

## Study of the Opportunities and Impacts of Naturalization for Expatriates to Obtain Indonesian Citizen Status (Case Study of Expatriates in Lingga District)

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### Abstract

This research is motivated by several problems faced by foreigners in applying for Indonesian citizenship. The purpose of this study is to find out how big the opportunity for expatriates to get Indonesian Citizenship status is and to find out what impacts are felt by the expatriates themselves and the surrounding community. The benefit of the results of this research is to be a source of learning for all groups. This research method is qualitative, the data collection instruments used are interviews and documentation. The informants in this study are the authorities and expatriates. Opportunity conclusions are drawn using cross-probability tables, while the impact is taken from interview conclusions. The conclusion from the implementation of Law No. 12 of 2006, namely points 2.6 and 8, is still not optimally fulfilled by the applicant (expatriate). For example point 8, to fulfill these requirements the applicant uses the services of other people such as 'brokers' or the like. As for points 1,3,4,5 and 7, the opportunity for a large applicant is that they can meet these requirements. For example, point 1 is when they apply for their age of 18 years or are married. As for the positive and negative impacts, both for themselves (expatriates) and the community, respondents agreed to feel a positive impact.

**Keywords:** Expatriates, Citizenship, Opportunity, Impact



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### INTRODUCTION

Globalization makes this world seem limitless and connected to each other, so that it is one of the reasons international business is growing very rapidly. One example of the impact of increased international business activity is marked by an increase in foreign direct investment (FDI). (Intan Puspitasari, Brawijaya University). Investments made by multinational companies create increasingly tight industrial competition in implementing global strategies. An important component in implementing the global strategy is international human resource management (Agung Waspodo, et al, Jakarta State University). Many foreigners come to Indonesia to work for companies or to become laborers/employees in Indonesia. These employees are referred to as Expatriates.

An expatriate is someone who lives temporarily or permanently outside the country where he was born and raised, or in other words, a person who is a foreign national who lives in Indonesia, usually due to a state or professional assignment (KBBI, 2016). An expatriate is an employee who works and lives in a foreign country (Safri. H, STIE Labuhanbatu). These expatriates consist of several groups, there are workers, students, and mixed-married families. Among the workers there are factory workers, professionals such as lecturers, broadcasters, and medical personnel, and there are also business people. Then, for students, there are S1 and S2 students. In addition, there are also mixed-married families, generally in the form of husbands who are foreign citizens and wives who are Indonesian citizens or vice versa.

Indonesian Citizenship Law No. 62 of 1958 (hereinafter referred to as the Old Citizenship Law) and the Indonesian Citizenship Law No. 12 of 2006 (hereinafter referred to as the New Citizenship Law) does not automatically grant Indonesian citizenship status to foreign women who marry Indonesian citizens, but if the foreign woman wants to become an Indonesian citizen, she must submit an official application in accordance with applicable regulations. Likewise, an Indonesian woman who is married to a foreigner can retain Indonesian citizenship. If she wants to follow her husband's citizenship to become a foreigner, then the woman is required to submit an application in accordance with applicable regulations as stated in Articles 7 and 8 of the Old Citizenship Law, and Articles 26 New Citizenship Law. Such things can lead to differences in nationality in families of mixed marriages. (Ahyar Ari Gayo, Ministry of Law and Human Rights) Over time, this law was deemed no longer able to regulate the interests of the parties in mixed marriages, especially the protection of children. (Marsella, University of Medan). Indonesia has a diversity of ethnicities, religions and cultures, therefore we need guidelines that can unify in a unified form such as Pancasila (Adonis Putra, et al, Universitas Sebelas Maret).

As time goes by, many expatriates want to change their citizenship to Indonesian citizenship. Of course it is not easy to change one's nationality, there are many requirements and documents that must be met, both from their country of origin and from Indonesia itself. In Lingga Regency, Riau Archipelago Province, there are several expatriates who want to change their citizenship to become Indonesian citizens. Nayaka Duta Harahap as the Head of Non-TPI Class II Immigration Office Dabo Singkep revealed that in Lingga Regency there are 36 expatriates, of which 22 of them are foreign nationals who work in the marine waters of Lingga Regency. The details are, as many as 22 Thai nationals who work as foreign workers at sea, as many as 6 Chinese nationals who work as foreign workers on land, as many as 2 Uruguayan and South African nationals who work as foreign workers on aviation and family union (mixed marriage) 4 people from Canadian citizens, Germany and 2 other people from Singaporean citizens.

Based on observations in the author's interview with the Head of the Non-TPI Class II Immigration Office, Dabo Singkep Nayaka Duta Harahap, in Lingga Regency itself, many foreigners have transferred their citizenship to become Indonesian citizens. This is dominated by foreigners from China, Singapore, Malaysia, some from India and the Netherlands. It can be said that half of the expatriates in Lingga Regency are of Chinese descent. Most of them changed nationality during the Suharto era. At that time all Chinese citizens had to declare a "national name" in the process of applying for their citizenship. Every action certainly has good and bad impacts, including the case of changing the citizenship of a foreigner to an Indonesian citizen, it must have an impact, both a small impact (which he feels himself) and a big impact (the impact on the surrounding community).

