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LEGAL REVIEW OF THE PHENOMENON OF NATURALIZATION OF FOREIGN PLAYERS FOR THE INDONESIAN NATIONAL FOOTBALL TEAM

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ABSTRACT

Football is a sport that is favored by various ages, both young and old. There are so many legal patterns that exist in the sport of football. One of the is the phenomenon of naturalization, which means that a process carried out for foreigners to obtain Indonesian citizenship status. This is done by a football club to improve team performance, as well as adding diversification of a football player's playstyle. There are processes that must be carried out by a foreign citizen in order to obtain Indonesian citizenship status, and also those who have received citizenship status are guaranteed their rights and obligations by the state. Naturalization also involves several aspects such as constitutional, law, social and political, cultural and economic. In its journey, the naturalization process carried out on the national team is supervised by the Indonesian Football Association (PSSI) following the rules set by FIFA and naturalization regulations from Indonesian law, which is Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia. It is hoped that the naturalization process carried out can obey the rules that have been set and not become an obstacle for the Indonesian national football team as a process that eliminates the identity of the national team.
Keywords : Football; Naturalization; Law

1. Introduction

Soccer has always been a very popular sport, from young to old. Not only men are fond of soccer, but many women are now also fond of the million people's hobby. In Indonesia itself, the Indonesian National Team was founded in 1930 but still did not use the name Indonesia, but the Dutch East Indies.[1] At that time, soccer on the island of Java was only played by the Dutch and upper-class people. This makes the sport of soccer still not popular and there are still few people who like the hobby. At first, the game of soccer developed in Indonesia in 1914 when it was under the colonial rule of the Dutch East Indies government. Then the Indonesian Football Association (PSSI) was established in

[1] Tysara, Laudia. 2022. "The History of the Parent Organization of Indonesian Football Is Formed April 19, 1930- Hot Liputan6.Com." Retrieved April 17, 2024 (https://www.liputan6.com/hot/read/4974970/sejarah-induk-organisasi-sepak-bola-indonesia-adalah- formed-19-april-1930).

1930 in Yogyakarta and chaired by Soeratin Sosrosoegondo. PSSI then transformed into a football organization that has housed football teams in all regions in Indonesia, including its role in organizing and participating in various football leagues in Indonesia. The Indonesian national team is also associated with PSSI.

In order to face the upcoming matches, there are currently quite a lot of efforts to naturalize players by PSSI and the Indonesian national team. Recently, a Dutch player who was defending the FC Dordrecht U-21 club, Jens Raven, was predicted to undergo naturalization to become an Indonesian citizen or WNI[2] . The player who plays as a striker will be naturalized in order to strengthen the defense of the Indonesian national team to face the upcoming match. Not only Jens Raven. Rafael Struick and ADO Den Haag are also among the players naturalized by the Indonesian national team coached by Shin Tae Yong. As of March 7, 2024, there are 12 players who have been naturalized and there are 4 players who are still the target of PSSI naturalization. From these events, it must be known in advance what naturalization is and what conditions are met to be able to do it. Naturalization is one way for foreigners to obtain Indonesian citizenship[3] , which in the 1945 Constitution of the Republic of Indonesia, Article 26 paragraph (1) says that: *"The citizens are indigenous Indonesians and people of other nations who are authorized by law as citizens."*

It can be seen from the article, it is possible that other citizens or foreigners can obtain Indonesian citizenship, one of which is through the naturalization process which has been regulated in the relevant law. Until now, the naturalization process is still known to be closely related to sports issues, one of which is football, which brings in many foreign players from abroad to be naturalized with the aim of playing in football clubs in Indonesia, one of which is to become a National Team player representing Indonesia in the international football championship. In essence, the authority to grant citizenship to foreigners (naturalization) is the absolute right of the president as head of state. As for the implementation of the values of state defense applied to national and naturalized athletes, it does not have to be about fighting to defend the country, but can be defined as a determination, attitude and actions of citizens that are regular, comprehensive,

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2 June. 2024. "Jens Raven, Young Striker Candidate for Naturalization of Indonesian National Team." *CNN Indonesia*. Retrieved April 17, 2024 (https://www.cnnindonesia.com/olahraga/20240408235124-142- 1084506/jens-raven-striker-young-candidate-naturalized-player-timnas-indonesia).

3 Usman, Ryandi Ferdiannur. 2023. "The Naturalization Process of Foreign Citizens Who Have Served the Indonesian State." 1(3):264-86.

integrated, and continuous based on love for the homeland, awareness of the Indonesian nation and state and belief in the validity of Pancasila as a state ideology.

