

MOVING STATUS OF CITIZENSHIP AS A FORM OF CRISIS OF INDONESIAN MUSLIM EMPLOYMENT IN MALAYSIA

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Abstract: As citizens and society, every Indonesian citizen has the same position, rights, and obligations, that everyone is guaranteed the right to obtain citizenship status, to avoid the possibility of statelessness. While at the same time, every country must not allow its citizens have two citizenship status at once. Many Indonesian Muslim workers have moved their citizenship status to become Malaysian citizens. From this background, this study aims to identify and understand the policies that can be implemented by the two countries. This research is normative legal research using secondary data sources in the form of primary, secondary, and tertiary legal materials. Legal materials are obtained through documents or literature studies. While the approach used is the approach of legislation, history, and. The legal materials that have been collected are analyzed qualitatively, comprehensively, and completely. From the analysis conducted, three conclusions were obtained. The First, the factors that cause displacement, the citizenship status experienced by Indonesian citizens who have lived, and lived for decades in Malaysia is a form of a national identity crisis. The Second, laws and regulations that apply in Indonesia and Malaysia can also trigger the acceleration of becoming Malaysian citizens, so it can be concluded that the regulations made by the two countries also have a role in the transfer of Indonesian citizens to become Malaysian citizens. Third Impact for the two countries on the prevalence of the phenomenon of changing the status of citizens of Muslim Workers in Malaysia. Both Indonesia and Malaysia experience either negative or positive impacts on the migration of Indonesian citizens to Malaysia as follows: there are several positive and negative impacts caused by the transfer of citizenship.

Keyword: *Citizenship, Moving status, Indonesian Moeslim Employment, Malaysia*

A. Background of Studying

The rise in the moving citizenship status of Indonesian Muslim Workers in Malaysia is a phenomenon that occurs due to the urgent necessities of life. According to the 1933 Montevideo¹ Convention, the conditions for the establishment of a country must meet

¹ The Montevideo Convention on the Rights and Duties of the State is a treaty signed in Montevideo, Uruguay, on December 26, 1933, at the International Conference of the American Nations. The convention includes

several elements. In this case, there are two important elements, namely constitutive elements and declarative elements. The constitutive element is the main element in the formation of a State. The constitutive element is the forming element of the state which originates from within the State itself. The elements included in the constitutive elements are the people, the territory, and the existence of a sovereign government. Therefore it is certain that a State will never be formed if one of the three elements constituting a constitutive element is not fulfilled. All three have the same strong position as the main conditions for forming a country. Therefore the fulfillment of these three elements is a necessity.

Along with efforts to fulfill the three constitutive elements. Other efforts are equally important, for example, efforts to maintain the existence of the three constitutive elements must be continuously carried out, so that the constitutive conditions continue to exist and are met. It can be imagined if a State that has been officially established and sovereign, even has received widespread recognition from other countries. In one condition one of the constitutive elements of the State was seized or harassed by another party. Then the effect is the existence of the country concerned will disappear by itself.

As an illustration, if the territory of a country is invaded from another country, or it can be extremely described under certain conditions if citizens migrate massively to another country, then in this condition the existence of the country concerned will disappear by itself. In history, many civilizations are known to be lost because along with the three constitutive elements they have disappeared.

The extreme phenomenon above is rare. However, this is not impossible in the context of change. In order to maintain the three constitutive elements that must be possessed, each State must make systematic efforts in maintaining that the basic conditions of the State's existence continue to exist and are owned². In the context of the Republic of Indonesia, these efforts are manifested in the State defense program and an increase in understanding while fostering a sense of nationalism in every citizen.

State defense is a concept developed by a set of laws in a country concerning patriotism, a group, or all components of a country in the interests of maintaining the existence of that country. Physically, this can be interpreted as a defensive effort against physical attacks or aggression from those who threaten the existence of the country, while non-physically this concept is interpreted as an effort to play an active role in advancing the nation and state, whether through education, morals, social and improving the welfare of the community³

declarative state theory as part of the international legal system.

2 Azyumardi Azra, MA., *Pendidikan kewarganegaraan*, (Jakarta: Prenada Media, 2003

3 A.Ubaidillah, *Pendidikan kewarganegaraan*, (Jakarta : IAIN Jakarta Press, 2000

Another effort is that the State is serious in developing a sense of nationalism. Nationalism is a concept that creates and maintains the sovereignty of a country. By realizing a concept of shared identity for a group of people who have the same goals or ideals in realizing shared interests or commonly referred to as national interests. Nationalism is also a strong feeling and desire to maintain the existence of the country, both from internal threats and external threats.

Such efforts must continue to be sustained and carried out consistently by State administrators, especially in the context of Indonesians, if Indonesia wants to continue and continue to stand firm in the future. Because it is not impossible if the State administrators do not pay serious attention to all efforts to strengthen the values and the spirit of nationalism, including the good management of the State and to achieve the goals of the nation and state, then this nation will receive a serious threat, not to say this nation will disperse or disappear as the civilizations of previous peoples⁴. In relation to this research, the focus and focus of the researcher is one aspect of the three aspects that are part of the basic elements or constitutive elements of the existence of a sovereign State. These aspects are aspects of people or society.

