both international communities as represented by the UN and the Diaspora itself appear to share a common belief: that the international migrations contribute greatly in national development and economic growth of the migrants’ origin country. However, such contributions are also believed to have not been requited by sufficient support from the origin country (in this case, Indonesia) or at the very least, by ease of administrative affairs in the running of their lives. Over the seas, these Indonesians face challenges for being Indonesians, instead of bearing the citizenship status of their residing country – even when they have pocketed the (permanent) resident’s permit; while on the Indonesian soil, they face hardship for being away too long that they have to forfeit their Indonesian ID card. Although releasing the Indonesian citizenship status and embracing that of their habitual residence might seem like one of, if not the only, viable options, one just simply cannot cut the cord that connects them to their Motherland. For some, returning home a stranger is too great an ache to bear. To ease the pain, Indonesian Government conjured a Limited Dual Citizenship policy granted to the children of mixed marriage between an Indonesian parent and their foreigner spouse. An immigration service in the form of affidavit is also given from this scheme. The system has worked for quite some time, until further difficulties arise. Now the Indonesian Diaspora has once again pleaded for actual dual citizenship instead of limited one. Hence, this writing serves as a response to the plea. The discussion explores whether Indonesian policy on Limited Dual Citizenship has reached its due and most importantly, addresses whether national defence and security issues really have become an outdated rationale to oppose the long-desired notion. This writing is wrapped by comparing circumstances surrounding Indonesia with two states: one that adopts the dual citizenship policy, being Australia; and one that firmly rejects it, being Japan.

**Keywords:** Indonesian Diaspora, Dual Citizenship Policy, Indonesia

### Abstrak

*Perserikatan Bangsa-Bangsa mengidentifikasi mereka sebagai bagian dari gerakan “migran internasional”; mereka menyebut diri mereka sebagai “Diaspora Indonesia” – sebuah nama yang sudah lama dikenal oleh masyarakat. Lahir pada tahun 2012, perjuangan Diaspora berhasil melewati segala rintangan hingga akhirnya satu Peraturan Presiden khusus tentang mereka disahkan pada tahun 2017. Peraturan tersebut mendefinisikan komposisi Diaspora Indonesia tidak hanya mencakup warga negara Indonesia yang tinggal di luar negeri tetapi juga ‘orang asing’ yang pernah menyandang status kewarganegaraan Indonesia serta keturunan dari kedua kelompok ini. Meskipun demikian, dalam satu hal tertentu, baik masyarakat internasional yang diwakili oleh PBB maupun Diaspora sendiri tampaknya memiliki keyakinan yang sama: bahwa migrasi internasional memberikan kontribusi besar bagi pembangunan nasional dan pertumbuhan ekonomi negara asal para migran. Namun, kontribusi tersebut juga diyakini belum diimbangi oleh dukungan yang cukup dari negara asal (dalam hal ini, Indonesia) atau paling tidak, oleh kemudahan urusan administratif dalam menjalankan kehidupan mereka. Di seberang lautan, warga negara Indonesia ini menghadapi tantangan karena menjadi warga negara Indonesia, alih-alih menyandang status kewarganegaraan negara tempat tinggal mereka – bahkan ketika mereka telah mengantongi izin tinggal (tetap); sementara di tanah Indonesia, mereka menghadapi kesulitan karena terlalu lama berada di luar negeri sehingga mereka harus kehilangan kartu identitas Indonesia mereka. Meskipun melepaskan status kewarganegaraan Indonesia dan menerima status tempat tinggal tetap mereka mungkin tampak seperti salah satu, jika bukan satu-satunya, pilihan yang layak, seseorang tidak dapat memutuskan tali yang menghubungkan mereka dengan Tanah Air mereka. Bagi sebagian orang, kembali ke rumah sebagai orang asing adalah rasa sakit yang terlalu besar untuk ditanggung. Untuk meringankan rasa sakit, Pemerintah Indonesia menyulap kebijakan Kewarganegaraan Ganda Terbatas yang diberikan kepada anak-anak dari perkawinan campuran antara orang tua Indonesia dan pasangan mereka yang berkewarganegaraan asing. Layanan keimigrasian dalam bentuk surat pernyataan juga diberikan dari skema ini. Sistem ini telah berjalan cukup lama, hingga kesulitan lebih lanjut*

