

## ABSTRAK

Orang-orang yang bertempat tinggal pada suatu negara tertentu, tetapi ia bukan warga negara dari negara tersebut disebut sebagai Warga negara asing. Warga negara asing yang berada di Indonesia dapat melakukan proses naturalisasi sebagai salah satu cara untuk memperoleh kewarganegaraan. Proses Naturalisasi merupakan suatu bentuk penjaminan perlindungan hak, yang diberikan oleh negara Indonesia dalam memenuhi salah satu bentuk Hak Asasi Manusia. Proses ini diatur dalam Undang-Undang No. 12 Tahun 2006 Tentang Kewarganegaraan RI. Penerapan tata caranya diatur dalam peraturan pemerintah Republik Indonesia No. 2 Tahun 2007 tentang tata cara memperoleh, kehilangan, pembatalan, dan memperoleh kembali kewarganegaraan Republik Indonesia dan Peraturan Menteri Hukum dan HAM Nomor 21 Tahun 2020 Tentang Tata Cara Penyampaian Permohonan Pewarganegaraan dan Penyampaian Berita Acara Sumpah Pemberian Kewarganegaraan Republik Indonesia.

Pengaturan mengenai hak dan kewajiban yang diperoleh warga negara Indonesia, diatur dalam Pasal 27 sampai dengan Pasal 34 Undang - Undang Dasar Negara Republik Indonesia tahun 1945. Oleh karena itu diperlukan pemahaman mengenai proses naturalisasi serta hak dan kewajiban apa saja yang diperoleh warga negara. Dalam penelitian ini penulis menggunakan pendekatan Yuridis-Normatif dengan bahan hukum primer dan sekunder, juga spesifikasi deskriptif analitis, dengan pengumpulan data berupa studi kepustakaan dan teknik wawancara yang ditujukan kepada Ibu Nurul Istiqoma selaku Kepala analisis & pertimbangan pewarganegaraan, dan Bapak Sudaryanto Abdul selaku Kepala Subdirektorat Pewarganegaraan Ditjen AHU Kemenkumham.

Hasil penelitian ini dalam pengaturannya terdapat tiga cara melakukan permohonan naturalisasi sesuai Undang-Undang No. 12 Tahun 2006 Tentang Kewarganegaraan RI, pada Pasal 8 permohonan dilakukan dengan cara naturalisasi biasa, Pasal 19 permohonan dilakukan dengan cara perkawinan campuran antar kewarganegaraan, dan Pasal 20 dilakukan atas dasar rekomendasi lembaga terkait yang dipertimbangan DPR dan presiden karena jasa pemohon atau kepentingan negara. Hak dan Kewajiban warga negara Indonesia hasil perolehan naturalisasi sama dengan warga negara Indonesia asli, Namun, terdapat pembatasan terkait hak politiknya yaitu tidak memperoleh hak untuk dipilih sebagai calon presiden dan wakil presiden.

Walaupun aturan saat ini sudah baik dalam mengunci pembatasan nya dibidang politik. Melihat perkembangan gaya sosial dan kultural yang semakin beragam, maka peraturan mengenai hak dan kewajiban warga negara hasil perolehan naturalisasi dapat ditambahkan atau dipertegas secara tertulis dalam bahan revisi undang-undang Dasar Negara Republik Indonesia 1945.

**Kata Kunci: Hak dan Kewajiban, Warga Negara, Kewarganegaraan, Naturalisasi,**

## ABSTRACT

People who live in a certain country, in spite of that are not citizens of the country are called Foreign Citizens. Foreign Citizens who reside in Indonesia can undergo the naturalization process as one of the ways to obtain citizenship. The naturalization process is a form of attempt to guarantee the protection of rights that are given by Indonesia in fulfilling one form of Human Rights. This process is regulated in The Law of the Republic of Indonesia Number 12 of 2006 on the Citizenship of the Republic of Indonesia. The application procedure is regulated in The Government Regulation No 2 of 2007 on The Procedures for Obtaining, Losing, Nullifying and Regaining Citizenship of the Republic of Indonesia and The Regulation of the Minister for Law and Human Rights of the Republic of Indonesia Number 21 the Year 2021 Regarding Procedures for Submission of Application for Citizenship and Submissions of Minutes of Oath-Taking for the Granting of Citizenship of the Republic of Indonesia.

Regulations regarding the rights and obligations obtained by Indonesian citizens are regulated in Article 27 to Article 34 of the 1945 Constitution of the Republic of Indonesia. Therefore, it is necessary to understand the naturalization process as well as the rights and obligations that are obtained by the citizens. In this research, the author will use the Juridical Normative approach by utilizing primary and secondary legal materials, in addition to the analytical descriptive specification, with the data collection in the form of library research and in-depth interview technique intended for Mrs. Nurul Istiqoma as The Chief of Citizenship Analysis and Considerations, and Mr. Sudaryanto Abdul as The Head Sub-directorate of Citizenship of the Directorate General of Legal Administrative Affairs, Ministry of Law and Human Rights.

The result of this research, there are three ways of submitting naturalization application based on The Law of the Republic of Indonesia Number 12 of 2006 on the Citizenship, in Article [8] Citizenship of the Rep. of Indonesia may be acquired through regular naturalization, Article [19] application may be acquired through mixed marriage between nationalities, and Article [20] the citizenship may be obtained through recommendation from the relevant institutions after receiving the deliberations of the People's Representative Council and The President based on the persons' deserving merit for services to the Rep. of Indonesia or for the country's best interests. The rights and obligations of Indonesian Citizens resulting from naturalization are equal with original Indonesian Citizens. However, there are restrictions regarding their political rights, that is not receiving the right to be elected as presidential and vice-presidential candidates.

Even though the current regulations are good in locking the restrictions in the political field, by observing social and cultural diversity, the regulations regarding rights and obligations of citizenship acquired from naturalization could be added and emphasized in a written form in the revision material of the 1945 Constitution of the Republic of Indonesia.

**Keywords : Rights and Obligations, Citizen, Citizenship, Naturalization**