The threat to the existence of society in a country is as severe and serious as the threats coming from other countries, both internal threats and external threats, both against the government and territorial integrity⁵. Because without society, the existence of a country will disappear. The three constitutive elements are a unity that must receive the same portion of attention. Therefore, it is not excessive if the government continues to make efforts and give full attention to protecting citizens. Efforts to safeguard the existence of citizens include many things, and of course, it is the duty of State administrators, this task is also a joint task of all national components including the community itself.

Many factors play a role in influencing the existence of society in a country including political stability and security that provide guarantees to citizens, another factor is the issue of welfare and economic access that many people blame, contributing to the erosion of love for the country. This is termed experts with an identity crisis that is occurring amid a growing community. From the sociological perspective, this phenomenon is considered normal, because basically humans, incidentally as part of living things, are equipped with the ability to make it never stop in developing themselves, especially in the effort to fulfill their needs. Which consists of physical needs, a sense of security, community, and actualization needs⁶. In addition, there are still other needs such as spiritual needs that are transcendental.

4 Budiarjo, Miriam. *Dasar-Dasar Ilmu Politik*. Jakarta : PT Gramedia. 1988

5 Fuady, Munir, *Konsep Negara Demokrasi*, Bandung Refika Aditama, 2010

6 Goh, Cheng Teik. *Malaysia: Beyond Communal Politics*. Pelanduk Publications. ISBN 967-978-475-4.1994.

Changes in mindset, especially related to a sense of nationalism in a country where he (the community) was born can occur because people accept and feel pressure (in any form) which has implications for the conditions of discomfort that if it occurs continuously, in the long run, will erode the nationalism that it has. This is what is called at the point of people who have lost their initial identity and are trying to find a new identity that is able to relieve the heavy pressures of life and offer comfort in life. (Needs to be corrected editor imperious, I do not understand this, which is the point).

In addition to political stability and security, the thing that is no less influential is a process of international integration that occurs due to the exchange of world views, products, thoughts, and other aspects of a culture known as Globalization⁷. Globalization continues to be a frightening specter for efforts to strengthen identity. The process of globalization influences and is influenced by business and work procedures, the economy, socio-cultural resources, and the environment of globalization have proven capable of uniting the world and causing the administrative boundaries of the region to blur. But at the same time, globalization continues to spread threats in eroding local values and is not infrequently responsible for the phenomenon known as the identity crisis.

In addition to the above factors, it is also necessary to look at this issue from the perspective of religious understanding possessed by Indonesian Workers who choose to transfer citizenship. For example, in Islam, there is a concept known as the Hijrah, although at first this concept was known when the phenomenon that occurred and was experienced by Rasul Muhammad SAW.⁸ However, in its development, Hijrah was later understood more broadly with movements (both physical and behavioral) which were motivated by many factors, for example, reasons for changing from a bad condition to a better condition, or a change in bad behavior to better behavior and etcetera.

In the Koran, the concept of hijrah is explained in many verses, including in Q. An-Nisa (4): 97:

إِنَّ الَّذِينَ تَوَفَّاهُمُ الْمَلَائِكَةُ ظَالِمِي أَنفُسِهِمْ قَالُوا فِيمَ كُنتُمْ قَالُوا كُنَّا مُسْتَضْعَفِينَ فِي
الْأَرْضِ قَالُوا أَلَمْ تَكُنْ أَرْضُ اللَّهِ وَاسِعَةً فَتُهَاجِرُوا فِيهَا فَأُولَئِكَ مَأْوَاهُمْ جَهَنَّمُ
وَسَاءَتْ مَصِيرًا

7 Idjehar, Muhamad Budairi, *HAM versus Kapitalisme*, Yogyakarta, Insist Pers, 2003

8 **Hijrah** (in Arabic language: هِجْرَة) was a move or immigration carried out by the prophet Muhammad and his Followers from Mecca to Medina in June 622.

Indeed, those who are angered by angels are in a state of self-abuse, (to them) angels ask: "What are you doing?" They answered: "We are the oppressed in the country (Mecca)". The angels say: "Is not the earth of God wide so that you can emigrate on the earth?". Those people are hellish places, and hellish places are back.

In this context, hijrah can be understood as an effort to migrate to find conditions that are better than before (bad/uncomfortable conditions). At the time of people who experience such conditions, then the choice is a move or known as the Hijrah). Discomfort can be understood in a variety of meanings. Both physically oppressed by groups of oppressors (zhalim) and other inconveniences such as economic helplessness, ignorance, and so forth. Oppressed in the second context, victims of oppression inevitably have to make changes to find conditions that are far better in economic aspects as well as in educational aspects.