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*muncul. Sekarang Diaspora Indonesia sekali lagi memohon kewarganegaraan ganda yang sebenarnya, bukan yang terbatas. Oleh karena itu, tulisan ini berfungsi sebagai tanggapan atas permohonan tersebut. Diskusi ini membahas apakah kebijakan Indonesia tentang Kewarganegaraan Ganda Terbatas telah mencapai tujuannya dan yang terpenting, membahas apakah isu pertabatan dan keamanan nasional benar-benar telah menjadi alasan yang ketinggalan zaman untuk menentang gagasan yang telah lama diinginkan. Tulisan ini diakhiri dengan membandingkan keadaan di sekitar Indonesia dengan dua negara: satu negara yang mengadopsi kebijakan kewarganegaraan ganda, yaitu Australia; dan satu negara yang dengan tegas menolaknya, yaitu Jepang.*

**Kata Kunci:** *Diaspora Indonesia, Kebijakan Kewarganegaraan Ganda, Indonesia*

## Introduction

*"So, here you are  
too foreign for home  
too foreign for here.  
Never enough for both."  
Ijeoma Umebinyuo, Questions for Ada*

The United Nations identified them as part of the "international migrants"<sup>2</sup> movement; their government labelled them as "Indonesians living abroad"<sup>3</sup>; they call themselves the "Indonesian Diaspora"<sup>4</sup> – a lingering name to which the public's ears have become rather acquainted with. The Diaspora came into being in 2012, marked by its first ever congress that took place in Los Angeles, U.S. Later in 2015, the congress brought together all the scattered Indonesian diaspora members into a single giant global network known as the Indonesian Diaspora Network (IDN). Its crusades have vined through all odds that one specific Presidential Regulation on their account was enacted in 2017. The Regulation defines the composition of Indonesian Diaspora to include not only Indonesian nationals living abroad but also 'foreigners' who once bore the Indonesian citizenship status as well as the descendants of these two groups.<sup>5</sup>

Nonetheless, on one certain matter, both international community as represented by the UN and the Diaspora itself appear to share a common belief: that the international migrations contribute greatly in national development and economic growth of the migrants' origin country.<sup>6</sup> However, such contributions are also believed to have not been requited by sufficient support from the origin country (in this case, Indonesia) or at the very least, by ease of administrative affairs in the running of their lives. Over the seas, these Indonesians face challenges for being Indonesians, instead of bearing the citizenship status of their residing country – even when they have pocketed the (permanent) resident's

<sup>2</sup> United Nations Secretary General, "Message on International Migrants Day", 18 December 2010

<sup>3</sup> Presidential Regulation No. 76 of 2017 on Services for Indonesians Living Abroad

<sup>4</sup> The term "diaspora" was first introduced by Dino Patti Djalal, the former Indonesian Ambassador for the U.S. in the 2012 congress by borrowing the official definition provided by the Merriam-Webster dictionary which reads as "a group of people who live outside the area which they had lived for a long time or in which their ancestors lived." See Lamijo, "Memahami Awal Kebangkitan Diaspora Indonesia: Wawancara Eksklusif dengan Dino Patti Djalal", 2019 <http://psdr.lipi.go.id/news-and-events/opinions/memahami-awal-kebangkitan-diaspora-indonesia-wawancara-eksklusif-dengan-dino-patti-djalal.html> ;

<sup>5</sup> Presidential Regulation No. 76 of 2017 on Services for Indonesians Living Abroad, art. 1

