

CITIZENSHIP FROM THE PRINCIPLE OF HUMAN RIGHTS (CASE STUDY OF SETIA WATTI S. LALANG IN BATAM CITY)

¹Ilham Bela Perkasa, ²Siti Nurkhotijah, ³Ramlan

¹⁻³ Faculty of Laws, Universitas Batam, Batam, Indonesia

E-mail: 74123011@univbatam.ac.id

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Abstract

Citizenship is a fundamental legal status that forms the basis for recognizing every individual's civil, political, social, and economic rights. However, in practice, legal and social issues still cause individuals to lose their citizenship status (involuntary statelessness) unintentionally. This study highlights the case of Setia Watti S. Lalang in Batam City as a concrete example of the failure of legal and administrative systems to ensure the protection of the right to citizenship per the principles of human rights. Setia Watti, a woman born in Indonesia who in practice lives as an Indonesian citizen, faces uncertainty regarding her legal status due to documentation issues and overlapping policies between various agencies. This study aims to analyze the legal regulation of citizenship in Indonesia from a juridical perspective, examine the law's implementation in such cases, and identify challenges and obstacles in resolving cases of loss of citizenship. The methods used are normative juridical and empirical juridical legal research methods with a statute approach and a socio-legal approach, as well as collecting primary data through interviews and field observations. The research results show a gap between positive legal norms, the administrative practices implemented by the relevant agencies, and a lack of coordination among institutions in handling cases of loss of citizenship. In addition, the legal approach that is not yet based on human rights further marginalizes vulnerable groups such as women and children from mixed marriages. This study recommends the need for affirmative policies, improvements to derivative regulations of the Citizenship Law, cross-sectoral synergy and active participation of civil society in advocating for the fulfillment of the right to citizenship.

Keywords: *Citizenship, Loss of Legal Status, Human Rights, Setia Watti S. Lalang*

INTRODUCTION

Citizenship is a crucial element of national existence, functioning as the principal connection between individuals and the state. Citizenship status delineates an individual's rights and responsibilities while ensuring legal protection and access to diverse public services. Marshall (1992) posits that citizenship is the legitimate foundation for individuals to assert their rights, encompassing civil, political, economic, social, and cultural rights. This illustrates that citizenship transcends administrative functions and pertains to an individual's legal and social identity inside a nation. The Indonesian legal framework governing citizenship is established by Law Number 12 of 2006 regarding Citizenship of the Republic of Indonesia, which seeks to guarantee that each citizen possesses a definitive legal status. Article 26 of the 1945 Constitution asserts that citizens comprise native Indonesians and individuals of other nationalities recognized by law. Consequently, citizenship serves not merely as an official acknowledgment by the state but also as a mechanism for safeguarding human rights. Nonetheless, numerous instances of citizenship loss continue to arise, resulting in legal and societal complications in Indonesia (Syahria & Meri, 2022). The phenomenon of citizenship loss can transpire voluntarily or involuntarily (statelessness). Voluntary renunciation of citizenship typically transpires when an individual relinquishes their citizenship to obtain citizenship in another nation, such as through international marriage or naturalization. Involuntary loss of citizenship transpires owing to unilateral revocation by the state, conflicting legislation, or inadequate population management (Plender, 1987). This situation constitutes a significant concern since it contravenes Article 15 of the 1948 Universal Declaration of Human Rights (UDHR), which asserts that every individual possesses the right to a nationality and that no one shall be unjustly deprived of their nationality (United Nations, 1948).

The phenomenon of statelessness has emerged as a significant issue on the international stage. The 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness underscore the need to safeguard the right to nationality. The UNHCR (2020) indicates that over 4.2 million individuals lack citizenship, restricting access to education, healthcare, work, and political involvement. Countries that enact citizenship revocation for national security purposes, including the United Kingdom, France, and Australia, frequently face criticism for contravening human rights norms (Gibney, 2019). Indonesia confronts a significant issue concerning statelessness, especially in border regions and locations characterized by considerable migration, such as the Riau Islands. Statelessness frequently affects migrant workers, children from mixed marriages, and individuals with dual citizenship who do not meet the administrative requirements outlined in Article 23 of Law No. 12 of 2006 (Emmy, 2015; Kevin, 2018). Deficiencies in the population administration system, intricate bureaucracy, and insufficient inter-agency collaboration worsen this issue.

