

## ISIS Ex-WNI or Indonesian Ex-ISIS? An Overview in the Perspective of National Law and International Law

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### Abstract

*In Indonesia, there is a debate regarding the repatriation of former ISIS citizens. One of the main issues is related to the legal protection that will be provided by the state to them, especially their citizenship status. Based on this background, the formulation of the problem in this article is legal protection for Indonesian Ex-ISIS. This article uses a legal research method with a statutory and conceptual approach. Based on the results, it was found that several Indonesian laws and regulations and several international legal instruments expressly recognize the existence of citizenship as a fundamental right for everyone, and no one can arbitrarily revoke or be denied the right to change their citizenship. Sanctions for revocation of one's citizenship status cannot be applied equally to someone whose involvement is only limited to believing in theories, doctrines, or understanding terrorism under the guise of a certain religion. Elimination of citizenship rights by a country is an act that is not taken for granted. The decision-making on the Indonesian Ex- ISIS must still refer to the principle of protecting Human Rights (HAM) and several other international legal instruments.*

### Keywords

ISIS; citizenship;  
legal protection



## I. Introduction

The conflict in Syria has invited the arrival of large numbers of a foreign citizens from various countries, including Indonesia (Ahram, 2019). Their arrival to the country attracted male sympathizers to take part in the armed campaign of the Islamic State of Iraq and Syria (ISIS) and women. Some of them brought their families, including their children. Their motivations are varied, some want to take part in the armed conflict between ISIS and its opponents, and others want to live in the area of ISIS' oversight that strictly enforces Islamic law (Center, 2019).

The defeat of ISIS as a result of the onslaught of the United States-led coalition forces and the Arabian Peninsula countries in Iraq and Syria over the past few years has succeeded in pressing and destroying the last ISIS militia base in Baghouz in March 2019 (Lazuardi, 2021). The defeat had a direct impact on the presence of combatants or sympathizers in Syria. After the loss, several countries such as America, Norway, Uzbekistan, Kazakhstan, Australia, Turkey, Kosovo, and several other countries have started the process of repatriating their citizens who are in refugee camps in Syria (Haryadi & Muthia, 2018).

One of the issues of common concern in this regard is accepting or rejecting these ex-ISIS citizens. It also raises a long discussion because it moves between the protection of the state for its citizens, humanitarian issues, and the security of a country from the threat of global terrorism. This complicated issue related to the treatment of citizens who have

joined a group that calls itself an Islamic state or ISIS is not only faced by Indonesia, many other countries also face the same dilemma.

Repatriating Indonesian citizens associated with the Syrian and Iraqi conflicts has become a matter of debate among the public and policymakers. The Indonesian government since 2014 has recorded that 1,580 Indonesian citizens (WNI) have tried to go to Syria and Iraq to join ISIS (Ramanto, 2019). Based on this number, around 639 Indonesian citizens in Syria are indicated to be associated with ISIS. This number includes combatants, those employed as civil servants within the ISIS administrative structure, family members, and those who wish to live in ISIS-controlled areas. Indonesian combatants, who are generally male, are currently mostly in detention camps. Meanwhile, family members, women, and children were placed in refugee camps.

In Indonesia, the debate over the repatriation of ex-ISIS is mainly related to the form of legal protection that the state will provide to them during their citizenship status, which is still being debated. However, citizenship status is a legal identity that creates a reciprocal relationship between the state and its citizens (see General Elucidation of Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia). Moreover, as a basic right, without citizenship status, other rights are impossible to be protected by the state. Therefore, the absence of citizenship status for the former ISIS will have legal implications for a country's obligations and international legal instruments to provide legal protection for them.

In responding to this problem, some think that the repatriation of Indonesian citizens who are associated with the Syrian and Iraqi conflicts must be carried out because their status is still Indonesian citizens. The state must protect its citizens. In addition, the revocation of citizenship of the ex-ISIS can result in a stateless condition. Conditions that international human rights instruments, such as the Convention on the Status of Stateless Persons 1954 and the Convention on the Reduction of Statelessness, 1961, must prevent. As for those who refuse to return these ex-ISIS Indonesian citizens, they state that the state has no obligation to protect them because their citizenship status is considered lost because it has been proven to have violated several articles in the citizenship law, especially entering the foreign army service (Bawulang, 2018). Based on the debate, it is necessary to carry out further analysis related to legal protection for ex-ISIS Indonesian citizens related to the repatriation that will be carried out.