One of the questions of this research in the context of the phenomenon of migration of citizenship status of migrant workers in Malaysia, is whether the change and transfer of citizenship status of migrant workers are influenced by their understanding as an effort to find a better quality of life? (I suggest we remove the word Hijrah, because it is not too relevant to the concept of history & asbabun nuzul hijrah in Islam. Because the hijrah in the verse is not related to economic problems⁹. Because there is a friend of the Apostle who migrated that a conglomerate like Abdurrahman bin Auf. Also we adjusted with the theme of our research more on aspects of the legal norms) The reasons underlying the considerations of the TKI are interesting to be discussed in this study, because as is well known that Indonesia is a country which in terms of Natural Resources (SDA) is far more than Malaysia, which relies more on palm oil and oil and is still one of the countries the biggest population contributor in Malaysia¹⁰.

It is not surprising that in many regions in Malaysia, scattered villages where the majority of the population are former Indonesian workers who have changed citizenship status. An online news page stated that Malaysian Deputy Prime Minister Datuk Seri Ahmad Zahid Hamidi said that 688,776 people had been given Malaysian citizenship since the country gained independence in 1957 until January 2016. Of these, 38,024 were from Indonesia (<https://tirto.id/saat-ribuan-wni-ingin-menjadi-warga-malaysia-cu2z>,).

This number could increase if tens of thousands of Indonesian Workers (TKI) residing in Malaysia were included in the calculation. Throughout 2016, the National Agency for Placement and Protection of Indonesian Workers (BNP2TKI) recorded that 87,616 Indonesian Migrant Workers were stationed in Malaysia. This figure fills 37.37 percent of the total 234,451 migrant workers placed throughout the world throughout

9 Muhtaj, Majda El, *Dimensi HAM, Mengurai Hak Ekonomi Sosial dan Budaya*, Jakarta , PT, Rajagravindo.2008

10 Jean Jacques Rousseau, *Kontrak Sosial, alih bahasa Sumardjo*, Jakarta : Erlangga. 1986.

2016. If you look at the previous years, for example in 2012 Indonesia sent 134,023 workers. The following year, the number of shipments became 150,236 people.

Furthermore, the number of sending migrant workers to Malaysia has continued to decline, from 127,827 people in 2014 to 97,635 people in 2015 (BNP2TKI publication data in 2016). In addition to the problem of changing citizenship, another phenomenon is the number of migrant workers who are offered to have an identity card (IC) by not having to give up Indonesian citizenship, thus some migrant workers have two identity cards.

By having a Malaysian Identity Card (IC), a person has the right to get Malaysian People's Assistance (BRM) around 600 Malaysian Ringgit (around Rp. 1,920,000) for the elderly and 800 Malaysian Ringgit (around Rp. 3,200,000) for school-age residents. It is interesting in these various facilities that were allegedly the reason for several residents who have two identity cards namely Indonesian Identity Cards (KTP) and IC Malaysia.

The phenomenon of citizens who have two identity cards, namely Malaysia IC Indonesian KTP, in Malaysia is a common sight and something that is considered normal and legitimate. The community considers it legitimate because it is facilitated by the state. Even the state does not forbid because it arises, grows, and develops from the community based on consensus in the community. In law, this habit is known as a social agreement / social contract.

Social contract theory is a view that sees that a person's moral and political obligations depend on a contract or agreement between them to form a community of people they live in (Friend, n.d)¹¹. The concept of social contract theory is rooted in humans who initially had a state of nature. They do not have government and law that can regulate them so this becomes a stumbling block in their society.

To overcome these difficulties and obstacles, humans eventually entered into two agreements namely *Pactum Unionis* and *Pactum Subjectionis*. In the first pact, humans seek protection for their lives and property which ultimately forms a community where the society tries to respect each other and live in harmony. The second pact explained that humans were finally united and promised to obey an authority and surrender some or all of their rights and freedoms to that authority. The competent authority itself functions as a guarantee of protection for life, property, and even the independence of society itself. Therefore, to avoid obstacles due to their natural state, humans then agree to live under a general law governing the social contract of society itself.

11 Suhelmi, Ahmad. *Pemikiran Politik Barat : Kajian Sejarah pemikiran Negara, Masyarakat dan kekuasaan*. Jakarta : PT Gramedia Pustaka Jaya. 2001

The social contract theory in Malaysia actually from the very beginning of the State has been socialized, this can be seen in the government that they compiled from representing the Malay, Chinese and Indian races, as well as Political Parties in Malaysia, such as UMNO, MCA, and MIC. The smell of racism is very thick, but because it has become the desire and agreement of the people and citizens of Malaysia, it is considered something natural and not against the law.

B. Theoretical Framework

There are four theories about the formation of the state, namely: natural theory, God's creation theory, power theory, and social contract theory. Each theory also provides an explanation of where the source of political authority. The natural theory explains that the formation of a state is due to human needs for the actualization of humanity. The state is the highest place for human actualization. In addition to the state, two other lower-level institutions are family and village. In the family, humans are self-actualizing in the physical field, because the family provides the fulfillment of human physical needs. In the village, humans actualize themselves in the social field, because the village provides the fulfillment of a desire for friendship and community (Radit. *Teori Kontrak Sosial dari Hobbes, Locke, dan Rousseau*).

