



# The Politics of Naturalization Law for Sports Interests: An Orientation to Realize National Inclusivity

Dicky Eko Prasetyo<sup>1</sup>, Muh. Ali Masnun<sup>1</sup>, Hananto Widodo<sup>1</sup>

<sup>1</sup> Faculty of Law, Universitas Negeri Surabaya, Indonesia  
dicky.23004@mhs.unesa.ac.id

**Abstract.** Naturalization for sporting purposes is actually a new development in the world and also in Indonesia. In Indonesia, naturalization for sports purposes is aimed at instantly improving sports performance. Even so, in society there is a sentiment between local players and naturalization which is considered to be two contradictory things. This research aims to analyze the political aspects of naturalization law for sports purposes, especially football, in terms of efforts to realize national inclusivity so that there is no longer a dichotomy between "descendant players versus local players". The research results show that developments related to the concept of naturalization or citizenship cannot actually be separated from the historical, social and political developments that occurred at that time. The political orientation of law in the future needs to be facilitated by revising the Citizenship Law so that naturalization or citizenship carried out for sports purposes can be carried out quickly, effectively and efficiently. In the context of naturalization for sporting purposes, society must view naturalized players as part of in-group society. With this view, national inclusiveness can be realized by having an open attitude and comprehensive understanding of Indonesia's national attitude which prioritizes unity, tolerance, while not discriminating between fellow Indonesian citizens.

**Keywords:** National Inclusivity, Naturalization, Sports.

## 1 Introduction

The term naturalization has become a hot and "viral" term to talk about, especially in relation to the world of sports. In the field of sports, especially football, the term "naturalization" is a term that is often echoed by both the government, sports observers, and the public [1]. This is because in the sport of football in particular, the naturalization movement is actually carried out by the Indonesian Football Federation, namely the Indonesian Football Association (PSSI) which aims to improve the quality of the Indonesian national football team to be able to compete at the Asian level[2]. The naturalization project carried out by PSSI also received government support to make it easier for foreign players of Indonesian descent to become Indonesian Citizens (WNI)[3]. The results of the naturalization project in the sport of football then produced various names of players of Indonesian descent who had carried out the naturalization process and became Indonesian citizens whose names then became

widely known by the Indonesian people, such as: Elkan Bagott, Ivar Jenner, Rafael Struick, Nathan Tjoe-A-On, to various other names.

While the naturalization project launched by PSSI does have a positive impact on one hand in the form of increasing the achievements of the Indonesian national team, on the other hand, it creates social disharmony where there is an "impression" of sentiment between "hereditary players versus local players". This sentiment between "hereditary players versus local players" often goes "viral" on social media, especially the third term "local pride" which echoes which is used as a means of resistance or resistance from "local player" lovers over the dominance and hegemony of hereditary or naturalized players in the Indonesian national team [5]. Supposedly, the sentiment between "hereditary players versus local players" should not need to happen because both hereditary players and local players are both Indonesian citizens and also have the rights and obligations to play a role in the nation and state, especially to improve the achievements of the Indonesian national football team in Indonesia.

## **2 Research Method**

From the description above, this research seeks to analyze the political aspects of naturalization law for sports interests, especially football in terms of efforts to realize national inclusiveness so that there is no longer a dichotomy between "hereditary players versus local players". This research is a normative legal research by prioritizing conceptual, historical, and statutory approaches. In this study, the primary legal material comprises Law No. 12/2006 on Citizenship of the Republic of Indonesia (Citizenship Law). The secondary legal materials include books, journal articles, and research findings pertaining to naturalization and citizenship. The analysis of these legal materials is conducted using a qualitative-prescriptive approach, emphasizing legal solutions and remedial measures that can be implemented in response to the legal issues presented. In this study, the primary legal material comprises Law No. 12/2006 on Citizenship of the Republic of Indonesia (Citizenship Law). The secondary legal materials include books, journal articles, and research findings pertaining to naturalization and citizenship. The analysis of these legal materials is conducted using a qualitative-prescriptive approach, emphasizing legal solutions and remedial measures that can be implemented in response to the legal issues presented.

## **3 Result And Discussion**

### **3.1 The Development of the Concept of Naturalization in Indonesia**

The term naturalization is juridically identical to the term citizenship. This is as confirmed in Article 1 point 3 of Law No. 12/2006 on Citizenship of the Republic of Indonesia (Citizenship Law) which states that naturalization is every step and effort taken by foreigners to become Indonesian citizens. Based on the construction of Arti-

cle 1 point 3 of the Citizenship Law, it can be understood that if it is legal to become an Indonesian citizen, then there is no longer a dichotomy whether the person was originally born as a descendant of the Indonesian people or not because if someone has obtained the status of Indonesian citizen then legally has the same and equal position [6].