So what is the impact of naturalization on the identity of the Indonesian national team if there are many foreigners playing in a club? In the rules, naturalized players are only allowed 4 people in each club. This is regulated in the rules of PT Liga Indonesia Baru (LIB) with details, 3 players may come from one of the European / American / African continents. While one other foreign player must be from Asia or Australia.[4] So it's not as if the foreign players replace local players as a whole, but rather to increase the quota of foreign players who will be able to improve the quality of team play, diversify playing styles and can also increase the knowledge of local players from the experience of these foreign players who can help improve the performance of other players. Although the naturalization of football players can have several positive impacts as described above, it is also necessary to pay attention to several things that must be maintained such as the importance of not neglecting the development of young Indonesian players so as not to be eroded by the naturalization process and the existence of sustainable efforts in coaching and developing local football talent must remain the main focus. In addition, the naturalization process must also be ensured to be carried out transparently and follow clear rules in order to prevent abuse of the system for personal gain or profit.

2. Methods

The method used to examine this research is to use normative research methods, in which the author uses a statute approach as the main source (Soejarno Soekanto 2022). Because the naturalization carried out by the national team is closely related to the rules regarding citizenship discussed in Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia. Therefore To study the phenomenon of naturalization, a normative juridical method is used, which reviews and analyzes laws and regulations in more depth.

3. Result and Discussion

3.1 Overview of Naturalization

Quoting a statement from the Ministry of Law and Human Rights, naturalization

[4] Setianingrum, Cornelia Agata Wiji. 2020. "Terms of Naturalization of Football Players in Indonesia & FIFA Regulations." *Tirto.Id*. Retrieved April 17, 2024 (https://tirto.id/syarat-naturalisasi-pemain-sepak- bola-di-indonesia-regulation-fifa-eqcr).

or citizenship is a transfer of citizenship status from its status as a Foreign Citizen (WNA) to an Indonesian Citizen (WNI) through the submission of a "Citizenship Application" submitted to the Ministry of Law and Human Rights Naturalization involves many legal and non-legal aspects in every process. The first one is

1. Constitutional

   This aspect confirms that a country's constitution usually establishes the foundation for naturalization, including the rights and obligations associated with citizenship status. Furthermore, there are laws that regulate the process and requirements for naturalization, such as length of stay, knowledge of the language, and integrity of character. This should also include the administrative regulations that implement these laws, as well as the practices and policies applied by government agencies responsible for the naturalization process. Just as a country's constitution regulates citizenship, it includes the legal basis that enables naturalization. The constitution must specify the rights and obligations attached to citizenship status, such as the right to vote, the right to work, or the obligation to defend the country.

2. Law

   In the legal context, regulating naturalization requires an examination of the laws and regulations that govern the naturalization process. This includes requirements such as length of residence, knowledge of the language, integrity of character, as well as administrative procedures that must be followed. followed by the candidate applying for naturalization. In some countries, there is also a test or interview that must be passed as part of this process.

   From an international law perspective, it is important to consider the principle of state sovereignty, where each state has the right to determine its own rules on granting citizenship to foreigners. However, the principle of human rights also plays an important role, so decisions on granting or denying naturalization must comply with internationally recognized human rights standards, such as the principle of non-discrimination and protection of refugees or stateless persons.

3. Social and Political

   In addition to the legal aspects. It is also important to consider the political

dimension, including how naturalization policies are affected by domestic politics, public opinion, and national security issues. These factors can influence the decision-making process regarding who is eligible for citizenship.

From a social perspective, the analysis should include an evaluation of the social and cultural integration of new naturalized citizens. This involves assessing government policies to support social integration, community acceptance of new citizens, and support for cultural diversity that may arise from the naturalization process.

4. Economy

In an economic context, the analysis should consider the impact of the newly naturalized population on the country's economy, including their contribution to the labour market, taxes, and social welfare. An evaluation is also needed of the potential long-term impact of naturalization on the country's economic growth and financial stability.

5. Culture

From a cultural point of view, the analysis should consider how the naturalization process affects cultural diversity and national identity. As society becomes increasingly multicultural through naturalization, questions arise about how the values, traditions and cultural norms of different groups will interact and adapt to each other. It is important to understand how the acceptance of new naturalized citizens can affect social and cultural dynamics in society. This includes evaluating government and community efforts to promote healthy cultural integration and respect for diversity.

In addition, cultural analysis should also consider the impact of the naturalization process on national identity. As the naturalized population grows, there may be changes in the concept of national identity and feelings of national solidarity. This can create both challenges and opportunities in building an inclusive and diverse national identity.

