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## **POLITICAL LAW OF THE GOVERNMENT IN A SPECIAL NATURALIZATION OF INDONESIAN FOOTBALL PLAYERS BASED ON WELFARE STATE THEORY**

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*The naturalization process itself is known in Law no. 12 of 2006 concerning Citizenship of the Republic of Indonesia, naturalization is divided into two, namely ordinary naturalization and special naturalization, ordinary naturalization is sufficient to meet the administrative requirements stipulated by law, while special naturalization must obtain the consideration of the House of Representatives before obtaining citizenship. The thing that needs to be observed in this special naturalization process is that someone who wants to be naturalized must first have service to the Indonesian nation, the anomaly that is happening at this time is that the government allows naturalization policies without considering the interests of the state, but for the interests of clubs playing in Indonesian leagues. . Therefore, this study takes the formulation of the problem, how is the legal politics of the special naturalization policy for football players in Indonesia in terms of Law no. 12 of 2006 concerning Citizenship? In this study, the research method is normative juridical. The conclusion in this study is that the current naturalization policy is contrary to the constitutional mandate, especially in Article 20 of Law No. 12 of 2006 concerning citizenship, by facilitating the naturalization process, making naturalization players filled with players who are of old age and cannot contribute to the Indonesian national team for a long time.*

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## INTRODUCTION

If analyzed further, the Indonesian state adheres to the concept of a welfare state, this can be seen from the prominent role of the government in managing the country for the welfare of its people, this can also be seen in the goals of the Indonesian state which are written explicitly in the Act. The 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution) which explains that one of the goals of the Indonesian nation is to promote general welfare. broad groups (Bo Soderten, 2004). The state must also be able to support welfare through upholding the law and ensuring the purpose of the law itself (Husen, 2019)

The welfare state has a basic concept that the state must be placed in every aspect of people's lives so that it can realize social justice for all Indonesian people as stated in the 5th principle of Pancasila. Furthermore, the state must maintain all its assets and wealth to be managed properly and not taken by other countries, this is as referred to in Article 33 paragraph 3 of the 1994 Constitution. The government as a representative of the state must take this role so that the sovereign data state is intact and runs smoothly good. One of the qualifications of developed countries is that the development and infrastructure of their countries are more advanced and this has a positive impact on the standard of living of their people so that community welfare can be realized, including in the field of sports.

Welfare in a special form in the field of sports is also part of the state's function as enshrined in the 1945 Constitution. As we all understand, sport is a dimension that is always closely related to the state. Even sport becomes a pride for a country if it has achievements in the international world, in order to achieve sports achievements in a country of course it is necessary to have laws made by the state in this case the executive and legislative bodies so that these goals can be achieved. Sports must have an umbrella act in order to run well. Indonesia is a country that adheres to the rule of law, meaning that every policy must be based on applicable written law, it is not justified to make a policy that deviates from the law itself (Kristiawan, 2014). Aspects of sports that intersect with the state and law are quite numerous and clearly visible, one of which is regarding the rules regarding citizenship or commonly known as the term naturalization of sports athletes.

The issue of citizenship is a real problem in a country, because the rights and obligations of a newborn baby are also closely related to citizenship (Isharyanto, 2021). Naturalization is a method used to achieve sports achievements instantly. The naturalization process itself is known in the Indonesian constitution along with the issuance of Law no. 12 of 2006 concerning Citizenship of the Republic of Indonesia (hereinafter referred to as Law 12/2006). Law 12/2006 is the implementation of Article 26 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) which mandates that matters concerning citizens and residents be regulated by law. In Article 28D paragraph (4) of the 1945 Constitution, it is also expressly stated that, "everyone has the right to citizenship status". As an implementation of Law 12/2006. The government has also stipulated Government Regulation no. 2 of 2007 concerning Procedures for Obtaining, Losing, Canceling, and Regaining Indonesian Citizenship (PP 2/2007). PP 2/2007 further explains the legal aspects of citizenship which in addition to containing the formal aspects of the state administration also contain aspects of administrative law which regulates the

procedures and procedures related to citizenship. As a state of law, of course, it must have a duty to serve the needs of its people, including sports (Qamar et al., 2018).