In the state, humans actualize themselves in the moral and political fields to become fully human because humans can actualize moral and political desires that cannot be fulfilled within the family and village. Therefore humans can be perfect only if they play a role in the state. God's creation theory explains that the formation of a state is because it was created by God. The ruler or government of a country is appointed or determined by God so that even though the ruler or government has authority, the source of permanent authority is God. Because the source of authority is God, the ruler or the government is responsible to God, not to the people who are controlled or governed.

Power theory explains that the formation of a state is due to the results of conquest and violence between people. The strong and able to dominate others form the state and enforce their rights to control and govern the country. The source of authority in this theory is the power itself because that power justifies power and authority. The theory of social contracts explains that the formation of the state is because members of society enter into social contracts to form the state. In this theory, the source of authority is the community itself¹²

In this study, researchers used social contract theory that developed and was influenced by Enlightenment thinking (Enlightenment) which was marked by rationalism, realism, and humanism, which placed humans at the center of the world

12 Rodee, dkk. *Pengantar Ilmu Politik*. Jakarta : PT Raja Grafindo Persada.2002

movement. The idea that humans are a source of authority clearly shows trust in humans to manage and overcome political and state life.

From a historical perspective, the Enlightenment is a correction or reaction to the previous era, namely the Middle Ages. Even so, the thoughts that emerged in the Enlightenment were not all new. As mentioned above, the social contract theory that developed in the Enlightenment turned out to be vaguely hinted at by thinkers of earlier ages such as Confucianism and Aquinas. What is clear is that in this Enlightenment elements of liberal humanitarian thought were the main basis of the line of thought.

The originators of this theory, in general, knew that it was initiated by Thomas Hobbes, John Locke, and JJ Rousseau¹³ both departing from, and discussing, social contracts in their political analyzes. They base their analyzes together on the basic assumption that humans are the source of authority. But about how, who takes that authority from the source, and the subsequent operation of authority, they are different from one another. The differences are fundamental from one another, both in concept and moreover in praxis.

C. Social Contracts in Malaysian Institutionalization

The theory of social contracts in the view of European democratic theorists such as Thomas Hobbes and John Locke is that humans embody the state as a collective agreement in which each individual agrees to the agreement. This contract means individuals who are free to agree to give up their right to govern themselves to a joint and ruling and sovereign institution. In language, a contract may be defined as a formal agreement with certain conditions between two or more parties. He also may mean documents containing the terms of the agreement or branch of law relating to the contract. Social can also be defined as anything related to society, about society and society, social contracts if assimilated may be interpreted as a form of agreement or agreement written and established by law (constitution) involving all people in a country¹⁴. Therefore, the discussion of social contracts for this writing will be superimposed on the scope of its implementa.¹⁵

13 In the Islamic scientific realm, long before the Social Contract Theory was introduced in Europe for the first time in 1519-1581 by Hubert Linguet (France) and Thomas Hobbes (England) around 1588 - 1679 (around the 16th - 17th century AD), an Islamic thinker Al-Mawardi around the 10th century AD had introduced the theory of al-Mubayaah, in his book *al ahkam as sulthaniyyah wal ad Diniyyah* region. According to al-Mawardi the relationship between community representatives and the priest or head of state is a relationship between two parties on a voluntary basis. The relationship is outlined in a contract or agreement that gives birth to obligations and rights for both parties on a mutual basis. It is the contract or agreement that gives birth to the rights and obligations between the leader and the community that is called by al Mawardi with al-Mubayaah, which in western literature is called a social contract. See *Abi al-Hasan al-Mawardi, al-Ahkam al-Sultaniyyah wa al Wilayat al - Diniyyah*, pp. 16-17.

14 Andika.S, *Teori Kontrak Sosial dari J.J. Rousseau*

15 Lim, Kit Siang (2004).. Retrieved Nov. 12, 2005.

Simply put, the social contract is a term of the agreement between people reached before independence through an agreement among the people and leaders consisting of Malays, Chinese, and Indians. The sealing of this social contract was also accompanied and agreed by the parties they represented, namely UMNO, MCA, and MIC. This term actually did not come into being in the 1957 Alliance Institution but from another perspective, the social contract should have existed in the history of the state and the agreement achieved was what defined our country and so determined the nature of the state. The social contract is actually an official inauguration letter of the principle of social justice for the state. Social justice contained in this agreement is not only a matter of economic justice but also political justice and cultural justice. Therefore, the agreed social contract needs to be a reference for all efforts to uphold social justice in this country. The main teachings that must be learned by non-Malays are the riots of May 13, 1960, because they examined the position of the Malays as stipulated in the Malaysian Institution.

D. Factors Causing the Displacement of Citizenship Status

The phenomenon of moving citizenship Indonesian Muslim workers in Malaysia is a fact of lack of nationalism, many stories of national children who choose to become foreign citizens. Many celebrities, ranging from politicians, athletes, public figures, academics to great scientists who finally decided to change citizenship status. Discussions were conducted with dozens of Indonesian citizens who had become Malaysian citizens on 28 August 2019, held at the home of one Indonesian citizen Dra. Hj. Mimin Mintarsih in Kuala N0. 50 Lorong Sg Mulia 5 bt, Jalan Gombak 53000 Kuala Lumpur. who took the time to give information both through direct discussions and in-jokes why they were tempted to become Malaysian citizens.