<sup>6</sup> Salut Muhidin & Ariane Utomo, "Global Indonesian Diaspora: How many are there and where are they?", (2015), *Journal of ASEAN Studies*, Vol. 3, No. 2, p. 93

permit; while on the Indonesian soil, they face hardship for being away too long that they have to forfeit their Indonesian ID card.<sup>7</sup> Although releasing the Indonesian citizenship status and embracing that of their habitual residence might seem like one of, if not the only, viable options, one just simply cannot cut the cord that connects them to their Motherland. For some, returning home a stranger is too great an ache to bear. To ease the pain, Indonesian Government conjured a Limited Dual Citizenship policy granted to the children of mixed marriage between an Indonesian parent and their foreigner spouse.<sup>8</sup> An immigration service in the form of affidavit is also given from this scheme.<sup>9</sup> The system has worked for quite some time, until further difficulties arise.<sup>10</sup> Now the Indonesian Diaspora has once again pleaded for actual dual citizenship instead of limited one.<sup>11</sup> Hence, this writing serves as a response to the plea by comparing circumstances surrounding Indonesia with two states: one that adopts the dual citizenship policy, being Australia; and one that firmly rejects it, being Japan.

### **Problems Formulation**

The discussion in this writing explores the following questions:

- 1) Whether the Indonesian policy on Limited Dual Citizenship has truly turned into an antiquated and unfair governance for the Indonesian Diaspora?
- 2) Whether national defence and other security issues have truly become the outdated rationales to oppose the long-desired notion of dual citizenship?

### **Methodology**

This piece of writing is of normative nature which was resulted from a simplified library study which employed a statutory, a comparative and a conceptual approaches. It was conducted by utilising the primary legal materials that comprise of both international law sources and relevant Indonesian national laws and the national laws of Australia and Japan as the comparison countries; as well as the secondary legal materials which include books, articles, reports, documents, other researches of similar nature. Everything is eventually deduced in qualitative analysis and presented in a descriptive manner.

### **Results and Discussions**

#### **Mapping the “Indonesians Living Abroad”**

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<sup>7</sup> Working Group Imigrasi dan Kewarganegaraan, *Buku Putih Perjuangan Diaspora Indonesia untuk Kewarganegaraan Ganda: sebuah masukan untuk Naskah Akademik perubahan UU No. 12/2006 tentang Kewarganegaraan Indonesia*, Indonesian Diaspora Network-Global, 2021, p. 13

<sup>8</sup> Law No. 12 of 2006 on Indonesian Citizenship, art. 4

<sup>9</sup> Presidential Regulation No. 76 of 2017 on Services for Indonesians Living Abroad, art. 2

<sup>10</sup> Working Group Imigrasi dan Kewarganegaraan, *Buku Putih Perjuangan Diaspora Indonesia untuk Kewarganegaraan Ganda: sebuah masukan untuk Naskah Akademik perubahan UU No. 12/2006 tentang Kewarganegaraan Indonesia*, Indonesian Diaspora Network-Global, 2021, hal. 13

<sup>11</sup> Indonesian Diaspora Network-Global (IDN-G), “Position Paper Indonesian Diaspora Network-Global terhadap Aspirasi Dwikewarganegaraan”, 2019-2021

Table 1<sup>12</sup> below provides a variety of estimations on the numbers of Indonesian diaspora community in the course of 2007 to 2015:

