

A Critical Review of the House of Representatives' Role in the Naturalization Process of Foreign Athletes in Indonesia

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Abstract: In the Citizenship Law in Indonesia, there are three regulated citizenship pathways, namely Ordinary Naturalization (Article 9), Naturalization due to Mixed Marriage (Article 19), and Special Naturalization (Article 20). In its implementation, only the Special Naturalization pathway involves the role of the People's Representative Council of the Republic of Indonesia (DPR) in the process of granting citizenship. This study attempts to analyze the original intent of the DPR's recommendation, position, and benchmarks in the process of granting citizenship to Foreign Athletes. The purpose of this study is to describe the involvement of the DPR in the process of granting citizenship to Foreign Athletes within the framework of laws and regulations in Indonesia. This study uses a juridical-normative research method based on academic manuscripts, minutes of meetings, and provisions of laws and regulations in Indonesia. In addition, this study uses three approaches, namely the legislative approach, the conceptual approach, and the historical approach. Furthermore, this study found that the involvement of the DPR in the process of naturalizing Foreign Athletes in Indonesia is a form of preventive supervision in measuring national interests and preventing abuse of authority. However, there is still ambiguity regarding the DPR's consideration of national interests, so clear criteria are needed to measure national interests. In addition, there needs to be clearer rules regarding the legal implications related to the DPR's rejection of citizenship applications through the special naturalization route.

Keywords: Naturalization, House of Representatives, Foreign Athletes, Preventive Supervision

1. Introduction

Citizenship is one of the important elements in a country. Citizenship is understood as a step taken by the state to recognize its residents who live in a place based on a common history, identity, language, culture, and ethnicity.¹ Along the way, citizenship became an essential element for the state in determining how and who is considered a citizen. Recognition of citizenship is closely related to the legal concept of a welfare state. The concept encourages each state to regulate and fulfill all forms of life needs of its citizens.² In other words, the state has an obligation to encourage and provide the welfare of the community. Therefore, the government of a country must have a way of recognizing who and how the subject is recognized as a citizen.

Referring to the legal provisions in Indonesia, citizenship is a constitutional right of every person as stated in Article 28D of the 1945 Constitution of the Republic of Indonesia "Every person has the right to citizenship status". Meanwhile, in the context of Law Number 12/2006 on Citizenship (Citizenship Law), it regulates the process and mechanism for individuals who want and/or wish to obtain citizenship in Indonesia. In practice, the process of determining citizenship in Indonesia is determined based on 3 (three) pathways, namely Ordinary Naturalization (Article 9 of the Citizenship Law), Mixed Marriage (Article 19 of the Citizenship Law), and Special Naturalization (Article 20 of the Citizenship Law). In the context of citizenship for foreign athletes, it is regulated through Special Naturalization (Article 20 of the Citizenship Law).

In its journey, the process of naturalization through Special Naturalization (Article 20 of the Citizenship Law) is carried out in order to recruit Foreign Athletes who can encourage the development of the national team so as to attract the enthusiasm and spirit of nationalism of the Indonesian people towards the homeland.³ Various policies have been implemented in order to encourage national development, especially in the field of sports. For example, naturalized foreign athletes in basketball. In the period 2013–2022, there were approximately 10 (ten) foreign athletes who had been naturalized. Some of these players include:

Table 1. List of Foreign Athletes in the Field that Indonesia Has Naturalized

| NO | NAME | COUNTRY OF ORIGIN | YEAR OF NATURALIZATION |
|----|----------------------|--------------------------|------------------------|
| 1 | Ebrahim Enguio Lopez | Philippines | 2013 |
| 2 | Jamarr Andre Johnson | United States of America | 2015 |
| 3 | Anthony Hargrove Jr. | United States of America | 2017 |

1. Derek Heater, *A History of Education for Citizenship* (Routledge, 2003), 1, <https://www.taylorfrancis.com/books/mono/10.4324/9780203609187/history-education-citizenship-derek-heater>.

2. Supriyadi A. Arief, "Mengurai Kewarganegaraan Ganda (*Dual Citizenship*) Di Indonesia Dalam Perspektif Hak Asasi Manusia Dan Negara Kesejahteraan," *Sasi* 26, no. 4 (2020): 527.