In 1991 the Gombak road had no roads and was still a wilderness. Now in the Gombak area, there are only about 20 KK Indonesian citizens who have become Malaysian citizens, where they come from the regions: Madura, Padang, Central Java, West Java, and for almost 30 years, living in Malaysia but the language problem, food has not changed. Most of their professions are Home Industry, Meatballs, crackers where the workers keep native Malays. Most Indonesian citizens who became Malaysians during the reign of Prime Minister Najib Rajak. various reasons are given they related to the transfer of citizenship status into Malaysian citizens¹⁶. One of the things that impressed the writer was that at first, they came to Malaysia only to trade, while in Malaysia they were always asked for money by the security forces because they knew these traders were migrants and they were looking for money in their country. So to find a safe and

¹⁶ Radit. *Teori Kontrak Sosial dari Hobbes, Locke, dan Rousseau*. Radit Il Ooi, Jeff (2005). "Social Contract: 'Utusan got the context wrong'". Retrieved Nov. 11, 2005.

comfortable life one of them must look for people who are respected and respected to protect them.

In 2010, a request from the Malaysian Minister of Forestry suggested that Indonesian Muslim citizens be busy or collectively become Malaysian citizens, but not all who registered in 2010 could be accepted as Malaysian citizens, some facilities provided, to Muslim citizens. Indonesia¹⁷ Where a mother gives birth to 5 children, ranging from education, all are free at government schools, from kindergarten level education to high school, they are given an allowance of 200.RM by the kingdom as well as for treatment, government hospitals and clinics all it's free, but if you are not a Malaysian citizen they will pay quite a lot of 100- 1500 RM.

For Indonesian Muslim Citizens who have become Malaysian citizens, they find it easier and humanized by their government employees, the mention of citizenship cards is Blue and does not need to be extended but if the red color is also not needed to be extended, it is called permanent residents. While the color green is called Residents, while they also have to extend the KTP in 1 time 5 years. The treatment of Indonesian citizens is different from the Indies, Bangladeshis, Singaporeans, it is easier for Indonesians to become Malaysians. The long history has been done since 1970. In the Malaysian citizenship law in chapter 1 application for citizenship

Some of these factors can be traced to why Indonesian workers in Malaysia moved to become Malaysian citizens. This reason is indeed more realistic so that the country's children leave their beloved homeland :

- a. **Career:** Career reasons are indeed the most important, making the Indonesian state must be abandoned by its citizens. The necessity of settling abroad until the dream of success in the international arena pushed many talented sons and daughters of the country to leave their Indonesian citizenship status. Not a few also from Indonesian citizens whose career climbed to the world-known after moving citizenship ..
- b. **Want to Live Decently:** Other countries have a more stable economy than Indonesia. Thus, educated and talented Indonesian citizens have the guarantee to live more properly. Life in another country is very safe and comfortable. Facilities to support career, education, transportation, entertainment, and others are very complete abroad. Then the public service is so good and minimal illegal levies (extortion) from the government.
- c. **Political Situation:** This reason is also a strong reason for Indonesian citizens (WNI) to move to other countries. A democratic system that is too far makes people

17 Yusoff, Marzuki & Samah, Nazeri Nong (Aug. 14, 2005). "Kontrak sosial: Kenyataan Keng Yaik bercanggah Perlembagaan Persekutuan". *Utusan Malaysia*.

uncomfortable because there are too many demonstrations, anarchist actions, and the noisy power-hungry government. All aspects of life are politicized. Many children of the country that have good quality are removed and appoint fools to become leaders. This is done so that they are free to commit irregularities.

- d. **Poor Public Services:** Most governments that are serving public interests intervene are lazy, are indifferent, and extortion. Many citizens' rights are not fulfilled, with poor public services. The civil servants (PNS) as a public service are arrogant. So that people feel not served instead feel like slaves and used as additional income land for them.
- e. **Corrupt Officials:** High political costs and running the interests of parties, it is common knowledge that many officials commit corruption and must deal with legal institutions. As a result of acts of corruption, these officials are very massive, in addition to worsening public services many small people are oppressed, development is slow, and the level of community income is very low. This makes high poverty rates and crime rates also increase. State finance flows into private or group pockets and development is not on target.¹⁸
- f. **Law Enforcement:** Law enforcement in Indonesia can be controlled by powerful people and oppressing the weak. Developed countries have a higher rule of law than Indonesia. This makes the level of discrimination before the law minimal.
- g. **Scientists Not Respected:** Most scientists choose to migrate abroad because they are free to develop themselves to do research and receive awards from their country. Very contradictory with the nation itself, which favor foreign scientists and use foreign products. Because the knowledge learned by Indonesian citizens abroad has no space and place in Indonesia, so looking for work in another country.
- h. **Conflict:** The highest authority holders deliberately create many conflicts for political interests. Many residents have pitted sheep about religion, ethnicity, race, and so on.
- i. **Arbitrary Legal Apparatus:** Law enforcers such as the Police, Prosecutors, and TNI do not protect the community and even continue to terrorize the small people. The unlimited power of law enforcers makes domestic children feel depressed and wants to move to other countries that have more respect for human rights.
- j. **Uneven Development:** The flow of urbanization to big cities is caused by uneven development because it is only concentrated in Jakarta. This condition makes the economy in other regions very different and difficult to develop. As a result, many