A specific instance demonstrating the deficiencies of citizenship law in Indonesia is the case of Setia Watti S. Lalang in Batam City. Despite effectively residing as an Indonesian citizen, his legal status remained unrecognized due to conflicting documentation and administrative rules (Ilham, 2025). This scenario exemplifies the disparity between affirmative legal standards and their practical execution. Setia Watti encountered stigma, discrimination, and restricted access to fundamental rights, including education, healthcare, and a job, from a societal standpoint. This example illustrates the effects of citizenship loss on the individual, their family, and the broader community. The consequences of citizenship loss are multifaceted. Stateless individuals, by law, forfeit legal protection, without official documentation such as passports or identification cards, and encounter challenges in accessing the judicial system (UNHCR, 2020). Statelessness results in social marginalization, discrimination, and the erosion of socio-cultural identity (Winda, 2022). From an economic standpoint, individuals who forfeit their citizenship face restrictions in securing formal work, accessing financial services, and owning assets, relegating them to a cycle of poverty (Siwy et al., 2021). Consequently, investigating citizenship loss from a human rights standpoint is critically vital. This study enhances the literature on citizenship law and urges the state to adopt more inclusive, transparent, and human rights-oriented policy reforms. The case of Setia Watti S. Lalang in Batam is a significant entry point for analyzing the disparity between legal principles and administrative actions in Indonesia. This research aims to furnish definitive suggestions for policymakers, law enforcement authorities, and civil society in promoting the right to citizenship as an essential human right.

RESEARCH METHOD

This research uses both normative and empirical juridical approaches. The normative juridical approach is conducted by analyzing laws and regulations governing citizenship, specifically Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia, as well as various international instruments related to the right to citizenship, such as the 1948 Universal Declaration of Human Rights and the 1961 Convention on the Reduction of Statelessness. This normative analysis examines the compatibility between positive legal norms and human rights principles (Hadjon, 1987). The empirical juridical approach examines the social reality and practical implementation of citizenship law in the field, emphasizing the interaction between legal norms and society. This approach is important considering that cases of citizenship loss not only impact legal aspects but also give rise to social, economic, and political issues (Friedman, 1975).

The methods used include:

1. Statute Approach, which examines the applicable citizenship laws in Indonesia, including their implementing regulations.
2. Socio-Legal Approach connects legal norms with the social conditions faced by individuals who have lost citizenship. This approach was chosen because statelessness often arises from weak bureaucracy, overlapping regulations, and minimal coordination between government agencies.

The types of data used include:

1. Primary data, obtained through in-depth interviews with relevant parties, including local government officials, immigration officers, and the research subject, Setia Watti S. Lalang, as the main case study. Field observations were also conducted to obtain a concrete picture of the social and administrative barriers faced.
2. Secondary data from a literature review of laws and regulations, legal literature, academic journals, previous research reports, and international documents related to citizenship and human rights.

Data collection techniques included structured and semi-structured interviews, field observations, and documentation studies. Meanwhile, data analysis was conducted qualitatively and descriptively by describing, interpreting, and analyzing legal and social data to produce a complete picture of the problem of loss of citizenship. This method was chosen because it aligns with the research objectives, namely: (1) analyzing the legal regulations on citizenship in Indonesia from a human rights perspective, (2) examining the implementation of the law in cases of loss of citizenship, and (3) identifying obstacles and barriers in resolving cases such as that experienced by Setia Watti S. Lalang in Batam City.

RESEARCH RESULT

This study intends to examine the legal frameworks governing citizenship in Indonesia, their application in the case of Setia Watti S. Lalang in Batam City, and the challenges faced in addressing the matter. The research findings are categorized into three primary areas of focus:

1. Legal Regulations on Citizenship in Indonesia from a Human Rights Perspective

Article 26, paragraph (1) of the 1945 Constitution stipulates that Indonesian citizens comprise native Indonesians and individuals of other nationalities recognized by law. Additional regulations are specified in Law No. 12 of 2006, which delineates the principles of *jus sanguinis* (descent) and *jus soli* (place of birth). These regulations seek to safeguard individuals from capricious deprivation of citizenship. Nevertheless, the research findings reveal that, in practice, there remain deficiencies in derived legal rules. Government Regulation No. 2 of 2007, which serves as the implementing regulation for the Citizenship Law, lacks a comprehensive procedure for reinstating citizenship for persons who have forfeited it. Consequently, several interpretations emerge at the implementation stage, resulting in legal ambiguity (Syahitia & Meri, 2022). Moreover, a standardized and explicit protocol for addressing cases of citizenship loss is lacking, especially with persons from mixed marriages, cross-border adoptions, or those born in Indonesia to parents of ambiguous citizenship status. This indicates that safeguarding human rights under the framework of citizenship is inadequate.