3. Paradaru, Inggira, "Naturalisasi Pemain PSSI: Regulasi, Sejarah, dan Pro-Kontra Timnas Sepak Bola Indonesia," *Kompaspedia*, June 12, 2024, <https://kompaspedia.kompas.id/baca/paparan-topik/naturalisasi-pemain-pssi-regulasi-sejarah-dan-pro-kontra-timnas-sepakbola-indonesia>.

| | | | |
|----|-------------------------|--------------------------|------|
| 4 | Anthony Wayne Cates Jr. | United States of America | 2018 |
| 5 | Brandon Jawato | United States of America | 2020 |
| 6 | Lester Prosper | Virgin Island | 2020 |
| 7 | Dame Diagne | Senegal | 2021 |
| 8 | Serigne Modou Kane | Senegal | 2021 |
| 9 | Marques Bolden | United States of America | 2021 |
| 10 | Anthony Beane Jr. | United States of America | 2023 |

Source: Data processed by the Author, 2025.

Through the naturalization policy, in 2022, Indonesia won the gold medal for the first time in history and won the 2022 SEA Games by defeating the defending champion Philippines 2–0 on aggregate.⁴ This result not only had a positive impact on the development of basketball in Indonesia, but also encouraged positive talk about the naturalization policy on social media. This is motivated by some opinions, state that the victory is inseparable from the role of naturalized foreign athletes, namely Marques Bolden, Brandon Jawato, and Damae Diagne in encouraging Indonesia's victory over the Philippines.⁵ Meanwhile, here is the ranking table of the Indonesian national team at the 2011–2022 SEA GAMES.

Table 2. Indonesia National Team Ranking at SEA GAMES (2011–2022)

| SOUTHEAST ASIA SPORTING EVENT RECORDS (2011 - 2022) | | | |
|--|--------------------|-------------|---------------------------|
| NO | HOUSE GUEST | YEAR | INDONESIA POSITION |
| 1 | Indonesia | 2011 | 3rd Place |
| 2 | Myanmar | 2013 | 5th Place |
| 3 | Singapore | 2015 | 2nd Place |
| 4 | Malaysia | 2017 | 2nd Place |
| 5 | Philippines | 2019 | 4th place |
| 6 | Vietnam | 2021 | 1st Place |

Source: Data processed by the Author, 2025.

Meanwhile, in the context of football in Indonesia, the practice of naturalization has been carried out since 2010 where more than 52 foreign athletes in the field of football have been naturalized.⁶ Furthermore, under the leadership of Erick Thohir as Chairman of the Indonesian Football Association (PPSI) for the period 2023–2027, the naturalization program has become increasingly massive which is aimed

4. Teguh Dwi Putranto, Silvanus Alvin, and Rossalyn Asmarantika, "Discourse on the Success of the Indonesian Men's Basketball Team at the 2022 SEA Games" 14, no. 1 (n.d.): 11.

5. *Ibid.*

6. *Ibid.*

at individuals who have blood derived from Indonesian descent (diaspora).

In this case, the granting of citizenship through a Presidential Decree or Keputusan Presiden (Keppres) by the President must pass consideration and recommendations from the House of Representatives (DPR), as the main prerequisite. Referring to the context of Special Naturalization (Article 20 of the Citizenship Law), it regulates the provisions and steps of how the process is carried out.⁷ Through these provisions, it can be understood that the process of granting citizenship through Article 20 of the Citizenship Law involves elements of the DPR as one of the parties that give consideration to the granting of citizenship to foreign Athletes. Meanwhile, in the context of Ordinary Naturalization (Article 9 of the Citizenship Law) and Mixed Marriage (Article 19 of the Citizenship Law), both mechanisms do not involve the DPR as the main prerequisite for the acceptance of a person's application for citizenship.

This discussion is important to further elaborate on the position of the DPR in the process of foreign sports citizenship, especially in the function of supervision and checks and balances aimed at reviewing whether every decision made by the Government is in line with national interests. In other hand, there is still ambiguity regarding the DPR's considerations regarding national interests so that clear criteria are needed in measuring national interests. In addition, there needs to be clearer rules regarding the legal implications related to the DPR's rejection of citizenship applications through the special naturalization route.

In this regard, there are several accounts of the role of the DPR found in various literatures, one of which is Research Mei Susnanto, et al., in 2016 which revealed that the DPR's considerations in supervision in filling public positions are a manifestation of checks and balances which have the meaning of the manifestation of people's sovereignty. However, no study has been found that directly outlines the role of DPR in granting citizenship to foreign athletes.

Therefore, the author would like to further analyze the void space of the discourse by reviewing the involvement of the DPR in the process of granting citizenship to Foreign Athletes in order to encourage national interests in the field of sports. Furthermore, this research tries to examine in 3 (three) problem formulations, namely First, how is the naturalization mechanism for Foreign Athletes in the Legislation. Second, how the original intent of the DPR's role in the naturalization process of foreign nationals. Third, how is the critical review of the role of DPR in the naturalization process.

