

Original Research Paper

The Importance of Citizenship Status in Accordance with Law No. 12 of 2006 of the Republic of Indonesia

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Abstract: This research aims at finding the concept of citizenship law in accordance with Law No. 12 of 2006 on Citizenship. The literature reviews are used to formulate the concept of citizenship law to later be included in the curricula and instructions of civics education in universities. The observations on civics instructions in class have been done to strengthen the data findings from the literature reviews. The implications of the concept of citizenship law on university students are springing up the awareness of citizenship law, understanding their rights and obligations as Indonesian nation and citizens.

Keywords: The Concept of Citizenship Law, Rights and Obligations, Civics Education

Introduction

Citizenship is a fundamental matter that determines how one lives in as a citizen in a country and each country has its own law and order. Citizenship is an important matter that encompasses a citizenship status on which people rely to have legal identity. By implication, people who do not have a certain citizenship status will be prone to uncertainty on what can be his or her rights and obligations.

The rights and obligations of a citizen are, in reality, not fully understood by the citizens. Therefore, it can actually be delivered and socialized through civics education (PKn) courses. In universities, civics education is a compulsory course in every department. The materials covered in civics education in universities have been approved by the Decree of the Director General of Higher Education No. 43/Dikti/2006 on The Guidelines for Character Development Courses in Universities. Those are: (a) The philosophy of Pancasila; (b) National Identity; (c) State and Constitution; (d) Indonesian Democracy; (e) Human Rights and Rule of Law; (f) Citizens' Rights and Obligations; (g) Indonesian Geopolitics; (i) Indonesian Geostrategy.

The concept of citizenship law in accordance with the Law No. 12 of 2006 on Indonesian Citizenship encompasses citizenship status and citizenship principles. The principles that are adhered to in the citizenship law are as follow:

1. *Ius sanguinis* (law of the blood) is the principle that determines one's citizenship based on their descent, not based on the country one was born in
2. *Ius soli* (law of the soil) to certain extent determines one's citizenship based on the place one was born in, all regulated in the Citizenship Law
3. Sole citizenship principle determines that each person has only one citizenship
4. Dual citizenship principle allows children to have dual citizenship in accordance with the Citizenship Law

The Law No. 12 of 2006 also elaborates some specific principles:

1. The principle of national interest, which dictates that the citizenship regulation puts first the interest of the nation that is determined to uphold its unity as a country that has its own objectives
2. The principle of maximum protection, which dictates that the government is obliged to give maximum protection to every Indonesian citizen in any circumstances in and outside their country
3. The principle of equality in the eyes of the law, which dictates that every Indonesian citizen gets the same treatment in the eyes of the law
4. The principle of substantial truth, which dictates that the procedures for citizenship is not only a matter of administration but also a matter of substance. The

person should also be responsible for what he/she say in the requirement paper

5. The principle of non-discrimination, which does not treat people differently based on their ethnicities, races, religions, groups and genders
6. The principle of recognition and respect to human rights, which guarantees, protects and honors the rights of human beings in general, especially the rights of a citizen
7. The principle of transparency, which dictates that every single matter that relates to a citizen must be handled in a transparent manner
8. The principle of publicity, which dictates that when one loses his/her Indonesian citizenship, it has to be made public

These two concepts are delivered in the Rights and Obligations of Citizens course. According Abdul Aziz Wahab and Sapriya, "there are two things that have to be taken into account when preparing civics education instructions, those are the related material and the methodology." (Wahab and Spariya, 2011: 346). These citizenship concepts can therefore be the relevant materials to be delivered.

