

ABSTRAK

REFORMULASI KEBIJAKAN KEWARGANEGARAAN INDONESIA DALAM PERSPEKTIF HAK ASASI MANUSIA DAN KEPENTINGAN NASIONAL (Studi Kasus Satria Arta Kumbara).

Risma Apriyanti (NIM. 2410622003), Taufiqurrohman Syahuri, Irsyaf Marsal.

Kewarganegaraan merupakan hak fundamental yang melahirkan hubungan hukum timbal balik antara individu dan negara sehingga tidak dapat dicabut secara sewenang-wenang. Namun, Undang-Undang Nomor 12 Tahun 2006 mengatur kehilangan kewarganegaraan secara otomatis bagi WNI yang bergabung dalam militer asing tanpa izin Presiden, yang menimbulkan persoalan antara perlindungan HAM dan kepentingan keamanan negara. Penulis ingin mengetahui bagaimana kedudukan status kewarganegaraan warga negara Indonesia yang bergabung dengan militer asing sebagai Tentara bayaran ditinjau dari perspektif hak asasi manusia serta bagaimana reformulasi pencabutan kewarganegaraan bagi warga negara Indonesia yang bergabung dalam militer asing sebagai Tentara bayaran sesuai dengan perspektif hak asasi manusia dan kepentingan nasional

Penelitian ini menggunakan metode normatif. Peneilitan menggunakan data yang merujuk pada literatur dan sumber-sumber tertulis.

Hasil penelitian menunjukkan bahwa kehilangan kewarganegaraan Indonesia bagi warga negara yang bergabung dalam militer asing sebagai tentara bayaran tidak dapat dilakukan secara otomatis hanya karena terpenuhinya unsur normatif dalam Undang-Undang Nomor 12 Tahun 2006. Kehilangan kewarganegaraan harus melalui mekanisme administratif dan prosedur hukum yang menjunjung prinsip *due process of law*, *non-arbitrariness*, serta perlindungan hak asasi manusia, khususnya hak atas kewarganegaraan dan pencegahan statelessness. Penelitian ini juga menemukan bahwa pengaturan kewarganegaraan Indonesia telah berupaya menyeimbangkan perlindungan HAM dan kepentingan nasional, namun masih memerlukan penguatan regulasi dan mekanisme implementasi dalam menghadapi keterlibatan WNI dalam militer asing atau konflik bersenjata transnasional. Berdasarkan perbandingan dengan Belanda, Korea Selatan, dan Afrika Selatan, pengendalian keterlibatan warga negara dalam konflik bersenjata asing tidak hanya dilakukan melalui pencabutan kewarganegaraan, tetapi juga melalui pengawasan administratif, pembatasan keimigrasian, dan pertanggungjawaban pidana. Oleh karena itu, diperlukan reformulasi kebijakan kewarganegaraan melalui penegasan definisi tentara asing, tentara bayaran, dan *foreign terrorist fighters*, serta penguatan mekanisme administratif, pengawasan keimigrasian, dan koordinasi antarlembaga.

Kata Kunci: Kewarganegaraan, Hak Asasi Manusia, Kepentingan Nasional, Militer Asing

ABSTRACT

REFORMULATION OF INDONESIAN CITIZENSHIP POLICY IN THE PERSPECTIVE OF HUMAN RIGHTS AND NATIONAL INTERESTS (A Case Study of Satria Arta Kumbara).

Risma Apriyanti (NIM. 2410622003), Taufiqurrohman Syahuri, Irsyaf Marsal.

Citizenship constitutes a fundamental right that establishes a reciprocal legal relationship between an individual and the state and, therefore, must not be arbitrarily revoked. However, Law Number 12 of 2006 concerning the Citizenship of the Republic of Indonesia provides for the automatic loss of citizenship for Indonesian citizens who voluntarily join a foreign military service without prior authorization from the President, giving rise to tensions between the protection of human rights and the interests of national security and state sovereignty. This research aims to examine the legal status of Indonesian citizens who join foreign military forces as mercenaries from a human rights perspective, as well as to analyze the reformulation of citizenship revocation policies concerning such individuals in accordance with human rights principles and national interests.

This study employs a normative legal research method using data derived from literature, legislation, and other written legal sources.

The findings of this research demonstrate that the deprivation of Indonesian citizenship for nationals who join foreign military forces as mercenaries cannot be imposed automatically solely based on the fulfillment of normative elements under Law Number 12 of 2006. Any deprivation of citizenship must be carried out through administrative mechanisms and legal procedures that uphold the principles of due process of law, non-arbitrariness, and the protection of human rights, particularly the right to nationality and the prevention of statelessness. The study further reveals that the Indonesian citizenship regime has sought to balance human rights protection and national interests; however, it still requires stronger regulatory frameworks and implementation mechanisms in addressing the involvement of Indonesian citizens in foreign military forces or transnational armed conflicts. Based on a comparative analysis of the Netherlands, South Korea, and South Africa, the regulation of citizens' involvement in foreign armed conflicts is not solely implemented through citizenship deprivation, but also through administrative supervision, immigration restrictions, and criminal accountability mechanisms. Therefore, a reformulation of Indonesian citizenship policy is necessary through the clarification of legal definitions concerning foreign military service, mercenaries, and foreign terrorist fighters, as well as through the strengthening of administrative mechanisms, immigration supervision, and inter-agency coordination.

Keywords: *Citizenship, Human Rights, National Interests, Foreign Military.*