18 Asshiddieqy, Jimly, Perihal Undang-Undang, Jakarta, Rajawali Pers.2011

choose Malaysia and Singapore, where the entire city guarantees a decent living for its citizens ¹⁹.

k. Citizenship in the Constitution / legislative regulations in Malaysia, Depending on this subject, such persons are citizens through the implementation of the law:

- (a) Any person born before Malaysia Day (Formation of Malaysia) who is a citizen of the Federation according to the designation contained in Part Two: and
- (b) Everyone who is born on or after Malaysian Day and has whoever's eligibility is described in the Second Schedule II.

E. Citizenship through registration (wife and children of citizens).

1. Depending on article 18, if an application is made to the Federation government by any woman with a husband whose husband is a citizen, then the woman (wife to the husband of a WNM) has the right to be registered as a Malaysian citizen if the marriage is still in existence and the husband is a WNM at the beginning of October 1962 or if he can satisfy the Kingdom of the Federation.
 - a. that he has been domiciled in the Federation for two years before the date of application and intends to do so regularly; and
 - b. that he behaves well.
2. Depending on article 18, if an application is made to the Federation Kingdom by a mother or father or anyone under the age of twenty-one, the Federation Kingdom may register that person as a citizen if at least one of the mothers his father is now (or at the time of his death) a citizen.
3. Depending on article 18, if an application is made to the Kingdom of the Federation by a mother or father or guardian of a person (child) under the age of twenty-one, then that person has the right to be registered as a citizen if he was born before the beginning of October 1962 and his father is now (or at the time of his death) a citizen and also a citizen at the beginning of the month (if lived at that time), and if the Federation Kingdom is satisfied that the person usually lives in the Federation and is well-behaved.
4. For the meaning of Article (1), domiciled or residing before Malaysia Day in areas included in the Sabah and Sarawak lands should be considered as domiciled in the Federation.
5. Mention in Article (1) regarding married women is the term for women whose marriages have been registered following any written legislation that is

19 Karman, Yonky, "Wajibkan Negara Mengontrol Kehidupan Rohani Umat?", dalam Kurniawan Zein dan Sarifuddin HA (ed.), *Syariat Islam Yes Syariat Islam No; Dilema Piagam Jakarta dalam Amandemen UUD 1945*, Jakarta : Paramadina. 2001

implemented in the Federation, including any such regulations which have the power of force (implemented) before Malaysia Day in the territory of Malaysia in the territory regions included in the Sabah and Sarawak Affairs (Provinces):

With the proviso that this Article is not used if the woman requests that it be registered as a citizen before the beginning of September 1965, or whoever is then as determined by order by the Agong Entity, and if on the date the petition is usually domiciled in the Land of Sabah and Sarawak²⁰. In section 15A. Special power to register children. subject to section 18, the Kingdom of the Federation may in certain circumstances or special circumstances which it deems necessary, resulting in anyone under the age of twenty-one years being registered as a citizen. Likewise in section 16. Citizenship through registration (people born in the Union before Independence Day) . Depending on section 18, if an application is submitted to the Kingdom of the Federation by anyone who is eighteen years of age or older and who was born in the Federation before Independence Day, then that person has the right to be registered as a citizen if he satisfies the heart of the Federation's Kingdom-

1. That he has been domiciled in the Federation for seven years as well as before the date of the application, for a period of not less than five years;
2. That he intends to do so regularly;
3. That he behaves well; and
4. That he has knowledge of the principles of Malay.

Article 16A. Nationality through registration (people domiciled in the State of Sabah and Sarawak on Malaysian Day). Depending on section 18, if an application was made to the Kingdom of the Federation before September 1971 by anyone who is eighteen years or older and who is usually domiciled in the State (Province) of Sabah or Sarawak on Malaysian Day, then that person has the right to be registered as a citizen if he can satisfy the heart of the Federation Kingdom

1. That he is domiciled before Malaysia Day in the territories included in those Countries and domiciled after Malaysia Day in the Federation for a period of not less than seven years in ten years as well as before the date of the application, and that time includes the twelve months as well as before that Date;
2. That he intends to permanently reside in the Federation;
3. That he behaves well; and
4. That he has sufficient knowledge in Malay or English or, in the case of an applicant domiciled in Sarawak, has sufficient knowledge in Malay, English or any mother

²⁰ Nurcholish Madjid, *Cendekiawan dan Religiusitas Masyarakat* : Kolom-kolom di Tabloid Tekad, Jakarta : Paramadina. 1999.

tongue used at this time in Sarawak, except if the request was made before September 1965 and the applicant had reached forty-five years of age on the date of the request.