Source	Date	Estimates	Link
Global migrant origin database - version 4	2007	1,832,945	<a href="http://www.migrationdrc.org/research/typesofmigration/global_migrant_origin_database.html">http://www.migrationdrc.org/research/typesofmigration/global_migrant_origin_database.html</a>
UN DESA International migrant stock by destination and origin	2013	2,992,550	<a href="http://esa.un.org/unmigration/migrantstocks2013.htm?msdo">http://esa.un.org/unmigration/migrantstocks2013.htm?msdo</a>
Dino Patti Djalal (estimates from 167 Indonesian Diplomatic Office overseas)	3/01/2013	4,700,000	<a href="http://idn.kbrikualalumpur.org/index.php/80-template-details/general/111-idn">http://idn.kbrikualalumpur.org/index.php/80-template-details/general/111-idn</a>
Wikipedia (various sources - data for certain countries include second generations Indonesians abroad)	26/11/2013	5,313,000	<a href="http://en.wikipedia.org/wiki/Overseas_Indonesian">http://en.wikipedia.org/wiki/Overseas_Indonesian</a>
Dino Patti Djalal	11/06/2013	6,000,000	<a href="http://www.republika.co.id/berita/nasional/umum/13/11/06/mvu01i-dino-patti-djalal-dukung-kewarganegaraan-ganda-diaspora-indonesia">http://www.republika.co.id/berita/nasional/umum/13/11/06/mvu01i-dino-patti-djalal-dukung-kewarganegaraan-ganda-diaspora-indonesia</a>
Indonesian Diaspora Network	2015	8,000,000	<a href="http://www.diasporaindonesia.org">www.diasporaindonesia.org</a>

These numbers are not-so-evenly spread throughout the Asia-Africa regions as well as the Australian continent, Europe and the United States. Diaspora spread across Asia, the Middle East and Africa generally work in sectors with relatively low levels of skills and knowledge, such as: plantations, agriculture and households or domestic works. Although in the Middle East, there are also quite a number of professional laborers or high-skilled workers. Most of the diaspora who live in Malaysia are dominated by plantation workers, while those in the Middle East is dominated by domestic workers and traders. The problems they face typically evolve around violations of their basic rights as migrant workers, such as duration of the work, leave entitlements, health insurance, humane treatment, adequate salary and resident legality. However, it is interesting to note that due to the fact that most of Asian and Middle Eastern countries apply no legal policy on dual citizenship, it has become a foreign

<sup>12</sup> Salut Muhidin & Ariane Utomo, "Global Indonesian Diaspora: How many are there and where are they?", (2015), *Journal of ASEAN Studies*, Vol. 3, No. 2, p. 96-97

concept for the Asia and Middle East-bound diaspora that the aspiration has not arisen from them.

On the other hand, the diaspora scattered in America, Europe and Australia generally work as professionals. This is in accordance with the region's need for more workforces with certain skills, such as: researchers, teachers, informatics experts, engineering experts, health professionals, nurses, management experts and banking experts. Indeed, there are also those who work as office and household cleaning workers, restaurant employees to restaurant owners, but the domination is in the jobs mentioned first. In the Americas, Europe and Australia, the plea for dual citizenship by the fact that in these countries, the said policy applies.

### **Why They Moved Abroad; Challenges They Face in Foreign Lands; A Plea to Their Government**

The *cliché*, yet remain relevant reasons as to why emigration or movement of people from their country of origin to another occurred are due to: political instability, repression, economic depression, health problems and other reasons.<sup>13</sup> In addition to those, this era of globalization has called for the flow of emigration by demand for skilled workers in developed countries. Currently, a more updated estimation than what the Table 1 above has provided is that there are at least 8 millions Indonesian diaspora living abroad, 4.6 millions of them have their Indonesian citizenship status remain intact. However, it is due to this particular reason of maintaining their Indonesian identification that these diaspora community often face challenges in the countries of their habitual residences. Such challenges include but not limited to:<sup>14</sup>

1. Diaspora who remains Indonesian citizens desire to pursue the highest career in the host country they live, but at the same time they are still willing to actively contribute to development Indonesia in various fields.
2. Diaspora with foreigner status cannot let go of their spiritual ties with Indonesia, they still wish to maintain the characteristics and culture of the Indonesian nation and want to be able to contribute to the Indonesian economy freely, among others, in the form of free movement to and from the country, to reside in Indonesia with ease; to be allowed to set up a company or to own assets.
3. The diaspora who descends from mixed marriages adore the origin countries of their parents that they do not wish to let go of either nationalities when they have come of age.
4. All in all, the Indonesian diaspora seek to be a social, cultural, economic, scientific and technological bridge between Indonesia and the country of their habitual resident for the betterment of Indonesia.