While the construction of the provisions of Article 1 paragraph 3 of the Citizenship Law is considered clear and firm regarding the discussion of naturalization, in its development, the concept of naturalization in Indonesia experienced a development that was not simple, especially influenced by the social and political aspects that occurred at that time. At the beginning of Indonesian independence, for example, the concept of naturalization was actually to accommodate people of European descent or Dutch *peranakan* as well as *peranakan* from foreign Eastern communities such as India, China, Arabia, and so on who were born, lived, and developed in Indonesia and recognized Indonesia as their homeland [7]. This is actually relevant to the construction of the 1945 Constitution before the amendment which provides a significant distinction between "native Indonesians" and foreigners.

Before the amendments, the term "indigenous Indonesian" was understood by the framers of the 1945 Constitution as a group of indigenous people, namely Indonesians from various tribes and backgrounds who were not Europeans and foreigners[8]. The understanding of the term "indigenous Indonesian" only for indigenous people at the beginning of independence can be understood as the impact of Dutch colonization in Indonesia (which was then called the Dutch East Indies) which through Article 131 of the *Indische Staatregelling* (IS), the Dutch colonizers divided Indonesian society into three groups, namely: Dutch and Europeans, foreigners, and natives[9]. This division of Indonesian society into three groups by the Dutch colonizers was an attempt at divide and conquer politics as well as a Dutch step to distance and separate the Dutch and Europeans from the indigenous people[10].

It is this historical orientation that slowly shaped the perceptions of the framers of the constitution and the founding leaders in understanding the term "indigenous Indonesian" during independence. Naturalization or citizenship in this aspect is not only understood juridically but is more understood socio-politically[11]. Even so, there are problems where in the era of the "new order" government there were efforts to "*pribumisasi*" the ethnic Chinese where they were required to abandon Chinese traditions and even had to change their Chinese names to indigenous names, especially to Javanese names[12]. This view occurred because of the socio-political phenomenon that developed at that time which in the perception of the new order, China (including the Chinese) was responsible for the G30S/PKI tragedy which then after the tragedy the Chinese community became cornered and often discriminated[13]. In this context, the term naturalization or citizenship is strongly influenced by political factors, especially in relation to the G30S/PKI events which made the Chinese community socially positioned as "second-class citizens"[14][15].

In further developments, especially post-reform, views related to naturalization or citizenship are broadly understood as stated in Article 1 point 3 of the Citizenship Law. Post-reform, naturalization or citizenship is understood juridically, namely changing the status of foreigners to Indonesian citizens in accordance with the proce-

dures and provisions in the laws and regulations[16]. The development of ideas and concepts of naturalization or citizenship as previously stated actually indicates that the conception of naturalization or citizenship cannot be separated from the historical, social, and political developments that occurred at that time.

### **3.2 The Legal Politics of Naturalization for the Interest of Sport**

Naturalization or citizenship in the context of sports is actually part of the development in the modern era which is a global phenomenon that has occurred in various countries [17]. One of the main motivations for naturalization or citizenship in the context of sports is to briefly improve a country's sports achievements[18]. This confirms that in the goal of sports interests, naturalization should be a shortcut or fast track strategy to improve a country's sports achievements. This is considered more effective than sports coaching which, in addition to requiring a large process and cost, also requires a long time to be able to improve sports achievements.

Naturalization for the benefit of sports actually has effective and efficient characteristics so that a country is expected to support the process of naturalization or naturalization for the benefit of sports by formulating laws and regulations that guarantee the process of naturalization or naturalization for the benefit of sports quickly, effectively and efficiently [19]. Even so, referring to the Citizenship Law in Indonesia, the process of naturalization or citizenship is actually carried out not easily through certain conditions and procedures. This can be understood because naturalization or citizenship is a form of a person's loyalty statement to change his status from foreigner to Indonesian citizen[20]. This change in status has certain legal implications so that naturalization or citizenship as regulated in the Citizenship Law places the naturalization or citizenship process as a "sacred" process and must be carried out carefully.