2. Methodology

This study uses a juridical-normative research method based on academic texts, minutes of meetings, and provisions of laws and regulations in Indonesia regarding the Citizenship of Foreign Athletes who are granted citizenship through the Special Naturalization pathway (Article 20 of the Citizenship Law). In addition, this study uses secondary data consisting of primary legal sources such as laws and

⁷ Article 20 Citizenship Law "Foreigners who have contributed to the Republic of Indonesia or for reasons of state interest may be granted Indonesian citizenship by the President after obtaining the consideration of the House of Representatives of the Republic of Indonesia, unless the granting of citizenship results in the person concerned having dual citizenship"

regulations, jurisprudence along with secondary legal materials, such as journals, legal dictionaries, and academic manuscripts. Furthermore, this study uses 3 (three) approaches, namely the statute approach, the conceptual approach, and the historical approach. The statute approach is intended to describe and analyze theories, regulations, and provisions related to citizenship in Indonesia and uses theories that can describe the implementation of citizenship in Indonesia. The conceptual approach is intended to describe the concepts, theories, and paradigms of citizenship by explaining the dynamics of citizenship in Indonesia. Furthermore, this study uses a historical approach to study and describe the background of citizenship in Indonesia by reviewing the history of the development of citizenship in Indonesia through the academic text of the Citizenship Law.

3. Mechanism of Naturalization of Foreign Athletes and/or Foreign Athletes in Legislation

In Indonesia, the regulation on naturalization of foreigners who have contributed and/or on the basis of the interests of the state has been regulated as stated in Article 20 of the Citizenship Law. Furthermore, this provision provides flexibility for the Government to be able to honor individuals/foreigners whose services and/or state interests are so great that they can be granted citizenship status by the President upon consideration from the DPR of the Republic of Indonesia. Furthermore, Article 20 of the Citizenship Law explains that, "Foreigners who have contributed to the Republic of Indonesia or for reasons of state interest may be granted Citizenship of the Republic of Indonesia by the President after obtaining consideration from the House of Representatives of the Republic of Indonesia, unless the granting of citizenship results in the person concerned having dual citizenship".

Through these provisions, several elements can be analyzed, namely First, the subject must be a foreigner and/or a person who comes from a foreign country. Second, the person must meet the conditions that have contributed to the Republic of Indonesia or for reasons of state interest. Third, given by a specific institution, namely the President of the Republic of Indonesia (issuing a Presidential Decree/Keputusan Presiden). Fourth, the granting of the decision is given based on the consideration of the House of Representatives/DPR. Fifth, the granting of citizenship may not result in the person concerned (foreigners) becoming dual citizenship. Thus, the granting of citizenship must fulfill these elements.

This is in line with Article 99 of Law Number 11 of 2022 concerning Sports (Sports Law) which provides provisions that every sport, the behavior of organizations both private and governmental achievements and/or meritorious to sports can be given a sports award. Furthermore, the awarding includes:

1. Welfare
2. A mark of honor
3. Extraordinary promotion
4. Scholarship
5. Work

6. Convenience
7. Citizenship and/or
8. Other awards that benefit the recipient.

In the context of sports in Indonesia, the granting of citizenship through the Special Naturalization (Article 20 of the Citizenship Law) is an award given by the state for achievements and/or merit to the development of sports in Indonesia. Referring to Article 11 paragraphs (1) and (2) of Presidential Regulation Number 44 Year 2014 (Perpres 44/2014).⁸ Through these provisions, it can be understood that the granting of citizenship to Foreign Athletes is a form of appreciation for individuals who have and/or can contribute and/or excel to the development of sports in Indonesia.

The criteria for foreign athletes who can be submitted for recommendation are outlined in Article 5 of the Minister of Youth and Sports Regulation Number 10 of 2023 (Permenpora 10/2023) that:

1. Aged 18 (eighteen) to 30 (thirty) years old
2. There is a kinship factor from grandparents or parents of Indonesian blood
3. Achievements in their home country at the international level
4. Achieving national sporting achievements or fulfilling national interest considerations.