(18). Allotment regarding registration. (1) No person who is eighteen years of age or older may be registered as a citizen under this Constitution so that he has taken the oath stated in Part One. (2) Except with the permission of the Federation Kingdom, no one who has released or has been removed from citizenship status under this Constitution or who has renounced or has been deprived of federation citizenship or citizenship for a Federation before Independence Day under the 1948 Malay Land Federation Agreement may be registered as a citizen under this Constitution. (3) A person registered as a citizen under this Constitution becomes a citizen through registration beginning from the day he is registered as such²¹.

In Chapter 2 the Malaysian citizenship law which is called the cancellation or abolition of one's citizenship is due to the discharge of citizenship: (1) A citizen who is twenty-one or more years old and has perfect sense and is a citizen in another country or almost a citizen in a country others may give up their citizenship in the Federation through an agreement registered by the Kingdom of the Federation, and their citizens must be released after that. (2) A claim made under this Case during the time of war in which the Federation is involved may not be registered except with the permission of the Federation's Kingdom. (3) This case is used for a woman under the age of twenty-one who has married as this Case is used for someone twenty-one years of age or older. (4) The Kingdom of the Federation may deprive the citizenship of a person registered through registration or through naturalization if satisfied that the registration or claim of naturalization is:

- a. has been found improperly (fraud, false statement or hiding any material facts; or
 - b. has been made or given with mystery
- (2) The Kingdom of the Federation may eliminate the nationality of a woman who is a citizen through registration under Article (1) Case 15 if satisfied if the marriage by the woman has been dissolved but because of death, within two years starting from the date of the marriage.

21 Karman, Yonky, "Wajibkan Negara Mengontrol Kehidupan Rohani Umat?", dalam Kurniawan Zein dan Sarifuddin HA (ed.), Syariat Islam Yes Syariat Islam No; Dilema Piagam Jakarta dalam Amandemen UUD 1945, Jakarta : Paramadina. 2001

F. Loss of Nationality.

- (1) The relinquishment or termination of citizenship does not release a person from the accountability that has been done by a person before losing citizenship.
- (2) No one may lose citizenship under sections 25, 26 or 26A but the Kingdom of the Federation is satisfied that one does not benefit public good; and no person may be deprived of citizenship under section 25, paragraph (b) Article (1) Case 26, or section 26A if the Kingdom of the Federation is satisfied from the loss that he will not become a citizen of another country. In determining the registration or naturalization, a citizen must be interpreted appropriately. (2) No-one is born in the Federation according to this Case the loss of citizenship under section 25.
- (3) A person who on Freedom Day becomes a citizen through the implementation of the law because he has become a citizen of the Federation before that day, citizenship must not be removed under Article (1) or (2) section 24, as well as Article (2) section 25 also used in connection with living in foreign countries that began before Independence Day and related to such a time that started on or after that day. While in the applicable regulations in Indonesia, in Law N0 12 of 2006 concerning Indonesian citizenship in chapter 3 the requirements and procedures for obtaining citizenship of the Republic of Indonesia are regulated in article 9
 1. already 18 (eighteen) years of age or already married;
 2. at the time of applying, it has been residing in the territory of the Republic of Indonesia for at least 5 (five) consecutive years or at least 10 (ten) non-consecutive years;
 3. physically and mentally healthy;
 4. can speak Indonesian and recognize the basic state of the Pancasila and the 1945 Constitution of the Republic of Indonesia;
 5. has never been convicted of a criminal offense threatened with imprisonment for 1 (one) year or more;
 6. if obtaining citizenship from the Republic of Indonesia does not become dual citizenship;
 7. have a job and/or regular income; and
 8. pay citizenship money to the State Treasury.

In Article 10 of Law No.12 of 2006 a person who wishes to become an Indonesian citizen by (1) a citizenship application is filed in Indonesia by the applicant in writing

in the Indonesian language on sufficiently stamped paper to the President through the Minister. (2) The application file for citizenship as referred to in paragraph (1) shall be submitted to the official.

The Minister shall forward the application referred to in Article 10 accompanied by consideration to the President within no later than 3 (three) months from the date the application was received. Article 11 hereinafter article 13 (1) The President grants or rejects the citizenship application. (2) The granting of citizenship applications as referred to in paragraph (1) shall be determined by a Presidential Decree. The Presidential Decree as referred to in paragraph (2) shall be determined no later than 3 (three) months from the date the application was received by the Minister and notified to the applicant no later than 14 (four twelve) days from the date of the Presidential Decree. (4) Rejection of the application for citizenship as referred to in paragraph (1) must be accompanied by a reason and notified by the Minister to the concerned no later than 3 (three) months from the date the application is received by the Minister ²².