Through their routine congresses, it has grown into an almost unanimous understanding that these calamities can be resolved if only their Motherland could offer unlimited Dual Citizenship for them. From the Diaspora's point of view, it is not too big a favour to ask the Motherland, considering their grave contributions to the

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<sup>13</sup> Iman Santoso, *Diaspora: Globalisasi, Keamanan dan Keimigrasian*. 1<sup>st</sup> Ed., Pustaka Reka Cipta, Bandung, 2014

<sup>14</sup> Indonesian Diaspora Network-Global (IDN-G), "Position Paper Indonesian Diaspora Network-Global terhadap Aspirasi Dwikewarganegaraan", 2019-2021

development of Indonesia. These contributions can generally be classified into the following five groups: being a larger and more stable source of remittance than that of the World Bank; being a direct source of Foreign Direct Investments (FDI) or at least the a trusty agent that could channel the flow of the FDI; being the expander of the nation's general economic growth; being the strategic hub for information in and out of the country; giving further development assistance from the homecoming expatriates.

### Understanding the Motherland's 'Conditional' Love

Like a small kid whining in demand to get just every single thing they desire, it is a little too extreme to claim that the government of Indonesia has done nothing to ease the livelihood of Indonesians living abroad. Through the Indonesian Law Number 12 of 2006 on Indonesian Citizenship Status and the Presidential Regulation Number 76 of 2017 on Services for Indonesians Living Abroad, the state of Indonesia has conjured a supposedly win-win policy of Limited Dual Citizenship for children of mixed marriage. In addition to merely offering the Limited Dual Citizenship status to an exclusive group of children born of a mixed marriages, the 'limited' feature here refers to the provision in which upon turning 18 years to maximum 21 years of age, these children will have to let go one of their nationalities. To the Indonesians living abroad, it may appear as if the love of their Motherland is not unconditional, despite the contributions that they have or can offer.

However, it is crucial to note that a parent would never subject their children to any rules without justification that originate from thorough assessment that they have previously undertaken for the sake of the said children. In order to understand why the Indonesian government offers such conditional love for their nationals living abroad, a closer look on the national interest theory by Plano and Olton may lend some answers. Jack C. Plano and Roy Olton in *The Dictionary of Relationships International* stated that the national interest is the fundamental element that guides the decision makers of a country addressed to other countries. This element can be further broken down into: sovereignty, independency, territorial integrity, military security and economic welfare.<sup>15</sup>

Of those five features of national interest, at least one of them plays the rather more significant role than rest: the defence and security aspect. The firm believers of dual citizenship propose that defence and security is an outdated concern. But is it, though? Their only source of confidence lies on the theoretical utopia circling around the dynamics of geo-politic and international relations: that in this era of globalization, relations among countries have grown to be more harmonious conflicts can easily be avoided and threats to State defence and security can be resolved through mutually consented international legal rules in the form of treaties or bilateral agreements.<sup>16</sup> If such utopia happened to be truthful, the presently ongoing Russia-Ukraine *armed* conflict would never occur in the first place anyway.

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<sup>15</sup> Jack C. Plano & Roy Olton (translated into Bahasa Indonesia by Wawan Juanda), *The International Relations Dictionary*, Bandung, 1990

<sup>16</sup> Iman Santoso, *Diaspora: Globalisasi, Keamanan dan Keimigrasian*. 1<sup>st</sup> Ed., Pustaka Reka Cipta, Bandung, 2014