Based on the discussion above, the authors can formulate the problem in this study, namely what are the opportunities for expatriates to obtain Indonesian citizenship status? and what are the positive and negative impacts (through the naturalization process) after expatriates become Indonesian citizens? Based on these problems, the purpose of this research is to find out the opportunities for expatriates to get Indonesian citizenship status and to know the positive and negative impacts after expatriates become Indonesian citizens.

## **RESEARCH METHODS**

This research was conducted in Lingga District, Riau Archipelago Province. The sources/informants in this study were 3 expatriates from family reunification (mixed marriages), 2 ex-expatriates and 4 staff members of the Immigration Class II Non TPI Dabo

Singkep office. This research was carried out from October 2022 to November 2022. This study used a qualitative approach. As for the informants studied using data analysis techniques which is the most important step in a study. The data that has been obtained will be analyzed at this stage so that conclusions can be drawn. In this study, the Miles and Huberman model analysis technique was used. According to (Miles and Huberman in Sugiono, Alfabeta) suggests that qualitative data analysis activities are carried out interactively and continue continuously until complete, so that the data is saturated. The data analysis activities are data reduction, data display, and conclusion drawing/verification.

In this study, a credibility test was used to test the validity of the data (Sugiono, Alfabeta). Testing the credibility of the data is done by triangulation. Data triangulation is defined as checking data from various sources in various ways, and at various times. There are 3 triangulations in data validity, namely source triangulation, technical triangulation and time triangulation. In this study, researchers used source triangulation. Source triangulation is testing the credibility of the data which is done by checking the data that has been obtained through several sources. Source triangulation will be carried out on the data contained in the Immigration Class II Kab. Linga, community and concerned (foreigner or foreigner's family).

## RESEARCH RESULTS AND DISCUSSION

### Research Result

The writer interviewed 9 (nine) informants. The informant profiles are as follows:

**Table 1. Brief profiles of Expatriate and Authority Informants**

No	Name	Age	Status	Description
1	Agus	42 Year	PLH Head of Immigration Office	-
2	Ilham Akbar	26 Year	Lanlintuskim Section	-
3	Denny Saputra	32 Year	Head of Immigration Information Technology Subsection	-
4	Adhel Hafiz Dwinardi	28 Year	First Expert Immigration Analysis	-
5	Ameng	54 Year	Has obtained Indonesian citizenship status	Everyday nickname. The real name is not mentioned to protect the informant's privacy
6	Diederick	63 Year	Has obtained Indonesian citizenship status	Informant's real name
7	BS	33 Year	The process of obtaining Indonesian citizenship status	Names are pseudonyms to protect informants' privacy
8	RKN	40 Year	The process of obtaining Indonesian citizenship status	Names are pseudonyms to protect informants' privacy
9	NIH	37 Year	The process of obtaining Indonesian citizenship status	Names are pseudonyms to protect informants' privacy

Interviews were conducted several times and divided into 2 groups, namely the local authorities and the expatriates. For the authority questions, there are 11 questions and for the Expatriates themselves, there are 10 questions. Based on the description of the research results, it can be seen that how big is the chance for an expatriate to get Indonesian citizenship.

**Table 2. Cross Table of Opportunities for Expatriates to become Indonesian Citizens**

No	Name	Law Article 9 No 12 of 2006								Description
		1	2	3	4	5	6	7	8	
1	Ameng	✓	✓	✓	✓	✓	✓	✓	✓	Already a citizen
2	Dederick	✓	✓	✓	✓	✓	✓	✓	✓	Already a citizen
3	BS	✓	✗	✓	✓	✓	✓	✓	✗	In the Process of Naturalization
4	RKN	✓	✗	✓	✓	✓	✓	✓	✗	In the Process of Naturalization
5	NIH	✓	✗	✓	✓	✓	✗	✓	✗	In the Process of Naturalization

Source: Imam Ghozali, 2011

#### Description:

1. Already 18 years old or already married when submitting the application
2. When submitting the application, you have lived in Indonesia for 5 consecutive years or 10 non-consecutive years
3. Able to speak Indonesian and recognize the state principles of Pancasila and the 1945 Constitution
4. Never been sentenced to a criminal sentence punishable by 1 (one) year in prison or more
5. By acquiring Indonesian citizenship the expatriate agrees to renounce the previous citizenship (does not have dual citizenship)
6. Have a steady job/income
7. Paying money/citizenship fees to the State Treasury
8. Make or submit a written application in Indonesian on stamped paper to the Head of the Regional Office of the Ministry of Law and Human Rights or Indonesian Representatives abroad (Law Article 9 No 12 of 2006)

#### Discussion

From table 2 above it can be concluded that all expatriates apply for Indonesian citizenship at the age of 18 or after marriage and have fulfilled the first requirements of Law no. 12 of 2006. Some expatriates who are in the district. Linga have lived for more than 5 consecutive years because their parents or their partners work and live there, and some still often go in and out of Indonesia on the grounds that they still have business in their home country and their jobs cannot be left just like that. . Which is the reason it is difficult for them to obtain Indonesian citizenship status, they have to stay for 10 non-consecutive years in the area where they have a residence permit.