## **II. Research Methods**

This research is legal research. Legal research is a process to determine the rule of law, legal principles, and legal doctrines in order to answer the legal issues faced (Marzuki, 2017). This legal research determines the rule of law, legal principles, and legal doctrines to answer legal silence related to legal protection against Indonesian ex-ISIS.

This type of research uses normative legal research. Normative legal research is a scientific research procedure to find the truth based on scientific logic from the normative side (J. Effendi & Ibrahim, 2020). In normative legal research, secondary data sources are usually only used, namely books, diaries, laws and regulations, court decisions, legal theories, and opinions of leading legal scholars (Insiyah et al., 2019). The researcher was conducted legal research because the focus is on using secondary data sources to analyze related to legal protection for Indonesian citizens who are former ISIS members.

In this legal research, the approach uses the statute approach and the conceptual approach. The statute approach is carried out by examining all laws and other regulations relating to legal issues in question, so the ratio legis is found, ontological basis, and

philosophical basis of regulations (Agustine, 2018). In this legal research, the laws and regulations analyzed are the laws and regulations relating to the legal protection of Indonesian citizens who are former ISIS members. A conceptual approach is an approach that moves from the views and doctrines that develop in the science of law to analyze the existence of legal problems (Barus, 2017). In this legal research, the legal concepts used are legal concepts to answer legal issues related to legal protection for Indonesian ex-ISIS.

### **III. Results and Discussion**

#### **3.1 Islamic State of Iraq and Syria (ISIS) as a Terrorist Organization**

Global terrorism has become a phenomenal issue in the 21st century (twenty-one)(Nasution, 2017). Violence in the name of religion has become a new agenda in international politics. Entering a new century in the era of globalization and independence is an expression of the feelings of a number of actors in playing international politics which is contextual and always changing. The emergence of the phenomenon of global terrorism such as the birth of ISIS shows a new form of politics which is marked by efforts to include the value of religious fundamentalism as the basis of global violence (Koehane & Nye, 2000).

ISIS was declared on April 9, 2013 by Abu Bakr Al Baghdadi (Zelin, 2014). If you look further, the forerunner to its formation, the name ISIS was originally two different Islamic jihadist groups, namely the Islamic State in Iraq (ISI) and the Islamic State in the Levant (ISL) (Gulmohamad, 2014). ISIS was originally formed to establish an Islamic state in Iraq and Syria. To achieve this goal, ISIS spreads propaganda to invite all Muslims in the world to carry out jihad and help their struggle to establish an Islamic state. To create a massive effect, ISIS uses social media instruments to carry out propaganda. It has proven to be very effective in attracting the sympathy of Muslims from various countries to carry out jihad so that ISIS is not just a local movement in Iraq and Syria but a transnational movement on a massive scale.

Previously, ISIS was part of Al-Qaeda. However, the forms and methodologies they apply to form the Islamic State or Islamic State are very different. ISIS is far more provocative and more destructive than Al-Qaeda. The propaganda that is played is also very varied to attract sympathy and recruit members (Fathun, 2015). In its development, this organization then separated because it was considered contradictory and not in line with Al Qaeda because it had turned away from the mission of the national struggle by creating sectarian wars in Iraq and Syria.

The birth of ISIS has captured a lot of attention of the international community. The methods used by ISIS to build a country according to their ideology have led to many battles that have resulted in suffering of human life, physical integration and systematic violations of human rights (Mabon & Royle, 2017). It has been widely reported in the national and international media about the violent methods carried out by ISIS, such as murder, kidnapping, expulsion, and other human rights violations. The various methods of violence carried out by ISIS are to get rid of everything that can hinder the establishment of a caliphate state with an ideology that they believe is correct. In carrying out its actions, ISIS always tries to expand its territory in any way, including by using violence.

Many consider ISIS to be a state, not a terrorist organization. However, until its collapse, ISIS was not recognized as a state by the United Nations (UN) because the Syrian and Iraqi governments had not recognized it. As a general condition for a country regarding recognition from other countries, ISIS cannot be considered a country because there is no single sovereign country in the world that recognizes it as a country

(Tomuschat, 2015).