Furthermore, the origin 6–11 of Permenpora 10/2023 further regulates the procedure for requesting a recommendation for individuals who wish to apply for Indonesian citizenship. First, the Applicant (General Chairperson of the Sports Organization Institution at the central/national level) submits a written request for Recommendation to the Minister who organizes government affairs in the field of youth and sports. which is submitted no later than 6 (six) months before the Foreign Athlete is projected to strengthen the Indonesian national team. In this case, the Applicant must two things, namely (1). Comprehensive Study; and (2). Administrative document requirements as stipulated in Article 7 of Permenpora 10/2023.⁹

The administrative document requirements that must be completed by the Applicant consist of:

1. Photocopy of birth certificate

8. Article 11 paragraphs (1) and (2) of Presidential Regulation Number 44 Year 2014 (Perpres 44/2014), “ (1). Awards in the form of Indonesian citizenship can be given to athletes, sports coaches, and sports personnel of foreign nationals who excel and/or have outstanding contributions to the advancement of national sports. (2). Awards in the form of Indonesian citizenship can be given to athletes, sports coaches, and sports personnel of foreign nationals who excel and/or have outstanding contributions to the advancement of national sports.”

9. Article 7 of Permenpora 10/2023, “technical ability of Foreign Athletes and/or competence of Foreign Sports Personnel; (1). short-term projection for Foreign Athletes to strengthen the Indonesian national team from the proposed sport; (2). Long-term projections of Foreign Athletes and /or Foreign Sports Personnel on the coaching and development of the proposed sport; (3). achievements or extraordinary contributions in the field of sports in Indonesia from Foreign Athletes and /or Foreign Sports Personnel; (4). the existence of kinship factors from grandparents or parents who are of Indonesian blood for Foreign Athletes; and (5). provisions in the statutes of international sports federations and laws and regulations.”

2. Curriculum vitae;
3. A letter of allegiance to the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia;
4. A statement of willingness to become an Indonesian citizen and renounce his/her original citizenship;
5. Photocopy of passport or letter in the nature of a valid passport;
6. A certificate from the country representative of the proposed Foreign Athlete and/or Foreign Sports Personnel that the person concerned will lose his/her nationality after obtaining the Citizenship of the Republic of Indonesia; and
7. Photocopy of proof of achievement for Foreign Athletes or photocopy of competency certificate for Foreign Sports Personnel.

Furthermore, after the two requirements are met, the Minister in charge of organizing government affairs in the field of youth and sports conducts a review and verification which is carried out in 2 (two) steps, namely first, verification of administrative documents aimed at reviewing the authenticity and completeness of documents. Second, field actions aimed at visiting the office, where the subject who wants to be granted Indonesian citizenship is located.

In the event that the review and verification has been carried out and has fulfilled the provisions of laws and regulations, the Minister in charge of organizing government affairs in the field of youth and sports must issue a Recommendation no later than within 60 (sixty) working days from the application for recommendation received as Article 12 Permenpora 10/2023. Furthermore, the recommendation is then submitted to the Applicant and the Minister who organizes government affairs in the field of law and human rights related to the process of granting citizenship of the Republic of Indonesia to Foreign Athletes in accordance with statutory provisions. Referring to Government Regulation Number 2 of 2007 concerning Procedures for Obtaining Loss of Cancellation and Regaining Citizenship of the Republic of Indonesia as amended by Government Regulation Number 21 of 2022 (GP 2/2007), it is further regulated regarding the mechanism for granting citizenship to Foreign Athletes and/or Foreign Sports Personnel. In this case, after obtaining a Recommendation from the Minister in charge of organizing government affairs in the field of youth and mandatory sports, the Applicant then sends a proposal in writing, in Indonesian language with stamped paper with several attachments, namely:

1. Photocopy of birth certificate
2. Curriculum vitae
3. A letter of allegiance to the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia
4. A statement of willingness to become an Indonesian citizen and renounce his/her original citizenship

5. Photocopy of passport or letter in the nature of a valid passport
6. A certificate from the representative of the proposed Foreigner's country that the person concerned will lose his/her nationality after obtaining the Citizenship of the Republic of Indonesia
7. A letter of recommendation containing a consideration that the proposed Foreigner is eligible to be granted citizenship due to his/her services or reasons of state interest
8. A recent color photograph measuring 4 x 6 (four by six) centimeters as many as 6 (six) sheets.

Furthermore, the Minister who organizes government affairs in the field of law and human rights related to the process of granting citizenship of the Republic of Indonesia will conduct a substantive examination of the proposal to grant such citizenship submitted by the Applicant.¹⁰ In terms of substantive examination, the Regional Office Officer who organizes government affairs in the field of law and human rights will form a Citizenship Application Examination and Research Team (TP4) consisting of several elements, namely:

1. Legal Services and Human Rights Division
2. Immigration Division
3. Population and Civil Registration Office of the Provincial Government
4. Regional Offices of the Directorate General of Taxes
5. Regional Police
6. Elements from other agencies* (if any).¹¹

The formation of the team is intended to assess the authenticity, truthfulness and validity of the application file. In addition, an interview mechanism is carried out for foreigners who wish to be granted citizenship.¹² The examination is carried out for a maximum of 45 (forty-five) days after the application is received by an official from the Ministry that organizes government affairs in the field of law and human rights. On the other hand, within this period, the Minister in charge of law and human rights can also ask for consideration from related agencies, such as the Badan Intelijen Negara (BIN), the Sekretariat Negara (Setneg), and related agencies. In this case, the Minister will usually involve the Ministry that gave the recommendation that the foreigner should be granted citizenship.