After the president's endorsement, according to article 16, the person takes the following oath or pledge: For the sake of God / for the sake of God, I swear to give up all my loyalty to foreign powers, acknowledge, submit to, and be loyal to the Unitary State of the Republic of Indonesia, Pancasila, and the 1945 Constitution of the Republic of Indonesia and will defend it seriously and will carry out the obligations imposed by the state on me as an Indonesian citizen with sincerity.

Which states the promise of loyalty, the recitation of his faithful promise is as follows: I promise to give up all my loyalty to foreign powers, acknowledge, submit to, and be loyal to the Unitary State of the Republic of Indonesia, Pancasila, and the Constitution of the Republic of Indonesia in 1945 and will defend it in earnest truly and will carry out the obligations imposed by the state on me as an Indonesian citizen sincerely and sincerely.

In Article 23 an Indonesian citizen loses his nationality if the person concerned:

1. obtain other nationalities of his own volition;
2. not refusing or not giving up another nationality, while the person concerned has the opportunity to do so;
3. is declared lost of citizenship by the President at his own request, the person concerned is 18 (eighteen) years old or has been married, resides abroad, and by being declared missing Citizenship of the Republic of Indonesia does not become without citizenship;
4. enter the foreign army service without prior permission from the President;

22 Michael H. Hart, *Seratus Tokoh yang Paling Berpengaruh dalam Sejarah*. Jakarta: PT. Dunia Pustaka Jaya. 1978

5. voluntarily enter the service of a foreign country, the position of such service in Indonesia in accordance with the provisions of the legislation can only be held by Indonesian citizens;
6. voluntarily take an oath or declare a pledge of loyalty to a foreign country or part of that foreign country;
7. not required but to participate in the selection of something constitutional to a foreign country;
8. has a passport or letter which is a passport from a foreign country or a letter which can be interpreted as a valid citizenship mark from another country on his behalf; or
9. residing outside the territory of the Republic of Indonesia for 5 (five) years continuously not in the framework of state service, without a valid reason and deliberately not expressing his desire to remain an Indonesian citizen before the end of the 5 (five) years period, and every 5 (five) the following year concerned does not submit a statement wanting to remain an Indonesian citizen to the Representative of the Republic of Indonesia whose jurisdiction covers the area of residence concerned, even though the Representative of the Republic of Indonesia has notified the person in writing, as long as the person concerned does not become without citizenship.

A person may also lose his citizenship in accordance with Article 25 (1) Loss of Nationality of the Republic of Indonesia for a father does not automatically apply to his child who has a legal relationship with his father until the child is 18 (eighteen) years old or has married. (2) Loss of Nationality of the Republic of Indonesia for a mother does not automatically apply to her child who has no legal relationship with her father until the child is 18 (eighteen) years old or has married. (3) Loss of Nationality of the Republic of Indonesia due to obtaining another citizenship for a mother who has terminated her marriage, does not automatically apply to her child until the child is 18 (eighteen) years old or has married²³.

H. Conclusion

Citizenship experienced by Indonesian citizens who lived and lived for decades in Malaysia is a form of a national identity crisis. In an interview conducted in the Malaysian musang river area, where career welds are indeed the most important, the Indonesian nation must be abandoned by its citizens. The necessity of staying abroad until the dream of success in the international arena pushed many talented sons and daughters to leave their Indonesian citizenship status. Not a few of the Indonesian

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citizens whose careers went up to the world after changing citizenship. As citizens, we should not neglect our Rights and Obligations as citizens because this will affect citizenship status. Like the Indonesian workers who have been living in Malaysia for a long time, there are also offers from the local government because there is domestic politics that can gain votes in the election.

Legislation in force in Indonesia and Malaysia can also trigger an acceleration to become a citizen of Malaysia, so it can be concluded that the regulations made by the two countries also have a role to move Indonesian citizens to become citizens of Malaysia. This is evidenced by the length of time a person who has lived in Malaysia for decades has been given the convenience to have citizenship. So that the Law governing Citizenship Act issued by the Government of Indonesia for the first time was Law No. 3 In 1946, those who became citizens of the country were those who resided in Indonesia for one consecutive year, at the Round Table Conference of 1949 an agreement was reached on the determination of citizenship. The law governing citizens is Law No.12 of 2006 concerning Citizenship of the Republic of Indonesia. Citizenship is a procedure for foreigners to obtain citizenship from the Republic of Indonesia through an application. In the Act, it is stated that the citizenship of the Republic of Indonesia can also be obtained through citizenship.

Impacts for both countries on the rise of the phenomenon of moving the citizenship status of Muslim Workers in Malaysia. Both Indonesia and Malaysia have both negative and positive impacts on the movement of Indonesian citizens to Malaysia following the following are some positive or negative impacts caused by the transfer of citizenship. Flattening population distribution, that is, the dense population of an area, causes many problems to arise, to prevent the community from carrying out a program, which is migration. Increasing the economic welfare of the population, ie the population living in an area of the less prosperous country of life, therefore the government has established a migration program in the form of care about the government towards the people Reducing the Population Density in an area, i.e. a dense population will cause many problems and after all an empty place can be used to make a living. therefore the migration program is very suitable for dealing with these problems.

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