The word 'rights' is defined as something that is true, entitled, owned, authorized for a person to do something (sanctioned by the law). It is a type of power to demand something. It shows self-worth and dignity. According to Hans Kelsen, rights are protected by law. Citizens exercise their rights to something that satisfies their needs (Mertokusumo, 2010, p. 60). The examples of rights given to Indonesian Citizens are as follows:

1. Every Indonesian citizen is protected by law
2. Every Indonesian citizen is entitled to employment and proper living
3. Every Indonesian citizen is equal in the eyes of the law and in governance
4. Every Indonesian citizen is free to choose, believe in and practice a religion
5. Every Indonesian citizen is entitled to education and learning
6. Every Indonesian citizen is entitled to defending the unity of Indonesia
7. Every Indonesian citizen is entitled to freedom to be and form unions and organizations, to freedom of expression both spoken and written in accordance with the regulation

Obligations are any compulsory matter that each individual has to do as a citizen to earn their rights. The examples are as follows:

1. Every citizen is obliged to take part in defending and securing the unity of Indonesia

2. Every citizen is obliged to pay taxes and retribution that is determined by the central and regional government
3. Every citizen is obliged to enforce and uphold the national principles, law and order with no exception
4. Every citizen is obliged to enforce, heed and obey the law in every area in Indonesia
5. Every citizen is obliged to take part in developing the nation towards progress

Rights and obligations goes with certain conditions (Mertokusumo, 2010, p 61). For example, a citizen has a right to own a piece of land under the condition that he or she pay taxes for the ownership.

According to the Constitution of 1945 Amendment in Article 26 clause (1) and the Law No. 12 of 2006 of Indonesian Citizenship article 2, what can be categorized as a citizen is an Indonesian nation and people from other nationalities who have been approved by law to be a citizen. Moreover, citizenship is defined as every matter that is related to citizens (Citizenship Law, Article 1, clause (2)).

John J Cogan explains that the characteristics of citizenship differ based of the political systems in every country. In general, the characteristics of citizenship are: (1) Having the sense of identity; (2) having rights; (3) fulfilling obligations; (4) having interests and involvement in public matters; and (5) accepting basic norms in society (Sri and Syaifullah, 2009, p. 110).

The concept of citizenship law is projected in the form recognition for somebody's citizenship status in accordance with the law. It refers to the legal relation between individuals and their country, as well as referring to jurisdictional recognition and protection of rights and obligations of the individuals and the country (Ekatjahjana, 2010).

Method

The research methods used are literature reviews. These methods are used to formulate the concept of citizenship law on the importance of legal status for citizens in accordance with the Citizenship Law. This concept is hoped to be included in civics courses in universities. The procedures that will be carried out are as follows (Zed, 2008): (1) Formulating general ideas of the topic of the research; (2) Finding the information to support the topic; (3) Sharpen the research focus; (4) Collecting and classifying references and sources of information; (5) Reading and taking notes; (6) Reviewing and broadening references; and 7) Classifying the references and writing down the paper.

In this research, the targeted data are relevant pieces of information that support the focus of the study. The sources are books, journals or scientific articles, et

cetera. The data collection technique is documentation and observation. The observations in civics courses are done to support the documentation. The research instruments used are check-lists of the classification of the research materials based on the focus of the study, the writing framework and the format of research notes.

The data analysis technique used is content analysis. To maintain the credibility of the research process and to avoid misinformation, some follow-ups are done, such as cross-checking, verifying and following-up the feedback from the reviewer. This research report is compiled in a straight-forward manner.

Findings and Discussion

The result of the literature study and documentation on the concept of citizenship law shows that the legal status of citizenship is not included in the materials covered in civics courses in universities based on the Decree of Director General of Higher Education No 43/Dikti/2006 on the Guidelines for the Character Development Course in Universities, in the materials covered in civics education. It is also shown in the materials covered in civics education implemented in the semester lesson plan made by the civics education lectures that the concept of citizenship law in civics education in to the extent of the principles of citizenship. The observation on the subject of Citizens' Rights and Obligations in civics education in universities shows that it includes the principles of citizenship in Indonesia.

Based on the description, education in legal status of citizenship in universities needs to be included in the curriculum and instructions of civics education, considering the fact that the roles of civics education is to give some education related to law and regulation, where students are expected to be aware of their rights and obligations as citizens, as mentioned in the Citizenship Law.

Citizenship is not only defined by how one can gain recognition as a citizen, but also by how one is entitled to their rights and what one's responsibilities are to the country and vice versa.