The Citizenship Law paradigm that places the naturalization process as a "sacred" process and must be carried out carefully is actually irrelevant to the naturalization process carried out for sports interests so that it must be carried out quickly, effectively and efficiently. This paradigm difference can occur due to different legal needs and different legal politics [21]. The term legal politics itself is understood as a legal need that requires a certain legal policy to be formulated in legal products, especially laws[22]. Mahfud MD emphasized that in legal politics, a legal product is actually not "born" in a vacuum[23]. A legal product is actually a socio-political product of the community so that the ratification of a legal product is intended to accommodate the needs and will of the community[24].

This is because the legal politics of the Citizenship Law still places the process of naturalization or citizenship as a "sacred" process and must be carried out carefully. This is different when in recent developments, especially in the field of sports, there are efforts to carry out the naturalization or naturalization process quickly so that the process of naturalization or naturalization can support the improvement of Indonesia's achievements in various sports [25]. From the difference in legal politics between the Citizenship Law, which places the process of naturalization or citizenship as a "sacred" process and must be carried out carefully with naturalization or citizenship in the field of sports which must be carried out quickly, it should be necessary to review

and even revise the Citizenship Law so that it can support the process of naturalization or citizenship for the benefit of sports.

Naturalization or citizenship for sports purposes has also not been explicitly formulated in the Citizenship Law. Article 20 of the Citizenship Law only facilitates naturalization or citizenship for people or parties who have contributed to the state. Naturalization or naturalization for sporting purposes is actually irrelevant if it is equated with "people or parties who have contributed to the state". This is because naturalization or citizenship for people or parties who are meritorious to the state can be given after the person has a real contribution and service to the state, while in the process of naturalization or citizenship for the benefit of sports, the naturalized person or party will only "be" trying to improve Indonesia's sports achievements. According to the description above, the future political orientation of law related to sports interests needs to be facilitated by revising the Citizenship Law.

### **3.3 Naturalization and Means of Strengthening National Inclusiveness**

Although it is an effort to improve sports achievements, on the other hand, the naturalization project has created pros and cons in the community. There are people who think that naturalization or citizenship projects in the field of sports can actually kill the potential and future of local talents in Indonesia. This can even be seen from community groups that carry "local pride" as jargon and a form of resistance to the naturalization or citizenship project in the field of sports [1]. The view that naturalization or citizenship can kill the potential and future of local talents in Indonesia also has relevance to W.G. Sumner's view that in a society there is sometimes an identification between in-group and out-group [26]. In-group is a group where there is a relationship of mutual cooperation, tolerance, and interaction between members[27]. The out-group is the way a group views other groups to limit each other and be careful when dealing with other groups.

This perception of in-group and out-group also actually occurs when people's perceptions still consider sports players resulting from naturalization or citizenship projects as foreigners. In fact, after taking an oath as an Indonesian citizen, naturalized or citizenship players cannot be considered foreigners and must be treated equally as sons and daughters of the nation who are willing to raise Indonesia's sporting achievements in the world arena. In an effort to overcome the phenomenon of in-group and out-group in viewing naturalization or citizenship projects in the field of sports, it is necessary to develop an attitude of national inclusiveness.

National inclusiveness is a perspective of the state and nation that considers all Indonesian citizens as brothers, colleagues, and even fellow sons and daughters of the nation who must be appreciated [28]. An understanding of national inclusiveness must be understood in line with an understanding of the values of Pancasila. As the basis of national values, Pancasila values actually place the value of Indonesian nationality based on the fact that Indonesia is a plural and multicultural country[29][30]. Indonesia cannot be understood as the dominance of certain ethnicities and cultures but Indonesia is all that comes together with the same spirit, namely upholding *Bhinneka Tungga Ika*[31]. In the context of naturalization for sports purposes, society

must view naturalized players as part of in-group society. With this perspective, national inclusiveness can be realized with an open attitude and a comprehensive understanding of the Indonesian national attitude that prioritizes unity, tolerance, while not discriminating against fellow Indonesian citizens.

## 4 Conclusion

The developments related to the concept of naturalization or citizenship cannot be separated from the historical, social and political developments that occurred at that time. This emphasizes that the concept of naturalization or citizenship can be viewed differently according to the times and social conditions in each era.

The orientation of legal politics in the future needs to be facilitated by revising the Citizenship Law so that naturalization or citizenship carried out for sports interests can be carried out quickly, effectively and efficiently.

A perspective based on national inclusiveness needs to be done so that there is no dichotomy between naturalization and non-naturalization. In the context of naturalization for sporting purposes, society must view naturalized players as part of in-group society. With this view, national inclusiveness can be realized with an open attitude and a comprehensive understanding of Indonesian national attitudes that prioritize unity, tolerance, while not discriminating against fellow citizens.

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