All Expatriates whose permission to live in the district. Lingga is very proficient in Indonesian and regional languages, namely Malay. This is because there are many factors that require them to be able to speak Indonesian and Malay, such as work and socialization between communities, in which very few Lingga people can speak English or other foreign languages. Plus expatriate relatives or work friends who often teach and accustom expatriates to use Indonesian and Malay for everyday language, which is very helpful for expatriates in learning Indonesian without the need to learn from experts (Indonesian tutoring). Not only good at speaking Indonesian, expatriates are also taught about the basis of the Indonesian state by the local authorities, this is one of the work programs of the Immigration themselves.

Before expatriates apply for permission to change citizenship, they will be examined in its entirety, starting from their background, their identity, their purpose for coming to Indonesia and settling here, their criminal traces (have they been sentenced to prison in their country of origin or in another country with minimum sentence of 1 year in prison) as well as their mental and physical health. This is done by the authorities in order to minimize the occurrence of things that are not desirable. Of course this is very important for the Indonesian government, especially the district government. Phallus.

They don't want to take the risk of their society experiencing unpleasant things from the outside (expatriates). Therefore, the authorities work with various elements of society to create a harmonious society with expatriates. And of course the Expatriates are obliged to cooperate with the authorities and the local community, and Expatriates who are in the district. Lingga itself has fulfilled the requirements proposed by the authorities.

Not only socializing about the Basics of the State, immigration officials also socialized about Indonesian citizenship. In short, the authorities explained that in Indonesia you cannot have dual citizenship and expatriates must give up the citizenship status they carry. If they wish to become Indonesian citizens, they must consent to and renounce their citizenship. And immigration confirms that all expatriate parties agree and do not reject these terms. After reconfirming with the Expatriate, they said they did not object to these requirements and they agreed to give up their previous citizenship.

Not all Expatriates living in Kab. Lingga has a permanent job, for example as an expatriate from family union (mixed marriage, wife of a foreigner and husband of an Indonesian citizen), where she is a housewife, while her husband is a retired District Transportation Service. Phallus. However, after discussing with related parties regarding this obstacle, a solution was obtained, which is expected not only as a temporary solution. It is hoped that this will become one of the livelihoods for these female expatriates.

From the results of these interviews, expatriates who wish to apply for a change of citizenship do not object to the requirement to pay money/citizenship fees to the state treasury. After completing these requirements, expatriates are required to make or submit a written application in Indonesian on stamped paper to the Head of the Regional Office of the Ministry of Law and Human Rights or Indonesian Representatives abroad. This is also one of the obstacles for Expatriates, where Expatriates say that they are constrained in writing letters and documents that must be prepared, they think that if there are no friends or family who want to help them in dealing with this, maybe their request/submission will be rejected by the Indonesian government. Of course this is one of the reasons for their delay in the process of applying for citizenship. Meanwhile, according to Law Article 9 No. 12 of 2006, they (expatriates) must fulfill all existing requirements and must be prepared to lose their citizenship. And if at the time they (expatriates) are already Indonesian citizens but are proven to have committed a crime, either a crime of violence, forgery or other criminal acts, then their citizenship is declared null and void, which is regulated in Law 28 No. 12 of 2006.

Expatriates say they get a lot of positive impacts for themselves from the community and they (expatriates) are very happy with the traditions that exist in Lingga Regency. They felt a bond of brotherhood that they had never felt in their home country, and changed their way of thinking about differences among humans. So far they claim to have not received anything or a negative impact. Meanwhile, the impact felt by the community from the existence of expatriates in their surroundings is arguably very good. From the results of interviews with the authorities regarding expatriates, they said that the community was very enthusiastic about having expatriates in their surroundings. The local community who live near the expatriate's villa admit that they are splashed with fortune because many visitors come to shop at the shops they open, especially when holidays come. There are also those who say that their children learn English for free from one of the expatriates who live around their neighborhood. Of course this really helps the community, because the price of English lessons is quite expensive for middle and lower class people. The authorities said that until now there had been no negative reports regarding expatriates, both oral and written reports. So far expatriates and local people live their daily lives harmoniously, so as to create a safe and peaceful environment.



## CONCLUSION

From the implementation of Law article 9 no 12 of 2006 it can be concluded that the requirements of points 2, 6 and 8 have not been optimally met by the applicant. What's more point 8, the chance is small. Only 20% of applicants are able to meet these requirements (data taken from 5 expatriates). They said that to fulfill the requirements in the management, they used other people's services or help from other people, such as brokers and so on. Whereas for points 1, 3, 4, 5 and 7 the opportunities for expatriates or applicants are very large, they can meet these requirements. For example point 1, namely when they apply for a change of citizenship, they are already 18 years old or already married, in other words they easily fulfill these requirements. As for the positive and negative impacts of expatriates, both for themselves (expatriates) and other communities, all respondents agreed that they felt a positive impact. They are not awkward when interacting with the surrounding community because they have blended in and been accepted by the community. So far they have not felt a negative impact (in the sense that it can be burdensome or detrimental to themselves).

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