Various countries have done the same way in obtaining achievements in the field of sports. Countries on the European continent which are famous for their sports achievements also do not escape the naturalization of players for the realization of various achievements. For example, the country of France, they managed to win the 2018 World Cup by filling their squad with naturalized players. Call it N'golo Kante, Samuel Umtiti, Benjamin Mendy, Paul Pogba, Presnel Kimpembe, Steve Mandanda, Djibril Sidibe, Thomas Lemar and so on are players who came from the African continent and became immigrants in France. The results of the many players descended from immigrants from the African continent who became French citizens can in fact boost France's achievements at the 2018 World Cup. Les Blues managed to win prestigious trophy which is held every 4 years.

The same process also occurs on the Asian continent, Singapore has always been a regular country in the naturalization of its football players. Since 2004, Singapore has come with a number of naturalized players. As a result, 3 (three) AFF trophies were won by the country located on the Malay Peninsula. This proves that naturalization is a method that is allowed to be carried out but must meet certain requirements.

Moving on from phenomena that exist in various worlds, Indonesia is also trying to use the same method to get instant achievements in the field of football, Indonesia starting the naturalization step in 2010, the first player to be naturalized was Cristian Gonzales from Uruguay, the same thing was followed by Irfan Bachdim from the Netherlands and Kim Jeffrey Kurniawan from Germany. These football players get their citizenship status as a pre supposed right effort in the state administration system. Without citizenship status, a person may not be able to access a number of constitutional rights granted by the state or known as the right to have rights (Mahardika, 2021), including in this case defending the Indonesian national team in various international events.

As we know, the naturalization process in Indonesia is divided into 2, the process includes the Ordinary Naturalization as regulated in Article 9 of the Citizenship Law and the Special Naturalization process which is explicitly stated in Article 20 of the Citizenship Law. The difference between the two lies in the process. In the ordinary naturalization process, it is submitted directly by the person concerned, provided that the person has fulfilled the requirements contained in Article 9 of the Citizenship Law, in ordinary naturalization or citizenship will be granted by the government which in this case is given by the Ministry of Law and Human Rights.

Unlike ordinary naturalization, the special naturalization process is regulated in Article 20 of the Citizenship Law, this naturalization process must obtain the consideration of the House of Representatives (hereinafter referred to as DPR) before obtaining citizenship. The thing that needs to be observed in this special naturalization process is that someone who wants to be naturalized must first have service to the Indonesian people.

As for what is meant by "foreigners who have rendered services to the Republic of Indonesia" are foreigners who because of their extraordinary achievements in the fields of humanity, science and technology, culture, environment, and sports have brought progress and the name of the Indonesian nation has been made good. Because of these achievements, the naturalization process was carried out in order to encourage sports achievements in Indonesia, especially in the field of football players.

This naturalization is indeed like a knife with the edge of the world, if it is successful it will encourage sports achievement, otherwise it will tarnish the sacred meaning of citizenship itself. This case occurred in Indonesia, which did a lot of naturalization in the 2011-2012 era. Special Naturalization is carried out on players who do not even have

achievements in the field of sports.

Including names such as Tonnie Cusell, Jhonny Van Beukering, Ruben Wuarbanaran, Sergio Van Dijk, and several other naturalized players who were granted citizenship rights but failed to boost the achievements of the Indonesian national team, even some of the names above have relinquished their Indonesian citizenship and returned to Indonesia, country of origin. This is a policy thing that deviates from the mandate of the Constitution and the citizenship law. A person who is naturalized should make Indonesia the country he loves all his life. This is because the state becomes a body that is used to protect many people (Sihombing, 2019).