A cultural analysis of naturalization must also acknowledge that acceptance of new citizens is often based on perceptions of cultural, linguistic or religious similarities. Therefore, it is important to pay attention to how cultural and identity narratives are used in the discourse on naturalization, and their impact on social inclusion and

recognition of the rights of new citizens.[5] By considering all these dimensions holistically, a juridical analysis of naturalization can provide a deep understanding of the complexity of the process and its implications in legal, political, social and economic contexts. This comprehensive analysis is important to help policymakers and society as a whole understand and manage the naturalization process wisely.

Then specifically for the regulation of football itself, PSSI as the official institution of Indonesian football in running the organization and its arrangements follow the rules set by the world federation FIFA. The provisions regarding citizenship from FIFA itself are different from the citizenship arrangements applied by the United Nations. The concept of nationality adopted by FIFA is "A person may have two or more official citizenships, but each athlete may only have one sports citizenship".[6] The explanation of this concept is that if an athlete who has 2 citizenship statuses has determined his sports citizenship then he is no longer entitled to receive all the benefits of his dual citizenship.

In FIFA regulations regarding naturalization from one country association to another, there are points that must be met first before being able to help another country's sports association.

1. The player was born in the country concerned (in this case Indonesia)
2. The biological mother or father was born in the relevant country (in this case Indonesia)
3. The biological grandmother or grandfather was born in the relevant country (in this case Indonesia)
4. The player has lived in the relevant country (in this case Indonesia) for five years by the time they reach 18 years of age.[7]

Whereas in Indonesia itself, the legal naturalization arrangements are not much different from FIFA regulations, there are several criteria that must be met when someone wants to become an Indonesian Citizen (WNI), including:

1. Applications submitted to the Ministry of Law and Human Rights
2. Based on Mixed Marriage

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5 Syahrin, M. Alvi. 2019. "Naturalization in Citizenship Law:" *Journal Thengkyang* 2(1):36- 53.

6 Fifa Sttues.2021. "Commentary on the Rules Governing Eligibility to Play for Representative Teams. 2021 (January)

7 Syahrin, M. Alvi. 2019. "Naturalization in Citizenship Law:" *Journal Thengkyang* 2(1):36- 53.

3. Citizenship for Foreigners who are meritorious or by reason of the interests of the state;
4. Nationality for children who have not acquired nationality

3.2 Juridical Review of the Naturalization Process in Indonesia

The process of naturalizing foreign football players or football players who are not Indonesian citizens in order to strengthen the performance and increase the contribution in the game of football by the Indonesian national team is not new, although lately it has been reported that many foreign players are about to undergo the naturalization process. As is known, the first naturalized player was a goalkeeper of Dutch descent named Van der Vin. Van der Vin is a naturalized goalkeeper and made his first debut with the Indonesian national team in 1952. Van der Vin was naturalized along with other players of Dutch descent such as Van der Berg and Boelard van Tuyl.[8] The application for naturalization is regulated in Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia or Law 12 of 2006. There are several articles that distinguish the types of naturalization applications. As in Article 8 which regulates pure naturalization, Article 20 concerning naturalization for people who have contributed to the country or for reasons of state interest, and Article 19 concerning naturalization based on marriage. In addition to Law 12 of 2016, the stages of naturalization applications are technically regulated in Article 3A of Government Regulation Number 21 of 2022 concerning Amendments to Government Regulation Number 2 of 2007 concerning Procedures for Obtaining Loss of Cancellation and Regaining Citizenship of the Republic of Indonesia or PP 21 of 2022.

Article 3A states that the application for naturalization is made by a foreign citizen or foreigner through an application letter addressed to the president through the minister of law and human rights and submitted to the official, in this case the head of the regional office of the ministry of law and human rights where the foreigner applies.[9] An application for naturalization can also be submitted by the head of a state institution,

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[8] Wijaya, Hugo Hardianto. 2020. "Not Cristian Gonzales, This is the First Naturalized Player of the Indonesian National Team - Page 2 - Bolasport.Com." *Bolasport*. Retrieved April 17, 2024 (https://www.bolasport.com/read/312215274/bukan-cristian-gonzales-ini-pemain-naturalisasi-first-timnas-indonesia?page=2).