In the event that the examination is accepted and in accordance with the provisions of the legislation, the Directorate General of General Legal Administration (Dirjen AHU) will send a request to the Minister in charge of law and human

10. *Vide* Article 16 paragraph (1) of GR 2/2007.

11. Article 5 of Minister of Law and Human Rights Regulation Number 21 of 2020 concerning Procedures for Submitting Applications for Nationality and Submitting Minutes of the Oath of Granting Citizenship of the Republic of Indonesia as amended by Minister of Law and Human Rights Regulation Number 10 of 2024 (Permenkumham 21/2020 *j.o* Permenkumham 10/2024).

12. Article 5 paragraph (2) Permenkumham 21/2020.

rights which is then forwarded to the President.¹³ Furthermore, the President will then submit a proposal to the DPR for consideration.¹⁴ In the event that the DPR has provided recommendations and/or input on the granting of citizenship, the President shall issue a Presidential Decree/Keputusan Presiden (Keppres) regarding the granting of citizenship to the foreigner who is requested to be naturalized as an Indonesian citizen. Then, the Presidential Decree is given to the foreigner who is requested to be granted citizenship of the Republic of Indonesia and a copy of 5 (five) copies and submitted to:

1. House of Representatives of the Republic of Indonesia;
2. Proposing institution;
3. Minister;
4. Representative of the foreigner's home country;
5. Officials in the area covering the residence of the foreigner concerned.¹⁵

After the copy file is sent, within 3 (three) months from the date of notification of the Presidential Decree has been sent to the foreigner applying for citizenship, the Official then summons the foreigner concerned to take an oath or pledge allegiance to the Republic of Indonesia witnessed by 2 (two) witnesses. For the provision of the oath or pledge of allegiance to the Republic of Indonesia, an official report of 4 (four) copies shall be made no later than 14 (fourteen) days after the oath is taken, which shall be intended for:

1. The first copy is for the Foreigner concerned;
2. The second copy is submitted to the Minister;
3. The third copy is submitted to the Minister of State Secretary; and
4. The fourth copy is kept by the Official.¹⁶

Thus, the process of granting citizenship to foreigners who are intended for meritorious service to the Republic of Indonesia or for reasons of state interest as in Article 20 of Law 12/2006.

4. Original Intent of the House of Representatives' Role in the Naturalization Process of Foreign Citizens

The normative regulation of each provision should always be carried out on the basis of a basic philosophy, as well as citizenship law. Referring to the Academic Paper of the Citizenship Law, the role of the House Representatives in the naturalization process in Indonesia is actually closely correlated with the functions of supervision and good governance. This is reflected in a paragraph from the Academic Paper of the Law, as follows:¹⁷

13. Article 10 paragraph Permenkumham 21/2020.

14. 17 paragraph (1) PP 2/2007

15. Article 17 paragraph (4) of GR 2/2007

16. Article 18 paragraphs (1), (2), (3), and (4) of GR 2/2007

17. House of Representatives of the Republic of Indonesia, "Academic Paper on the Draft Law on Citizenship

In relation to good governance and the oversight function either in the House of Representatives or the public or through the mechanism of the State Administrative Court, these requirements can be a benchmark whether the President's granting or refusal of an application for citizenship has met the juridical and objective rules or not.

Meanwhile, the conditions referred to in the Academic Paper of the Law *a quo* include the conditions for naturalization, as stipulated in Law No. 3 of 1946 or Law No. 62 of 1958—which were citizenship laws before Law No. 12/2006 on Citizenship. Some of the requirements that can be used as benchmarks include:

1. A minimum of 5 consecutive years of residence in Indonesia or 10 non-consecutive years to ensure an understanding of Indonesian culture and life;
2. Minimum age of 18 years, in accordance with the Convention on the Rights of the Child, as a marker of maturity and economic independence; and
3. Loyalty and nationalism are evidenced through a pronouncement or stamped written statement, showing commitment to the country.¹⁸

At this level, the DPR is imagined to be able to objectively assess the president's granting or refusal of a naturalization application. This is because the authority to grant citizenship is attached to the president as head of state.¹⁸ It is undeniable that the position of the president can present a great opportunity for abuse of power if there is no checks and balances mechanism.¹⁹ Therefore, the application for naturalization is positioned as a government action that can be controlled through the oversight function by the DPR and a state administrative lawsuit by the applicant through the state administrative court (PTUN).