As an attempt to avoid a biased evaluation, the author present comparison with two countries with contrasting policy on dual citizenship: the one that supports (i.e. Australia) and the one that opposes (i.e. Japan). Not only Australia is a developed nation, it is also one of the strongest economies in the Pacific-Regions as well as being a constant key player in the global relations. This alone has exhibited that Indonesia is not standing on the levelled playing field with Australia to consider applying the similar policy when it comes to citizenship status concern. Moreover, Australia is a nation born out of great movement of people (re: convicts) from the Great Britain in the 1800s due to the over capacity of the prisons on the English soil. Simply put, Australians today are not even *Australians*. This peculiar background in the Australian history has shaped the nation to be one of the most inclusive in the world, everyone is welcome in Australia. Additionally, isolated alone on the southern hemisphere, offering dual citizenship status is, as a matter of fact, actually a defence a security policy imposed by the Land Down Under. It is through harbouring migrants from nations all over the world, Australia hopes to have established friendship bonds with these nations to avoid armed confrontations.

Japan on the other hand, imposes the twinning policy with Indonesia, only with a slight alteration in the age limit. The Japanese Nationality Act states that a child born to a Japanese parent is legally Japanese. While other nations determine a child's nationality based on *ius soli* which would allow them to hold their parent's nationality as well. In Japan, anyone with multiple nationalities needs to choose one. If the multi-citizenship is acquired before the age of 20 then they are to choose one before their 22<sup>nd</sup> birthday. Those who acquire citizenship of another country after turning 20 must decide which one to keep within a two-year period. The government argued that there was no *national interest* in permitting dual or multiple citizenships. The concern is that this will allow people to have voting rights or diplomatic protection in other countries, as dual citizenship could cause conflict in the rights and obligations between countries, as well as between the individual and the state.

## Closure

This writing is wrapped up by the following conclusion:

1. The Limited Dual Citizenship policy born by Indonesia is not in any ways antiquated, given the current circumstances, dynamics and political stance of the country. However, there are rooms for improvements and adjustments which the Indonesian government may be able to explore for the harvesting more benefits that can be enjoyed by more people of Indonesian descends.
2. National defence and other security issues remain valid and relevant within the discussion framework on dual citizenship policy. Distilled from the comparison made above, it is apparent that in terms of historical background, cultural and social similarities, Indonesia is closer to Japan than it is to Australia. Hence, it is not surprising that the two countries adhere to similar approach when it comes to citizenship status, which in fact, both countries believe that such policy, along with its national defence consideration, is not antiquated.

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## References

- Iman Santoso, *Diaspora: Globalisasi, Keamanan dan Keimigrasian*. 1<sup>st</sup> Ed., Pustaka Reka Cipta, Bandung, 2014
- Indonesian Diaspora Network-Global (IDN-G), "Position Paper Indonesian Diaspora Network-Global terhadap Aspirasi Dwikewarganegaraan", 2019-2021
- Jack C. Piano & Roy Olton (translated into Bahasa Indonesia by Wawan Juanda), *The International Relations Dictionary*, Bandung, 1990
- Lamijo, "Memahami Awal Kebangkitan Diaspora Indonesia: Wawancara Eksklusif dengan Dino Patti Djalal", 2019 <http://psdr.lipi.go.id/news-and-events/opinions/memahami-awal-kebangkitan-diaspora-indonesia-wawancara-eksklusif-dengan-dino-patti-djalal.html>
- Law No. 12 of 2006 on Indonesian Citizenship
- Merriam-Webster Dictionary
- Presidential Regulation No. 76 of 2017 on Services for Indonesians Living Abroad
- Salut Muhidin & Ariane Utomo, "Global Indonesian Diaspora: How many are there and where are they?", (2015), *Journal of ASEAN Studies*, Vol. 3, No. 2
- United Nations Secretary General, "Message on International Migrants Day", 18 December 2010
- Working Group Imigrasi dan Kewarganegaraan, *Buku Putih Perjuangan Diaspora Indonesia untuk Kewarganegaraan Ganda: sebuah masukan untuk Naskah Akademik perubahan UU No. 12/2006 tentang Kewarganegaraan Indonesia*, Indonesian Diaspora Network-Global, 2021