It is very difficult to find a strong argument to declare ISIS as a country if analyzed in depth. To analyze it, we use two aspects. **First**, from the internal aspect of a national government, the state must have internal sovereignty regarding its relationship with its people (state-society relations) (Hidayat, 2008). It focuses on how the government regulates its people, economy, domestic policies, and other internal problems. In this aspect, it is clear that the state is a populated area with a national government. Second, its relation to external aspects. A country is said to be sovereign if it gets recognition from other countries for its sovereignty. This relates to the relationship between countries (inter-state relations), namely how the governments of countries face each other in international relations, how their foreign policies are, how people between countries interact with each other, and so on.

From these two aspects, several conditions are most mandatory in determining the existence of a country, namely: 1) the existence of a permanent population or society, 2) territory, 3) an effective government, and 4) the ability to relate to other countries (A. M. Effendi, 2011). These four important points are also contained in the results of the 1933 Montevideo convention which later became a declaration on the rights and obligations of states adopted by the United Nations International Law Commission in 1949. There are also two additional requirements that are common in the international world, namely independence and legitimacy.

The United Nations also through Security Council Resolution of the United Nations (UN) No. 1267 of 1999 which was renewed by UN Security Council Resolution No. 1989 of 2011 and Resolution of the United Nations Security Council (UN) No. 2178, 2014 as well as in UN Security Council Resolution No. 2249 of 2015 explicitly mentions ISIS as a terrorist organization. This resolution also describes counter-terrorism actions that are specifically aimed at the Islamic State of Iraq and the Levant (ISIL), Al-Nusra Front (ANF) and other terrorist groups that have ties to the Al-Qaeda group. To support these actions, it is also possible to carry out all actions including military operations. In addition, Indonesia through the Decree of the Central Jakarta District Court Number 11204/Pen.Pid/2014/PN.JKT.PST dated November 20, 2014 also stated that ISIS is a terrorist organization.

The step to justify ISIS as a terrorist group is a solution that can be considered appropriate, considering that ISIS itself can disrupt the international custom. This can be seen from the way ISIS fights, treats prisoners, destroys public facilities, destroys cultural heritage, attacks the territory of more than two different countries, showing the methods used by ISIS above indicate that ISIS has no desire to obey international law, on the other hand, many of the victims who arise from this action themselves arise from civilians. If ISIS acts are connected with elements of criminal acts of terrorism, then what ISIS has done can be said to have fulfilled the elements of acts of terrorism (Rijal, 2017).

### 3.2 Legal Protection for Indonesian Ex-ISIS

#### a. Citizenship Status

Citizenship is a human right and the foundation of identity, dignity, justice, peace, and security. Being a stateless person means having no legal protection to participate in the political process, not getting adequate access to health, education and poor job prospects and poverty, restriction of own property rights, restrictions on travel, social exclusion, vulnerability to abuse, and trafficking. Therefore, the existence of this right must be fulfilled, respected, respected, and protected by the state.

Citizenship is a form of identity that allows individuals to feel the meaning of

ownership, rights, and social obligations in the political community (state). This status is important for every person so that his position as a legal subject who is entitled to legal rights and obligations can be guaranteed legally and actually and can connect someone with others in international relations (Asshiddiqie, 2011). A person's citizenship is closely related to his country because it creates reciprocal rights and obligations. The state is obliged to protect its citizens wherever they are, and every citizen remains obedient to the power of his country and obeys the laws in force in his country. For citizens who are abroad, the application of state power and the rule of law for them are limited by the power and law of the country in which they are located (Istanto, 1998).

In his status as a citizen, everyone has the same position in law and government. Legal differences and distinctions can only be made in matters relating to (i) special treatment that is needed only temporarily in the context of affirmative action to accelerate the lag in the concerned development from generally accepted developments, (ii) fulfillment of requirements positions that require special skills (official requirements) for the job in question, (iii) other specialties that are permanent and natural, such as due to gender differences, disease factors and permanent physical disability conditions, and so on (Isharyanto, 2016). Only on the basis of these three things, different treatment can be conducted on the condition that it is properly regulated by or based on the law (Asshiddiqie, 2011).

A citizen has a reciprocal relationship with his country (Wulandari, 2014). As citizens they are required to have a sense of nationalism (nationalism) or a sense of love for the homeland so that they must be ready to defend and sacrifice for its survival. Thus there is a reciprocal achievement between the protection of the rights granted by the state and the willingness to sacrifice for the survival of the nation and state (Umra, 2019). Every citizen also has the same rights and obligations to and from the state. Every citizen has rights that must be recognized, respected, protected, facilitated and fulfilled by the state. On the other hand, every citizen also has obligations which are state rights that must be recognized, respected and fulfilled by every citizen (Isharyanto, 2016).