[9] Repiblik Indonesia, Central Government. 2022. "Government Regulation No. 21 Year 2022." Retrieved April 17, 2024 (https://peraturan.bpk.go.id/Details/211179/pp-no-21-tahun-2022).

community institution, or government institution with the consideration that the foreigner concerned has contributed to the country or for reasons of state interest. This has also been emphasized in Article 20 of Law 12 of 2006. Article 19 of Law 12 of 2006, as mentioned above, outlines the regulations regarding foreigners who can obtain Indonesian citizenship through a legal marriage with an Indonesian citizen. Technically, foreigners who wish to obtain Indonesian citizenship due to their marital status with Indonesian citizens are regulated in Minister of Law and Human Rights Regulation Number 36 of 2016 concerning Procedures for Submitting a Statement to Become an Indonesian Citizen or Permenkumham 36 of 2016. In Article 2 and Article 4 of Permenkumham 36/2016, applications to become Indonesian citizens by foreigners are submitted electronically to the minister of law and human rights through the official website of the Directorate General of General Legal Administration.

The essence of applying for citizenship is about legal status. In a state of law, legal certainty is very important and should be obtained by all people in all aspects and lines. Legal certainty is one of the essential things in law. Where the law in its application must provide certainty and justice. Legal certainty era, Legal certainty is related to the clarity of how a conception that gives rise to a norm that essentially functions to regulate and provide guarantees that if the rules are obeyed, the rights will be protected as a result of the legal certainty. Jan Michiel Otto said that legal certainty must provide legal rules that are clear, consistent, and easily accessible and obtained by the public. Thus, legal certainty can be achieved. In addition, Jan Michiel Otto also noted that legal certainty arises from the alignment between regulations that have been issued by the government or policy makers and the behavior of the majority of citizens, which in essence means that if citizens agree to the content of the regulations that have been issued, then that is where legal certainty can be realized.[10]

In Article 7 of Law 12 of 2006, it is written that people who are not Indonesian citizens will be treated as foreigners. Therefore, naturalization aims to enable a person who is still classified as a foreigner or non-Indonesian citizen to obtain rights and be treated like a native Indonesian through an official application. Article 26 paragraph (1) of the 1945 Constitution confirms that Indonesian citizens are indigenous Indonesians and people of other nations authorized by law. The adoption of the *ius sanguinis* and *ius*

[10] Otto, Jan Michael. 2003. "Legal Certainty in Developing Countries, Translation by Tristam Moeliono." *Jakarta. National Law Commission* 39.

soli principles makes the urgency of regulating citizenship more specific, as evidenced not only in Law 12 of 2006. The specific regulation also aims to simplify the understanding of the complexity of obtaining the legitimacy of citizenship. To note, *Ius sanguinis* is a principle that states the emergence of a person's citizenship based on his descent and not based on his place of birth. Meanwhile, the *ius soli* principle states that citizenship is determined based on the place of birth.[11]

In relation to Indonesia's adherence to the principles of *ius sanguinis* and *ius soli*, there are historical factors behind this. Before Law 12/2006 came into effect, Law No. 3/1946 on Citizens and Nationals or Law 3/1946 regulated citizenship first. Article 1 of Law 3/1946 emphasizes that Indonesian citizens are people who are native to the territory of the Indonesian state, people who are born and have their domicile and residence within the territory of Indonesia.

Indonesian citizenship, and people who obtain Indonesian citizenship by naturalization.[12] In the application of Law 3 of 1946, Indonesia adheres to the principle of *ius soli* when looking at Article 1 letter a and Article 1 letter b. *Ius sanguinis* was then also adopted after the enactment of the most recent law, Law 12 of 2006. Thus, Indonesia, which previously only adhered to *ius soli*, now adheres to and combines two principles at once, namely ius *soli* and *ius sanguinis*.

The existence of regulations regarding naturalization and citizenship transfers as stipulated in Law 12 of 2006, PP 21 of 2022, and Permenkumham Number 36 of 2016 provides legal certainty to individuals who want to have legal legitimacy for their citizenship status in Indonesia. This regulation accommodates those who have the will to change citizenship to become Indonesian citizens. In the context of football, foreign players who want to contribute to defending the Indonesian national team must first undergo naturalization. Naturalization is an obligation for foreign players who are planned to strengthen the work of the Indonesian national team in order to obtain the same citizenship rights as Indonesian citizens. Naturalization makes someone who is not an Indonesian citizen but has lived for a long time or wants to become an Indonesian

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11 Hukumonline, Tim. 2023. "Principles of Citizenship Applicable in Indonesia." *Hukum Online.Com*.

12 Republic of Indonesia, Central Government. 1946. "Law No. 3 of 1946 Concerning Citizens and Residents of the State."

citizen, has Indonesian bloodline or blood, to marry an Indonesian can have certainty of identity as an Indonesian citizen and avoid being treated or treated as a foreigner.