However, referring to the Academic Paper of the Citizenship Law, there is no specific consideration stating that the DPR's supervisory function is specifically aimed at the Special Naturalization process (Article 20 of the Citizenship Law). In fact, in the initial draft of the Citizenship Law version of 12 September 2005, the role of the DPR was not mentioned at all in any naturalization pathway.²⁰ However, Article 20 of the Citizenship Law explicitly states that naturalization of foreign nationals who have contributed to the Republic of Indonesia must be granted by the President after considering the input of the DPR. The differences between the initial draft and Law No. 12/2006 can be seen in the following table.

of the Republic of Indonesia" (Jakarta, 2005).

18. Republic of Indonesia, 84-85.

20. Republic of Indonesia, 84-85.

20. Academic papers and draft laws prepared by a team of experts, the Citizenship Coalition of the Republic of Indonesia, who were asked by the Special Committee (Pansus) of the House of Representatives to provide an academic paper on the Citizenship Bill.

Table 4. Comparison of the Initial Draft and Law No. 12/2006

| Draft Law on Citizenship Version September 12, 2005 | Law No. 12/2006 on Citizenship |
|---|---|
| Article 23 “Persons who are not citizens of the Republic of Indonesia who have contributed to the Republic of Indonesia or for reasons of the interests of the Republic of Indonesia may be granted citizenship of the Republic of Indonesia if they wish” | Article 20 “Foreigners who have contributed to the Republic of Indonesia or for reasons of state interest may be granted Indonesian citizenship by the President after obtaining the consideration of the House of Representatives of the Republic of Indonesia, unless the granting of citizenship results in the person concerned having dual citizenship. |

Source: Data processed by the Author, 2025.

The author argues that initially, the DPR’s supervisory function was constructed generally for all types of naturalization processes, whether through Ordinary Naturalization, Naturalization due to Mixed Marriage, or Special Naturalization. However, Article 20 of the Citizenship Law explicitly only includes DPR’s consideration in the Special Naturalization process. Based on this, it can be understood that the DPR’s supervisory function is now specifically aimed at this process.

If examined further, there is a distinct uniqueness (*sui generis*) in the Special Naturalization type among other naturalization channels. In this context, the Special Naturalization can be pursued when there are reasons of national interest behind it. Meanwhile, the element of national interest cannot be found in other naturalization channels. Therefore, the involvement of the DPR in the Special Naturalization process can be interpreted philosophically as a form of legitimacy that reflects the collective will of the people towards the national interest to be achieved through the process.²¹

In addition, Special Naturalization also differs from other naturalization paths in procedural aspects. Positive law provides convenience for naturalization subjects in this path, where the applicant for naturalization is not a foreign individual but the government. There is a bypass mechanism in the procedure that distinguishes it from other naturalization pathways. In this context, the DPR plays a crucial role in reviewing the conformity of the process with the general principles of good governance.

5. Critical Review of the Role of the House of Representatives

One of the main functions of modern parliamentary institutions is the oversight function. Article 20A of the 1945 Constitution states that “the House of Representatives has a legislative function, a budgetary function and an oversight function”.²² In this regard, Jimly Asshidiqie even states that the oversight function is

21. Norman Hillmer and Philippe Lagassé, “Parliament Will Decide: An Interplay of Politics and Principle,” *International Journal: Canada’s Journal of Global Policy Analysis* 71, no. 2 (June 2016): 329–31, <https://doi.org/10.1177/0020702016638679>.

22. Republik Indonesia, “Undang-Undang Dasar Negara Republik Indonesia Tahun 1945”.

more important than the legislative function for parliament.²³ The strategic position of the oversight function is increasingly understandable when looking at the context of the Republic of Indonesia, which adheres to the presidential system, where the relationship between the executive and legislative institutions is ideally positioned to maintain a balance of power (checks and balances).