This anomaly is inseparable from the government allowing naturalization policies without considering the interests of the state, naturalization is currently being carried out for the benefit of clubs playing in leagues in Indonesia. According to the rules that apply in Indonesia, each team is only allowed to use 4 to 5 foreign players, the club submits a naturalization process so that the quota of players who are submitted for naturalization can be filled by other players. This causes the naturalization goal is no longer for the benefit of the nation and state but only for the benefit of the club.

Based on the legal facts above, the researcher considers that there is a need for research that discusses how the legal politics of the special naturalization policy for football players in Indonesia in terms of Law no. 12 of 2006 concerning Citizenship.

## **RESEARCH METHOD**

In this study, the normative juridical research method will be chosen as a way of analyzing the problem. analysis materials based on theories and laws and regulations as well as references related to the discussion being studied. The data analysis technique used in this study is qualitative in nature. The form of the research results will be presented in analytical prescriptive form.

## **RESULT AND DISCUSSION**

The term citizenship can be interpreted as a strong and meaningful relationship between the state and its citizens. Citizenship has the meaning of all kinds of relations with a country which result in the obligation of that state to protect the person concerned, whether he is an ordinary citizen or as an official in the government. This means that there is no discrimination against citizens (Noveriyanto et al., 2018). If a foreign citizen becomes a citizen of a country, then that person has rights and obligations. He has the right as a citizen as other citizens also receive these rights, as well as regarding his obligations as a citizen. Someone who has done citizenship must also carry out his obligations as a citizen (Rokilah, 2017).

As described above, one of the processes of citizenship or naturalization is mostly carried out in achievement sports such as football. Achievement sports are one type of sport that is always encouraged to accelerate its development, it is intended that this sport of achievement can elevate the dignity of the nation. One way to boost sports achievement is to do citizenship or also known as naturalization. A foreign citizen can apply to become an Indonesian citizen on condition that he/she must fulfill the administrative and substantive requirements stipulated by Law no. 12 of 2006 (Saraswati, 2017).

Our constitution stipulates that every foreign citizen who wants to become an Indonesian citizen must meet the requirements in order to provide confirmatory certainty so that he/she obtains factual evidence before being granted Indonesian citizenship and obtaining an identity as an Indonesian citizen. Substantive examination is a factual

verification process carried out by the government to assess the material truth of applications submitted by foreigners who wish to become Indonesian citizens. As an effort to fulfill the principle of substantive examination, the Ministry of Law and Human Rights as a representative of the government in this case is given the authority to carry out the citizenship or naturalization process which will also work with the integrated evaluation team of citizenship applications (Integrated Evaluation Team) (Arundhati, 2018).

Furthermore, regarding naturalization, this process is indeed expected to be able to have a positive impact on sports achievements, especially if someone who gets citizenship or naturalization has special abilities and expertise in certain fields which can later make progress in Indonesia's development, not only there, football players, It can also channel thoughts, ideas and energies in every aspect of state and social life (Syahrin, 2019).

There are several notes that the researcher would like to put forward in this article, especially regarding the issues currently developing in the special naturalization process in Indonesia. According to researchers, the current naturalization process has deviated from the constitutional mandate, a person is naturalized not because of their achievements and contributions to the country, but based on the interests of the club and also the federation. We can see this in the Marc Klok process, the naturalization submitted against the Persib Bandung player is not because the player has achievements or for the benefit of the national team, but the naturalization application process is carried out to fill the club's national player quota to outsmart the foreign player quota. So, with the naturalization of Marc Klok, 1 foreign player quota can still be used for other foreign players.

The legal facts above according to the researcher indicate that the spirit or life of the special naturalization has been lost, a person gets special naturalization not because of the achievements or contributions of thought that he gave, but based on the interests of the club alone. This problem is also a complex problem because the DPR as a legislative body appointed based on attribution by the Citizenship Law does not carry out its functions properly. DPR should give good consideration in this naturalization process. The DPR must be able to become a filter in the special naturalization process so that athletes who really excel are entitled to Indonesian citizens. The status of a citizen should not only be binding on the holder but also on the rights and responsibilities of a country.

