

**PENOLAKAN REPATRIASI EKS-ANGGOTA ISLAMIC STATE  
OF IRAQ AND SYRIA (ISIS) DAN KEHILANGAN  
KEWARGANEGARAAN REPUBLIK  
INDONESIA DALAM PERSPEKTIF  
NEGARA HUKUM DAN HAK  
ASASI MANUSIA (HAM)**

**INTISARI**

**Donel Roy S. Siburian<sup>1</sup>, Sri Wiyanti Eddyono<sup>2</sup>**

Tujuan Objektif penelitian ini untuk mengetahui dan menganalisis status kewarganegaraan dari Warga Negara Indonesia yang bergabung dengan *Islamic State of Iraq and Syria* (ISIS) sebagai *Foreign Terrorist Fighter* (FTF), dan Untuk mengetahui dan menganalisis bagaimana kebijakan hukum pemerintah Indonesia dalam menolak repatriasi eks-anggota *Islamic State of Iraq and Syria* (ISIS) ditinjau dari Negara Hukum dan Hak Asasi Manusia.

Penelitian yang dilakukan menggunakan metode penelitian yuridis normatif. Penelitian ini merupakan jenis penelitian hukum normatif yang dilengkapi dengan wawancara. Data yang digunakan adalah data sekunder yang terdiri dari bahan hukum primer, sekunder dan tersier. Pengumpulan data dilakukan dengan cara studi kepustakaan dan internet bahan-bahan hukum primer, sekunder dan tersier, serta wawancara dengan narasumber juga dilakukan dan digunakan sebagai salah satu bahan hukum sekunder. Analisis data menggunakan metode kualitatif, dengan menganalisis data-data berupa dokumen, peraturan-peraturan, teori-teori terkait yang menghasilkan data deskriptif-preskripsi.

Penelitian menyimpulkan bahwa syarat dan tata cara kehilangan atau melepaskan kewarganegaraan Republik Indonesia diatur dalam Undang-Undang Nomor 12 Tahun 2006 Pasal 23 jis Peraturan Pemerintah Republik Indonesia Nomor 2 Tahun 2007 Pasal 31-39. Warga Negara Indonesia yang bergabung dengan *Islamic State of Iraq and Syria* (ISIS) sebagai *Foreign Terrorist Fighters* (FTFs) masih berstatus kewarganegaraan Republik Indonesia, dinyatakan kehilangan status kewarganegaraan secara yuridis apabila sudah diputuskan oleh Presiden dan diumumkan oleh Menteri dalam Berita Negara. Kebijakan hukum pemerintah Indonesia dalam menolak repatriasi eks-anggota *Islamic State of Iraq and Syria* (ISIS) ditinjau dari Negara Hukum dan Hak Asasi Manusia adalah bersifat koersif menggunakan model penegakan hukum kontra terorisme jangka pendek/taktikal, ofensif, reaktif dan global/internasional. Dalam konteks HAM, negara memiliki tanggung jawab untuk menghargai (*respect*), melindungi (*protect*), dan memenuhi (*fulfill*) hak setiap manusia.

**Kata Kunci:** teroris perspektif HAM, teroris perspektif negara hukum, WNI eks ISIS, FTF, status kewarganegaraan, repatriasi, teori keadilan.

<sup>1</sup> Mahasiswa Megister Ilmu Hukum Universitas Gadjah Mada 2021 ([donelroy@mail.ugm.ac.id](mailto:donelroy@mail.ugm.ac.id)).

<sup>2</sup> Dosen Fakultas Hukum Universitas Gadjah Mada ([sriwiyanti.eddyono@ugm.ac.id](mailto:sriwiyanti.eddyono@ugm.ac.id))

**REJECTION OF REPATRIATION OF EX-ISLAMIC STATE  
OF IRAQ AND SYRIA (ISIS) MEMBERS AND LOSS OF  
CITIZENSHIP OF THE REPUBLIC OF INDONESIA  
IN THE PERSPECTIVE OF THE STATE  
OF LAW AND HUMAN RIGHTS**

***ABSTRACT***

**Donel Roy S. Siburian<sup>3</sup>, Sri Wiyanti Eddyono<sup>4</sup>**

The objective of this research is to find out and analyze the citizenship status of Indonesian citizens who join the Islamic State of Iraq and Syria (ISIS) as Foreign Terrorist Fighter (FTF), and to find out and analyze how the Indonesian government's legal policy in rejecting the repatriation of ex-Islamic State of Iraq and Syria (ISIS) members in terms of the State of Law and Human Rights.

The research was conducted using normative juridical research methods. This research is a type of normative legal research that is equipped with interviews. The data used is secondary data consisting of primary, secondary and tertiary legal materials. Data collection was carried out by means of library and internet studies of primary, secondary and tertiary legal materials, as well as interviews with resource persons were also conducted and used as one of the secondary legal materials. Data analysis uses qualitative methods, by analyzing data in the form of documents, regulations, related theories that produce descriptive-prescription data.

The research concludes that the conditions and procedures for losing or relinquishing the citizenship of the Republic of Indonesia are regulated in Law Number 12 of 2006 Article 23 in conjunction with Government Regulation of the Republic of Indonesia Number 2 of 2007 Articles 31-39. Indonesian citizens who join the Islamic State of Iraq and Syria (ISIS) as Foreign Terrorist Fighters (FTFs) still have the citizenship of the Republic of Indonesia, are declared legally deprived of citizenship status if it has been decided by the President and announced by the Minister in the State Gazette. The Indonesian government's legal policy in refusing the repatriation of ex-Islamic State of Iraq and Syria (ISIS) members in terms of the State of Law and Human Rights is coercive in nature using a short-term/tactical, offensive, reactive and global/international counter-terrorism law enforcement model. In the context of human rights, the state has the responsibility to respect, protect, and fulfill the rights of every human being.

**Keyword:** terrorist from human rights perspective, terrorist perspective from rule of law, ex-ISIS Indonesian citizen, FTF, citizenship status, repatriation, a theory of justice.

---

<sup>3</sup> Postgraduate student of megister of legal science, faculty of law, Universitas Gadjah Mada ([donelroy@mail.ugm.ac.id](mailto:donelroy@mail.ugm.ac.id))

<sup>4</sup> Lacturer Faculty of Law, Universitas Gadjah Mada Yogyakarta ([sriwiyanti.eddyono@ugm.ac.id](mailto:sriwiyanti.eddyono@ugm.ac.id))