Furthermore, the oversight function by parliamentary institutions can be detailed in six ways, namely a. control of policy making; b. control of policy executing; c. control of budgeting; d. control of budget implementation; e. control of government performances; f. control of political appointments of public.²⁴ In particular, parliament's involvement in overseeing the appointment of public officials, either through approval or consideration, is known as the right to confirm.²⁵ Next, John Pieris divides three kinds of supervision, namely a. legal supervision; b. administrative supervision; and c. political supervision.²⁶ In relation to this, Widodo considers that the DPR has more of a political function than a legal function because it is filled with people from political parties.²⁷

Based on the above understanding, the author would like to clarify the essential role of the DPR in the naturalization process of foreign athletes in Indonesia. In this section, the author provides critical notes on the mechanism and legal reasoning behind the role of the DPR based on the previous discussion. The author elaborates on this in the following annotations.

5.1 Preventive oversight by Parliament

As previously noted, the DPR's supervision of the naturalization of foreign athletes is carried out before the KTUN is issued. This form of supervision has similarities with the DPR's supervision mechanism in the appointment of public officials, such as the leaders of Bank Indonesia (BI), the Corruption Eradication Commission (KPK), and the General Election Commission (KPU) and so on. In this process, the government submits a number of candidates to the DPR to be tested for eligibility before the president issues an official decree.²⁸ The role of the DPR in the appointment of public officials, including in the naturalization of athletes, can be understood as a symbol of representation of the people.²⁹ Therefore, political considerations made by the DPR must include aspects of broad benefits for the community.

Supervision before the KTUN is made can be categorized as preventive supervision. Revrisond as quoted by Pratama explains that preventive supervision is supervision carried out before the implementation of an activity.³⁰ This supervision is in line with the abatement at the source principle,

23. Jimly Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara*, 7th ed. (Jakarta: PT RajaGrafindo Persada, 2015), 3

24. Asshiddiqie, 302-3.

25. Asshiddiqie, 302-3.

26. John Pieris, *Pembatasan Konstitusional Kekuasaan Presiden*, 1 (Jakarta: Pelangi Cendekia, 2007), 186.

27. Hananto Widodo, "Parameter Pengawasan Politik Dewan Perwakilan Rakyat Republik Indonesia Menurut Undang-Undang Dasar Negara Republik Indonesia Tahun 1945," *Perspektif Hukum*, November 7, 2019, 321, <https://doi.org/10.30649/ph.v19i2.117>.

28. Mei Susanto, Rahayu Prasetyaningih, and Lailani Sungkar, "Kekuasaan DPR Dalam Pengisian Pejabat Negara Dalam Sistem Ketatanegaraan Indonesia," *Jurnal Penelitian Hukum DE JURE* 18, no. 1 (2018): 23-24.

29. Asshiddiqie, *Pengantar Ilmu Hukum Tata Negara*, 304-5.

30. Dafitra Pratama, "Pengaruh Penganggaran Berbasis Kinerja, Pengawasan Preventif Dan Pengawasan

which aims to prevent deviations from occurring in the first place, before the decision is implemented.³¹

In the context of the discussion, preventive supervision must also ensure that the appointment of public officials or naturalization of athletes is carried out with the principle of the right person in the right place. This means that strategic positions in the government or national team must be filled by individuals who have sufficient competence, integrity and capacity to carry out their duties effectively and responsibly. Thus, preventive supervision does not only focus on aspects of formal legality, but also on substantive aspects, namely the quality and suitability of the individuals appointed.

In the perspective of State Administrative Law (HAN), preventive supervision plays a crucial role in preventing deviations in the implementation of government duties, both against the General Principles of Good Government (AUPB) and applicable laws and regulations. At this level, the issue of preventing irregularities is closely related to efforts to keep maladministration away from government actions in carrying out the naturalization process of foreign athletes.³² Referring to K. C. Wheare as cited by Wibowo and Gunawan, maladministration is a government action either actively (by commission) or silently (by omission) that is not based on influence, consideration or appropriate action.³³

As a parliamentary institution that has the legitimacy to represent the aspirations of the people and carry out oversight functions, the DPR needs to ensure that the government acts rationally in the process of naturalizing foreign athletes. Decisions should not be based on unjustified favoritism, such as bias or discrimination.³⁴

5.2 Parliament's Consideration Position in the Athletes Naturalization Process

There is confusion over the status of DPR's consideration in the naturalization process of foreign athletes. Article 20 of the Citizenship Law states that the DPR provides consideration in the naturalization process. However, this law does not explicitly regulate the legal consequences if the DPR rejects or considers the process to be inappropriate. This is different from the oversight mechanism for public office appointments, where the DPR has a clearer role in accepting or rejecting candidates for public office who are tested for eligibility and integrity.

Detektif Terhadap Efektifitas Pengendalian Anggaran (Studi Empiris Pada Satuan Kerja Perangkat Daerah Di Kabupaten Pelalawan)," *Jurnal Online Mahasiswa Fakultas Ekonomi Universitas Riau* 1, no. 2 (October 2014): 3-4.