The nature of civics education as a compulsory general course is determined in:

1. The Law No. 12 of 2012 on Higher Education dictates that it is necessary to have education that develops science and technology and creates intellectuals, scientists and/or professionals who are cultured and creative, tolerant, democratic, tough and brace to defend the truth for national interests. In Article 35 clause (2), the curriculum of higher education is the guideline for administering the instructions to achieve the aims of higher education that needs to include courses, such as: A. religion; b. Pancasila; c. Civics; and d. Indonesian

language in the curricular, co-curricular and extra-curricular learning

2. The Law No. 3 of 2002 on National Defence dictates that national defence stems from the philosophy of Indonesian nation to guarantee the unity and integration of Republic of Indonesia that has Pancasila and Constitution of 1945 as the foundation. In Article 9, national defence is an effort from every citizen to defend Republic of Indonesia from the threats from in and outside the country in any type of serves in accordance with each citizen's profession. To ensure the success of national defence, the lecturers and students need to give physical and non-physical support. It can be shown by producing graduates that are qualified and ready to face the challenges of globalization, tolerant, sensitive to environment, knowledgeable in national matters and responsible for the unity of Republic of Indonesia
3. Presidential Decree No. 12 of 2016 on National Movement of Mental Revolution that dictates that the compulsory general courses should be strengthened as one of the factors that shape the nation's culture, to produce national generation that are resilient, loving their country, able to defend their nation and improve the national identity

Based on the aforementioned description, civics education is a compulsory course that has to be studied by every student in every department.

By including the concept of citizenship law in the Citizens' Rights and Obligations subject, civics education can be more meaningful and relevant for students as citizens. It implies legal protection for rights and obligations in certain matters, such as the relation between children and their parents, inheritance, guardianship and custody.

Ius soli and *ius sanguinis* are the principles adhered to in almost every country in the world.

The legal status of one's citizenship is closely related with the recognition and protection given by one's country to its citizens.

The purpose of including the legal status of citizenship in civics education is for the students to be able to understand their rights and obligations and to know their position and responsibilities as a citizen. Smart and good citizenship refers to the hope that after understanding the concept of citizenship law, students will think and act cleverly when faced with the implications of their citizenship.

Conclusion

The concept of citizenship law, especially the legal status of one's citizenship implies legal protection for rights and obligations in certain matters, such as the

relation between children and their parents, inheritance, guardianship and custody.

The concept of citizenship law in accordance with the Citizenship Law must be included in civics education in universities. Civics education is a way to socialize the legal concepts because of its nature being one of the compulsory courses in universities. The implications of understanding the legal concept is that students can be aware of their rights and obligations as citizens and the legal underlying concept of it, as well as the legal consequences from having a citizen status from a country.

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Author's Contributions

Delila Kania: Created the concept of citizenship law in accordance with Law No. 12 of 2006 on Citizenship, data analysis and write the main part.

Suwarma Al Muchtar: Give idea for explored Law No.12 of 2006 on Citizenship with civics education in universities.

Prayoga Bestari: Write the introduction.

Endang Sumantri: Support the topic article.

Ethics

This article is original and contains unpublished material. The corresponding author confirms that all of the other authors have read and approved the manuscript and no ethical issues involved.

References

- Ekadjahjana, W., 2010. Masalah Kewarganegaraan dan Tak Berkewarganegaraan.
- Law No. 12 of 2006 on the Citizenship of the Republic of Indonesia.
- Mertokusumo, S., 2010. Mengenal hukum suatu pengantar (revised). Cahaya Atma Pustaka, Yogyakarta.
- Sri, W. and Syaifullah, 2009. Ilmu Kewarganegaraan (Civics). Civics Laboratory, Indonesia University of Education, Bandung.
- The Decree of Director General of Higher Education No 43/Dikti/2006 on the Guidelines for the Character Development Course in Universities.
- Wahab, A.A. and Sapriya, 2011. Teori dan landasan pendidikan kewarganegaraan. Alfabeta, Bandung.
- Zed, M., 2008. Studi Kepustakaan. Yayasan Obor Indonesia, Jakarta.