2. Implementation of Law and Social Reality in the Case of Setia Watti S. Lalang

This research primarily examines the case of Setia Watti S. Lalang in Batam City. He was born and raised in Indonesia and is socially acknowledged as a member of the Indonesian community. Nonetheless, he is regarded as a non-Indonesian citizen due to administrative complications. He is classified as a foreign national due to his previous possession of a passport from another country. In the population and Immigration administration, there exists overlapping data and divergent perceptions among authorities. The Population and Civil Registration Office cannot produce population documents due to Setia Watti's ambiguous citizenship status, while Immigration cannot verify the legitimacy of his immigration status. Consequently, Setia Watti exists in a "suspended" legal state and lacks identity certainty (Ilham, 2025). The research revealed that Setia Watti faces discrimination and stigma from a social standpoint. He is unable to obtain formal education, healthcare, or satisfactory employment. This status leaves him effectively stateless, despite not being officially recognized as stateless under the law. These findings reveal a disparity between normative legal acknowledgment and social and administrative realities. This indicates that the execution of citizenship policy remains unanchored in human rights protection, which positions individuals as safeguarded legal entities.

3. Obstacles and Barriers in Resolving Cases of Loss of Citizenship

This research identified several major obstacles in resolving cases of loss of citizenship, particularly in the case of Setia Watti:

1. Regulatory Obstacles

Adequate implementing regulations have not accompanied Law No. 12 of 2006. Government Regulation No. 2 of 2007 does not detail the procedures for citizenship restoration, making it difficult for implementing officials to make decisions.

2. Administrative Obstacles

There is overlapping authority between central and regional agencies, as well as between population and immigration agencies. This lack of coordination causes the citizenship status verification process to be protracted.

3. Social Obstacles

The public, including individuals who have lost their citizenship, lacks an adequate understanding of the legal procedures for maintaining or restoring their citizenship status. As a result, many individuals do not pursue legal action due to ignorance or fear of the bureaucratic process.

4. Lack of a Human Rights-Based Approach

The handling of cases of loss of citizenship still tends to be purely administrative, without considering humanitarian aspects and human rights protection. The state does not yet have a remedial mechanism responsive to special circumstances such as those experienced by Setia Watti.

DISCUSSION

Citizenship as a Fundamental Right from the Perspective of National and International Law

Research results show that although Indonesia has a clear legal basis for citizenship through Article 26 of the 1945 Constitution and Law No. 12 of 2006, there remains a gap between legal norms and their implementation. Citizenship as a fundamental right is affirmed in Article 15 of the Universal Declaration of Human Rights (UDHR), which states that everyone has the right to a nationality and may not be arbitrarily deprived of it (United Nations, 1948).

However, in practice, citizenship loss in Indonesia continues to occur, one of which was experienced by Setia Watti S. Lalang. This demonstrates that national law is not fully aligned with international legal instruments. Weaknesses in the regulations underpinning the Citizenship Law give rise to multiple interpretations, leaving individuals vulnerable to losing their legal status without adequate protection (Syahitia & Meri, 2022).

The Gap Between Legal Norms and Implementation on the Ground

Normally, Indonesia has adopted the principles of *jus soli terbatas* (limited justice) and *jus sanguinis* (limited justice) to prevent statelessness. However, research shows that implementation on the ground does not always align with the spirit of human rights protection. The Setia Watti case demonstrates weak inter-agency coordination, bureaucratic red tape, and overlapping authority. This aligns with Lawrence M. Friedman's theory, which emphasizes that the legal system consists of structure, substance, and legal culture. Legal implementation will be ineffective if these elements are weak (Friedman, 1975). In this context, Indonesia's legal structure still faces issues with inter-agency coordination, and the substance of citizenship law does not provide certainty. In contrast, the public's legal culture still lacks understanding of the importance of citizenship registration. This gap emphasizes that citizenship law reform is not merely a matter of regulation, but also of improving the administrative system and increasing public legal awareness.