This logic is not applied in the naturalization process in Indonesia, which is based on reasons of state interest. The majority of naturalized football players are mostly in unproductive age, even one of the last naturalized players, Fabiano Beltrame, has reached the age of 36 (thirty-six years). In the end, most of these players were naturalized not because of the interests of the state, but the interests of clubs that needed quality players without compromising the quota of foreign players which had been limited by the League manager (Johan, 2018). This is certainly a paradox, considering that several players who were granted Indonesian citizenship through the naturalization process did not contribute anything to the progress of football in Indonesia, especially the Indonesian national team.

The citizenship status of a country like Indonesia is a special attraction for football players who come from abroad. This is due to the existence of Indonesian citizenship status, various facilities will be had, for example in terms of work, place of residence, income, and so on. No wonder many players who are over 40 years old are still playing football in Indonesia, especially in League 2 and League 3.

In the end, the special naturalization which was expected to be able to boost the achievement of the national team did not materialize and various facilities to achieve the naturalization process for foreign players who had careers in Indonesia were unable to achieve the goals and concept of the state becoming a welfare state system (Purnomo & Supriyadi, 2020).



Things that have often been criticized and disputed are related to recommendations from the DPR which can be very subjective and have a strong political flavor. Opportunities and legal loopholes for Indonesian citizens to be granted by the president after receiving consideration from the DPR are regulated in Article 20 of Law Number 12 of 2006 concerning Citizenship. This causes many naturalizations who are old enough to finally get Indonesian citizenship, although in the end it does not bring achievements for football in Indonesia. There are even naturalized players whose whereabouts are no longer known after receiving naturalization, even though the state is a legal alliance to be occupied forever, not temporarily (Zamroni, 2021)

One of the most important essences of the recommendations given by the DPR in the naturalization process is that a foreigner is considered to have done a service and will be able to serve the country. Therefore, this consideration process should be carried out carefully so that the status of Indonesian citizen is not given easily so that it seems easy and cheap. This is important considering that up to this moment, more than 20 football players have been naturalized (Harahap & Nasution, 2020). However, of the dozens of players, most only contributed to the country in short-term competitions for a few months. After that, the news and development of the football careers of these players is no longer known. The granting of Indonesian citizenship status through this special route must of course be consistent with the philosophy that naturalized foreigners will have an impact on the dignity and progress of the Indonesian nation.

Regarding naturalization, FIFA as the parent of world football has actually tightened the rules regarding naturalization. Apart from emphasizing the general principles of citizenship, such as *ius sanguinis* and *ius soli*, which relate to a player's attachment to the country he is defending, there are also those concerning blood relations, where he was born, as well as an absolute prohibition for players who have defended a country at any level to play again with different country flags. That is, related to this naturalization process, it must be tightened further in the future, these restrictions are important so that the concept of government based on the constitution is maintained. The naturalization process in Indonesia should prioritize the interests of the state above the interests of the club, lest naturalized players in the Indonesian national team be filled by old age players who do not have a long period of service for the achievements and progress of Indonesian football. So that the constitutional mandate regarding special naturalization where players must have services for Indonesia is ignored for the sake of the interests of the club concerned. The state must be the concrete goal of an athlete to devote himself to Indonesia (Zamroni, 2021).

## **CONCLUSION**

This study can conclude that the current naturalization policy is contrary to the constitutional mandate, especially in Article 20 of Law No. 12 of 2006 concerning citizenship, by facilitating the naturalization process so that naturalized players are filled by players who are of old age and cannot contribute to the Indonesian national team for long-term.

Suggestions, the naturalization process in Indonesia should prioritize the interests of the state above the interests of the club, the DPR as the institution that provides recommendations for the naturalization process must carefully look at how a foreigner who will be granted Indonesian citizenship must have contributed to the state.

