

**ANALISIS HUKUM TERHADAP OPSI KEBIJAKAN PENCABUTAN  
KEWARGANEGARAAN TERHADAP WARGA NEGARA INDONESIA  
ANGGOTA KELOMPOK TERORIS *ISLAMIC STATE* DI SURIAH OLEH  
PEMERINTAH INDONESIA BERDASARKAN HUKUM  
INTERNASIONAL**

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**ABSTRAK**

Penulisan hukum ini bertujuan untuk menganalisis legalitas opsi kebijakan pencabutan kewarganegaraan terhadap Warga Negara Indonesia (WNI) anggota kelompok teroris *Islamic State* (IS) yang ditahan di Suriah dan Irak oleh Pemerintah Suriah, Pemerintah Irak, serta *Syrian Democratic Force* (SDF). Analisis didasarkan pada kewajiban internasional yang terkandung dalam sumber-sumber hukum internasional yang relevan, serta berlaku dan mengikat bagi Indonesia.

Penelitian yang dilakukan merupakan penelitian hukum kualitatif dengan pendekatan legal-normatif. Jenis data yang digunakan untuk penelitian ini adalah data sekunder yang meliputi bahan hukum primer, sekunder dan tersier. Pengumpulan data untuk penelitian dilakukan melalui studi kepustakaan dan internet.

Hasil penelitian menyimpulkan bahwa, berdasarkan kewajiban internasional yang relevan dan mengikat secara hukum bagi Indonesia, opsi pencabutan kewarganegaraan dalam konteks pejuang teroris asing (*foreign terrorist fighters*) IS di Suriah berpotensi melanggar kewajiban internasional yang ada. Penelitian menunjukkan bahwa tindakan pencabutan kewarganegaraan akan semakin mengekspos WNI terhadap perlakuan tidak manusiawi di dalam kamp-kamp penahanan yang tergolong sebagai tindakan penyiksaan; sehingga menimbulkan keterlibatan negara dalam pelanggaran tersebut, serta merupakan kebijakan yang kontraproduktif dalam upaya melawan terorisme dalam skala global.

**Kata kunci:** ISIS, terorisme, hak atas kewarganegaraan, *foreign terrorist fighters*, pencabutan kewarganegaraan, repatriasi, Suriah

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**LEGAL ANALYSIS ON THE OPTION OF CITIZENSHIP REVOCATION  
POLICY AGAINST INDONESIAN CITIZENS TAKING PART AS  
ISLAMIC STATE'S MEMBERS IN SYRIA BASED ON  
INTERNATIONAL LAW**

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**ABSTRACT**

This research aims to analyze the legality of the potential future policy of citizenship revocation directed against Indonesian citizens who joined Islamic State (IS) and are currently detained in Syria and Iraq by the Syrian Arab Republic government, Iraqi government, and the US-backed Syrian Democratic Forces (SDF). The analysis is based on the international obligations stipulated in relevant sources of international law to which Indonesia is bound to.

The research conducted was qualitative legal research with a normative legal approach. The materials gathered for the research were secondary data which consist of primary, secondary, and tertiary legal materials. The data used for the research were collected through literature study and the internet.

The research concluded that, according to the relevant international obligations that are legally binding to Indonesia, the implementation of citizenship revocation policy in the context of IS foreign terrorist fighters (FTFs) would violate such obligations. The research indicated that the act of revoking citizenship would further expose Indonesian citizens to inhumane treatments inside detainment camps which account as torture; thus might trigger the state's complicity, and would be a counterproductive measure in counterterrorism effort on a global scale.

**Keywords:** ISIS, terrorism, right to a nationality, foreign terrorist fighters, citizenship revocation, repatriation, Syria

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