Social Dimensions of Loss of Citizenship

The loss of citizenship impacts legal status and creates significant social issues. Setia Watti experiences social stigma and is considered a "foreigner" in her homeland. This demonstrates how legal status impacts an individual's social integration. These findings align with Winda's (2022) study, which shows that stateless children experience social discrimination and difficulty accessing their basic rights. From the perspective of John Rawls's theory of justice, Setia Watti's situation clearly reflects injustice, as her fundamental right to recognition as a citizen has been denied. Rawls emphasized that justice requires the protection of basic rights before the principle of economic or social inequality is enforced (Rawls, 1971). In this case, the state should guarantee citizenship rights first as a prerequisite for social justice.

Economic Impact and Vulnerability of Stateless Individuals

The research indicates that the loss of citizenship directly affects economic conditions. Setia Watti faces significant barriers in accessing formal employment, banking services, and asset ownership. This situation aligns with the findings of the UNHCR (2020) report, which indicates that stateless individuals face a heightened risk of being ensnared in structural poverty due to their limited access to economic resources. This phenomenon is pertinent to the research conducted by Siwy *et al.* (2021) regarding mixed marriages and Rohingya refugees, indicating that stateless individuals frequently experience a loss of economic rights and encounter dual forms of discrimination, encompassing both legal and social dimensions. This situation represents a clear breach of human rights principles and exacerbates societal socio-economic disparities.

Administrative Barriers and Lack of Effective Legal Protection

One of the study's main conclusions is the existence of significant administrative barriers, such as bureaucratic red tape, overlapping authority, and a lack of agency cooperation. Hadjon's (1987) theory of legal protection, which emphasizes that the law should safeguard human rights against capricious governmental action, is consistent with this circumstance. However, because of flaws in the administrative structure, Setia Watti has been subject to legal ambiguity. This further illustrates how poorly both repressive and preventive legal protections are applied. Without a defined appeals process or other redress, the vulnerability of those who lose citizenship increases. These results show that the state has not done enough to uphold the rights of its residents.

The Urgency of Citizenship Policy Reform

From the above description, it is clear that the loss of citizenship is not merely an administrative issue but a structural one that impacts human rights protection. The Setia Watti case demonstrates the need to reform citizenship regulations in Indonesia to be more inclusive, transparent, and responsive to vulnerable groups. This reform should include:

1. Improving derivative regulations under the Citizenship Law to avoid multiple interpretations.
2. Simplifying bureaucracy and improving inter-agency coordination.
3. Increasing public legal awareness regarding the importance of citizenship registration.
4. Adopting a human rights-based approach to citizenship policy, in line with international legal instruments.

The state can fulfill its constitutional obligations and prevent similar cases with these steps.

CONCLUSION

Based on the description obtained, the following conclusions can be drawn:

1. As stipulated in Law Number 12 of 2006, the legal regulations regarding citizenship in Indonesia have normatively accommodated basic human rights principles such as *jus soli*, *jus sanguinis*, and limited recognition of dual citizenship. However, in its implementation, there is still a discrepancy between written norms and the reality of legal practice. The absence of a mechanism for restoring status for individuals who involuntarily lose their citizenship indicates the failure to fulfill the principles of substantive justice and non-discrimination, which should be the foundation for protecting the constitutional rights of every citizen.
2. Implementing the citizenship law in the Setia Watti S. Lalang case reflects weak coordination between state institutions in implementing the citizenship policy. Overlapping data and minimal administrative response from relevant agencies leave individuals in prolonged legal uncertainty. The existing legal substance can also not provide solutions for children who have not reported or exceeded the reporting deadline and age limit. Culturally, many people are unaware of the proper procedures, and the state lacks proactive services regarding citizenship reporting. This resulted in the Setia Watti case, which prevented her from fully realizing the human rights protection of her Indonesian citizenship status.
3. Factors hindering the resolution of the loss of citizenship issue in the Setia Watti S. Lalang case include legal obstacles due to a lack of norms, administrative obstacles due to a slow and unintegrated bureaucracy, and limited access to justice. Therefore, suggested solutions include reformulating human rights-based affirmative action policies, establishing cross-agency administrative mechanisms, and providing just, expeditious, and humane legal protection for vulnerable groups.

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