## REFERENCES

- Arundhati, G. B. (2018). Implementasi Pemeriksaan Substantif Pewarganegaraan: Tinjauan Sistem Pewarganegaraan Indonesia, Belanda dan Amerika Serikat. *Jurnal Legislasi Indonesia*, 14(3), 359–367.
- Harahap, Y., & Nasution, N. H. A. (2020). Persepsi Masyarakat terhadap Kebijakan Pemerintah Kota Padangsidimpuan Dalam Percepatan Penanganan Pandemi Covid-19. *Jurnal LPPM*, 10(4), 32–41.
- Husen, L. O. (2019). Negara Hukum, Demokrasi dan Pemisahan Kekuasaan. Makassar: CV. Social Politic Genius (SIGn).
- Isharyanto, S. H. (2021). *Hukum Kewarganegaraan Republik Indonesia: Dinamika Pengaturan Status Hukum Kewarnegaraan Dalam Perspektif Perundang-Undangan*. Absolute Media.
- Johan, T. S. B. (2018). *Perkembangan Ilmu Negara dalam Peradaban Globalisasi Dunia*. Deepublish.
- Kristiawan, I. (2014). Kajian Yuridis Undang-undang Nomor 12 Tahun 2006 Tentang Kewarganegaraan Indonesia. *Likhitaprajna*, 16(2), 83–97.
- Mahardika, A. G. (2021). Politik Hukum Undang-Undang Kewarganegaraan Sebagai Optimalisasi Peran Negara Terhadap Sepakbola di Indonesia. *Jurnal Hukum Respublica*, 21(1), 1–17.
- Noveriyanto, B., Nisa, L. C., Bahtiar, A. S., Sahri, S., & Irwansyah, I. (2018). E-GOVERNMENT SEBAGAI LAYANAN KOMUNIKASI PEMERINTAH KOTA SURABAYA (Studi Kematangan e-government Sebagai Layanan Komunikasi Government to Government, Government to Citizen, Government to Business). *Profetik: Jurnal Komunikasi*, 11(1), 37. <https://doi.org/10.14421/pjk.v11i1.1371>
- Purnomo, B., & Supriyadi, S. (2020). STUDI TENTANG KEBUGARAN JASMANI ATLET SEKOLAH SEPAK BOLA (SSB) USIA 10-12 TAHUN DI KOTA MALANG. *Indonesian Journal of Sport and Physical Education*, 2(3), 106–112.
- Qamar, N., Amas, K. S. Y. D., Palabbi, R. D., Suherman, A., & Rezah, F. S. (2018). *Negara Hukum atau Negara Kekuasaan (Rechtsstaat or Machtstaat)*. CV. Social Politic Genius (SIGn).
- Rokilah, R. (2017). Implikasi Kewarganegaraan Ganda bagi Warga Negara Indonesia. *Ajudikasi: Jurnal Ilmu Hukum*, 1(2).
- Saraswati, N. P. A. S. (2017). Pengaruh Keadilan Prosedural, Budaya Organisasi dan Kepuasan Kerja Terhadap Organizational Citizenship Behavior. *Jurnal Bakti Saraswati (JBS): Media Publikasi Penelitian Dan Penerapan Ipteks*, 6(2), 150–161.
- Sihombing, E. N. A. M. (2019). Menata Relasi Dewan Perwakilan Daerah Dan Kementerian Dalam Negeri Dalam Pengawasan Peraturan Daerah. *Jurnal Reformasi Hukum*, 23(2).
- Syahrin, M. A. (2019). Naturalisasi dalam Hukum Kewarganegaraan: Memahami Konsep, Sejarah, dan Isu Hukumnya. *Jurnal Thengkyang*, 1(1), 36–53.
- Zamroni, M. (2021). *Hukum Administrasi Negara*. Delta Pijar Khatulistiwa.