In Indonesia the right to citizenship status has been guaranteed in Article 28D paragraph (4) of the 1945 Constitution, in that article it is explained that: "everyone has the right to citizenship status". Furthermore, Article 28E paragraph (1) states that: "Everyone has the right to embrace a religion and worship according to his religion, choose education and teaching, choose work, choose citizenship, choose a place to live in the territory of the country and leave it, and has the right to return". Even Article 28G paragraph (2) states, "Everyone has the right to be free from torture or treatment that degrades human dignity and has the right to obtain political asylum from another country". However, because the nature of the 1945 Constitution itself is *grondwet* (basic law), the right to citizenship status itself is not regulated in detail in the constitution, so the right to citizenship status is further regulated in the legislation below (Faizal, 2020).

Furthermore, in Law Number 39 of 1999 concerning Human Rights (Human Rights Law) Article 26 paragraph (1) and paragraph (2) as further rules regarding citizenship are explained regarding the right of every person to own, obtain, replace, maintain his citizenship status, the freedom of everyone to choose their nationality and without discrimination have the right to enjoy the rights that originate and are attached to their citizenship and are obliged to carry out their obligations as citizens following the provisions of the legislation.

In international, every citizen can enjoy the benefits of international law, and one of these benefits is obtained through citizenship status (Jennings & Watts, 1992). In international relations, nationality and citizenship status will connect citizens of one



country with citizens of other countries (Bradley & Ewing, 2003).

A person's status in international law is closely related to the growing international community's attention to protecting human rights. Currently, individuals have been recognized as subjects of international law who can bear rights and obligations before the law, such as the right to claim or sue the state before an international court. For example, The Convention on the Settlement of Investment Disputes 1965; the European Convention on Human Rights 1950. As explained earlier, with nationality and citizenship status, a person or individuals benefit under international law in the form of legally guaranteed rights, entitled to a passport, jobs related to diplomatic representatives abroad.

Citizenship status is important for every individual, and it is the individual's right to choose his or her citizenship status. The reasons for the importance of citizenship in international law are as follows. (Starke, 2010):

1. The right to diplomatic protection abroad is an essential attribute of citizenship. The state is responsible for protecting its citizens who are abroad.
2. The country of which a person is a national becomes liable to the other country if he fails in his duty to prevent certain wrongful acts committed by this person or fails to punish him after the wrongful act was committed.
3. In general, a country does not refuse to accept back its own nationals in its territory. Article 12 paragraph (4) of the 1966 International Covenant on Civil and Political Rights stipulates that no one may be arbitrarily deprived of his right to enter his country.
4. Citizenship demands loyalty and one of the main forms of that loyalty is the obligation to carry out military service for the State to which this loyalty must be given.
5. A country has the general right (unless there is a special binding treaty) to refuse to extradite its nationals to another country requesting their surrender.
6. The status of the enemy in war is determined by the nationality of the person concerned.
7. Countries often exercise criminal jurisdiction or other jurisdiction based on nationality.

In several international instruments it is expressly recognized that the existence of citizenship is a fundamental right for everyone and no one can revoke it arbitrarily or be denied the right to change his nationality (Diana, 2014). A person who does not have citizenship or has not recognized his citizenship status by a country, under international law, cannot enter and settle in any country. People who do not have citizenship can end up without any residency status, even worse, namely long-term detention because of their status as illegal immigrants (Yolla, 2010).

#### **b. Revocation of Indonesian Ex-Isis Citizenship Status**

Citizens are legal subjects who have rights and obligations to and from the state. Every citizen has rights that must be recognized by the state and must be respected, protected, facilitated, and fully fulfilled by the state. On the other hand, every citizen also has obligations to the state which are state rights which must also be recognized, respected, and obeyed or complied by every citizen (Asshiddiqie, 2006).

Citizenship status is a very important element for everyone so that his position as a legal subject can carry legal rights and obligations that are guaranteed legally and actually. In this case, it is mainly related to international legal traffic relations, where the legal status of a person's citizenship will be able to become a link for every citizen to enjoy legal international ties that are developing very quickly and advancing today (Manan, 2009).