4. Conclusion

So, the phenomenon of naturalizing national team players legally involves several aspects that are worth considering. First, the naturalization process often occurs because countries want to strengthen their national teams by bringing in quality players from outside. This can be caused by a lack of domestic talent or by a desire to improve the overall performance of the team.

However, the naturalization process is also often controversial. Some argue that players who get a new nationality just to play in the national team violate the principles of integrity of competition and national identity. In addition, ethical questions also arise about whether the process This naturalization respects the rights of native players and whether the player has strong emotional or cultural ties to the country they represent.

FIFA's own rules have attempted to strictly regulate player naturalization, for example by setting time limits that players must meet before they can play for their new national team. Nonetheless, many parties still feel the need to continue debating this issue in order to strike the right balance between benefiting the development of football and maintaining the integrity of international competition.

The naturalization process is legitimate to benefit a sports club, but there needs to be oversight and review of the various legal regulations governing the process of granting citizenship to foreigners, including the requirements, procedures, and legal impact. This involves evaluating the constitution, laws, government regulations, and court decisions relating to naturalization so that no problems arise in the future related to the granting of Indonesian citizenship status to foreigners. In addition, it is also necessary to consider aspects of international law related to the principles of state sovereignty and human rights in the context of granting citizenship to individuals from other countries**.**

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References

Babel, Regional Office. 2023. "Citizenship/Naturalization." *Https://Babel.Kemenkumham.Go.Id/Services/Ahu/Nationality*. Retrieved April 9, 2024 (https://babel.kemenkumham.go.id/layanan/ahu/pewarganegaraan).

FIFA Sttues. 2021. "Commentary on the Rules Governing Eligibility to Play for Representative Teams. "*2021* (January).

Hukumonline, Tim. 2023. "Principles of Citizenship Applicable in Indonesia." *Hukum Online.Com*.

June. 2024. "Jens Raven, Young Striker Candidate for Naturalization of Indonesian National Team." *CNN Indonesia*. Retrieved April 17, 2024 (https://www.cnnindonesia.com/olahraga/20240408235124-142-1084506/jens-raven-striker-young-candidate-naturalized-player-timnas-indonesia).

Maaruf, Nefrisa Adlina, Rakhbir Singh, and Irwan Triadi. 2023. "IMPLEMENTATION OF STATE DEFENSE VALUES IN THE NATURALIZATION POLICY OF FOOTBALL PLAYERS SEEN FROM THE PERSPECTIVE OF THE INDONESIAN REPUBLIC LAW NUMBER 12 OF 2006. ON CITIZENSHIP." *Civilia: Journal of Legal Studies and Civic Education* 2(5): 74-84.

Otto, Jan Michael. 2003. "Legal Certainty in Developing Countries, Translation by Tristam Moeliono." *Jakarta. National Law Commission* 39.

Republik Indonesia, Central Government. 2022. "Government Regulation No. 21 Year 2022." Retrieved April 17, 2024 (https://peraturan.bpk.go.id/Details/211179/pp-no-21-tahun-2022).

Republic of Indonesia, Central Government. 1946. "Law No. 3 of 1946 Concerning Citizens and Residents of the State.

Setianingrum, Cornelia Agata Wiji. 2020. "Terms of Naturalization of Football Players in Indonesia & FIFA Regulations." *Tirto.Id*. Retrieved April 17, 2024 (https://tirto.id/syarat-naturalisasi-pemain-sepak- bola-di-indonesia-regulation-fifa-eqcr).

Soejarno Soekanto. 2022. *Introduction to Legal Research*.

Syahrin, M. Alvi. 2019. "Naturalization in Citizenship Law:" *Journal Thengkyang* 2(1):36-53.

Tysara, Laudia. 2022. "The History of the Parent Organization of Indonesian Football Is Formed 19 April 1930 - Hot Liputan6.Com." Retrieved April 17, 2024 (https://www.liputan6.com/hot/read/4974970/sejarah-induk-organisasi-sepak-

bola-indonesia-adalah- formed-19-april-1930).

Usman, Ryandi Ferdiannur. 2023. "The Naturalization Process of Foreign Citizens Who Have Served the Indonesian State." 1(3):264-86.

Wijaya, Hugo Hardianto. 2020. "Not Cristian Gonzales, This is the First Naturalized Player of the Indonesian National Team - Page 2 - Bolasport.Com." *Bolasport*. Retrieved April 17, 2024 (https://www.bolasport.com/read/312215274/bukan-cristian-gonzales-ini-pemain-naturalisasi- first-timnas-indonesia?page=2).