Normatively, based on Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia and Government Regulation Number 2 of 2007 concerning Procedures for Obtaining, Losing, Canceling, and Regaining Citizenship of the Republic of Indonesia, it regulates ways to acquire citizenship, namely: (a) through birth as a

descendant of an Indonesian citizen or citizenship, or (b) through naturalization. However, theoretically, there are five practices commonly applied in various countries, namely (i) Citizenship by birth, (ii) Citizenship by descent, (iii) Citizenship by naturalization, (iv) Citizenship by registration, and (v) Citizenship by territorial incorporation.

Citizenship status can be a precious right because by losing one's citizenship status, one will become stateless, which will impact the loss of fundamental rights as a citizen. There are several causes for someone to lose their citizenship, including Renunciation, a voluntary act to leave one of two or more citizenship statuses owned by two or more countries. Termination, namely the termination of citizenship status as legal action, because the person concerned obtained citizenship from another country. Deprivation, namely the revocation or forcible termination or dismissal of citizenship status based on an order from an authorized official because there is evidence of an error or violation in obtaining citizenship status or if the person concerned is proven to be unfaithful or betrayed to the state and the Constitution (Asshiddiqie, 2009).

The cause of a person's loss of citizenship is regulated in Article 23 of Law Number 12 of 2006 concerning Citizenship (Citizenship Law) of the Republic of Indonesia, namely:

- a) Acquire another nationality of his own free will;
- b) Not refusing or not giving up other citizenships, while the person concerned has the opportunity to do so;
- c) The President declares that he has lost his citizenship at his own request, the person concerned is 18 (eighteen) years old or married, resides abroad, and by being declared lost his citizenship of the Republic of Indonesia does not become stateless;
- d) Entry into foreign military service without prior permission from the President;
- e) Voluntary entry into the service of a foreign country, whose positions in such services in Indonesia in accordance with the provisions of laws and regulations can only be held by Indonesian citizens;
- f) Voluntarily take an oath or pledge allegiance to a foreign country or part of that foreign country;
- g) Not obligated but participating in the election of something of a constitutional nature for a foreign country;
- h) Have a passport or a letter from a foreign country or a letter that can be interpreted as a valid citizenship sign from another country on his behalf; or
- i) Domiciled outside the territory of the Republic of Indonesia for 5 (five) continuous years not in the context of state service, without valid reasons and intentionally not expressing his desire to remain an Indonesian citizen before the 5 (five) year period ends, and every 5 (five) years the person concerned does not submit a statement that he wants to remain an Indonesian citizen to the Representative of the Republic of Indonesia whose working area includes the residence in question, even though the Representative of the Republic of Indonesia has notified the person concerned in writing, as long as the person concerned does not become stateless.

The loss of citizenship means the loss of rights and obligations towards the country concerned. The loss of a person's citizenship status results in the severance of a citizen's relationship with his country (Wulandari, 2014). Suppose it refers to the conditions for the loss of citizenship status as required in Article 23 of the Citizenship Law above. In that case, the Indonesian citizen who joins ISIS will not automatically lose his citizenship. There is no one condition that an Indonesian citizen can lose his citizenship in his involvement with ISIS. In other words, there is no phrase in the above provisions that can support the revocation of the citizenship status of Indonesian citizens (Samu, 2018).

In addition, the implementation of sanctions for revocation of one's citizenship status

cannot be generalized to someone whose involvement is only limited to believing in teachings, doctrines, or understanding terrorism under the guise of a certain religion. Because basically, a person cannot be punished only based on what is in his mind (cogitationis poenam nemo patitur). There are many factors from Indonesian citizens who follow ISIS that must be investigated first before imposing penalties/sanctions both criminally and administratively.

In the case of ex-ISIS Indonesian citizens, the requirements that have the most potential to be used as references are entering the service of a foreign army without prior permission from the President and voluntarily entering the service of a foreign country, whose positions in such services in Indonesia are following the provisions of the legislation can be held by Indonesian citizens. However, the status of ISIS as a "foreign army" or "foreign country" is, of course, debatable. Calling ISIS a country can give recognition to the existence of ISIS itself as a political entity. Whereas the conditions for establishing a country based on the 1933 Montevideo Convention have not been fulfilled, especially the requirements related to the ability to establish relations with other countries. So far, no country in the world has been willing to establish formal diplomatic relations with ISIS. Therefore, as Indonesian citizens, they are still entitled to legal protection, promotion, enforcement, and fulfillment of human rights from the state.

Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism Into Law (Terrorist Law) also cannot be used as a basis to justify actions revocation of citizenship rights to this ex-ISIS. Article 12B paragraph (4) of the law states that Indonesian citizens who are involved in the military, paramilitary, or other training at home or abroad for criminal acts of terrorism, in addition to imprisonment, may be subject to additional punishment in the form of revocation of the right to have a passport and cross pass. limit for a maximum period of five years.

The provisions in the Terrorist Law require a criminal law approach in giving punishment to citizens involved in terrorist organizations. This means that revoking the citizenship status of an Indonesian citizen involved in an international terrorist organization must first go through a judicial process. The judicial process carried out, apart from being a form of respect for one's basic rights, is also useful in terms of proving the extent of the involvement of Indonesian citizens with ISIS. With the judicial process carried out, it can be seen what the ideal form of sanctions will be for those found guilty. Thus, the discourse of revocation of citizenship with only administrative procedures is a less respectful way because this action is considered to reduce the honor of the concept of citizenship as a basic right protected by the constitution and has the potential to violate existing legal provisions (Basniwati et al., 2020). Therefore, it can be concluded that the legal status of Indonesian citizens who commit criminal acts of terrorism outside the territory of Indonesia are still and remain Indonesian citizens as long as they do not do things as stipulated in Article 23 of Law no. 12 of 2006 concerning citizenship.

Apart from the reasons mentioned above, revocation of citizenship is also difficult because the Indonesian constitution guarantees a person's basic right to citizenship status as a human right. This is also in line with international legal instruments that also guarantee citizenship rights such as (Basniwati et al., 2020):

1. Universal Declaration of Human Rights 1948. Article 15 paragraph (1) and paragraph (2) states that "(1) Everyone has the right to a nationality. (2) No one can be arbitrarily deprived of his nationality or refused only to change his nationality".



2. International Convention relating to the Status of Stateless Persons 1954. This convention regulates the status of stateless persons who are not refugees and therefore do not fall within the scope of the convention relating to refugees.
3. Convention on the Reduction of Statelessness 1961. This convention outlines the mechanisms to prevent and reduce statelessness. Articles 1 to 4 regulate the protection against statelessness for children.
4. International Convention On the Elimination of All Forms of Racial Discrimination (ICERD). In Article 5 letter d Roman (iii) it is stated that "In order to fulfill the basic obligations contained in Article 2 of this convention, states parties prohibit and eliminate all forms of racial discrimination and guarantee the rights of everyone without distinction of race, color, origin, nation and ethnicity, to be treated equally before the law, in particular to enjoy the following rights: (d) other civil rights, in particular: (iii) the right to choose nationality".
5. International Covenant on Civil and Political Rights (ICCPR) 1966. This treaty obliges its member states to protect individual political and civil rights, including the right to life, freedom of religion, freedom of opinion, freedom of assembly, electoral rights and the right to a fair trial. and not taking sides. Article 24 paragraph (3) of this agreement regulates the citizenship rights of children.
6. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Article 9 paragraph (1) and paragraph (2) which states that (1) States parties are obliged to give women the same rights as men to acquire, change or maintain their citizenship. (2) States parties are obliged to grant women the same rights as men with regard to the nationality of their children
7. United Nations Convention on the Rights of the Child 1989. This convention regulates the right of children to acquire citizenship. Article 7 paragraphs (1) and (2) which states "(1) a child must be registered immediately after birth and must have the right from birth to a name, the right to acquire citizenship, and as far as possible, the right to know and be cared for by his parents. (2) States parties should ensure the implementation of these rights in accordance with their national laws and their obligations under the relevant international instruments in this field.

The existence of the international instruments above shows that the removal of citizenship rights by a country is an act that is not carried out just like that, the decision-making on the existence of Indonesian ex-ISIS must still refer to the principle of protection of Human Rights (HAM).)(Arifin, 2020).

#### **IV. Conclusion**

In several Indonesian laws and regulations and several international legal instruments, it is expressly recognized that the existence of citizenship is a fundamental right for everyone, and no one can revoke it arbitrarily or be denied the right to change his nationality. Sanctions for revocation of a person's citizenship status cannot be applied equally to someone whose involvement is only limited to believing in teachings, doctrines, or terrorism under the guise of a particular religion. There are many factors of Indonesian citizens who follow ISIS that must be investigated first before imposing penalties/sanctions both criminally and administratively. Elimination of citizenship rights by a country is an act that does not just happen. The decision-making on the existence of Indonesian ex-ISIS must still refer to the principle of protection of Human Rights (HAM) and several other international legal instruments.

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