31. Syahrul Machmud, "Tindakan Preventif Dan Represif Non-Yustisial Penegakan Hukum Administrasi Oleh Eksekutif," *Jurnal Hukum Media Justicia Nusantara* 7, no. 2 (2017): 67, <https://doi.org/10.30999/mjn.v7i2.660>.

32. Richo Andi Wibowo and Stevanus Hizkhia Gunawan, "Pelindungan Hukum Terhadap Keputusan Dan Perbuatan Pemerintah: Perkembangan, Kasus. Dan Kritik," in *Hukum Administrasi Negara: Konsep, Fundamental, Perkembangan Kontemporer, Dan Kasus*, 1 (Yogyakarta: Rajawali Press, 2024), 298.

33. Wibowo and Gunawan, 298; K.C. Wheare, *Maladministration and Its Remedies* (London: Steven and Sons, 1973), 11.

34. Wibowo and Gunawan, "Pelindungan Hukum Terhadap Keputusan Dan Perbuatan Pemerintah: Perkembangan, Kasus. Dan Kritik," 298.

However, the DPR's consideration does not mean that it is not binding. Referring to Article 62 of House Regulation No. 1/2020 on Rules of Procedure, the commission in carrying out its authority and duties is said to have the right to provide recommendations to the government through various meeting mechanisms. Article 62 paragraph (2) of the House Regulation reads "Every state official, government official, legal entity, citizen, or resident is obliged to follow up on the commission's recommendations as referred to in paragraph (1)". Based on this legal basis, the DPR's consideration in the naturalization process of foreign athletes can be seen as a binding recommendation for the Government.

At this stage, the DPR's consideration should not only be seen as a procedural requirement, but as a binding decision. In other words, if the DPR institutionally gives negative consideration, then the President is not authorized to continue the naturalization process of foreign athletes. Although the binding force of the DPR's recommendation is currently only regulated in its internal regulations, philosophically the existence of the DPR's consideration before the President's decision in special naturalization will only have meaning and relevance if it is understood as a substantive binding consideration.

In addition, the DPR's position of consideration actually contains dimensions of public accountability and transparency. In this context, the DPR has the right to demand transparency and accountability in the process of naturalizing foreign athletes. This correlates with the origins of the DPR's involvement, which is closely related to the context of good governance principles.³⁵

While the DPR has the power to reject the naturalization process of foreign athletes, to date there has not been a case where the House has formally rejected the application. One of the most prominent cases related to granting citizenship occurred with the naturalization of Jordi Amat, a footballer in 2022. At the time, the Chairman of Commission X of the DPR—which has authority over sports—expressed his opposition to Jordi Amat's naturalization, arguing that the process of granting citizenship seemed to be something that was easily granted without careful consideration.³⁶ In addition, rumors surfaced that Jordi Amat applied for naturalization solely to gain Asian player status at Malaysian club Johor Darul Ta'zim, which has met its quota of European players. By obtaining Indonesian citizenship, Jordi Amat can secure his position at the club. In addition, the age factor is also a consideration, considering that Jordi Amat is no longer in the golden age when naturalization is carried out.

Despite the refusal of the Chairman of Commission X, the discussion on naturalization continued in Commission III of the DPR, which deals with law enforcement. In this case, Commission III did not raise any objections to Jordi Amat's naturalization and approved his application.³⁷ According to the

35. Dewan Perwakilan Rakyat Republik Indonesia, "Naskah Akademis Rancangan Undang-Undang Kewarganegaraan Republik Indonesia" (Jakarta, 2005), 83–84.

36. Gibran Maulana, "Ketua Komisi X DPR Suarakan Proses Naturalisasi Jordi Amat Dibatalkan," *DetikNews*, June 30, 2022, <https://news.detik.com/berita/d-6155035/ketua-komisi-x-dpr-suarakan-proses-naturalisasi-jordi-amat-dibatalkan>.

37. LIVE STREAMING - KOMISI III DPR RI RAPAT KERJA DENGAN MENKUMHAM RI DAN MENPORA

author, the discussion on the naturalization of foreign athletes should not be left entirely to Commission III, as they only assess the normative aspects of granting citizenship. Instead, Commission X, which has a deeper understanding and technocratic resources in the field of sports, should be involved in the deliberation process. Thus, the DPR's role in the naturalization process of foreign athletes will be more meaningful and based on more comprehensive considerations.

5.3 Parliament's Objective Benchmarks in Assessing the Naturalization of Athletes

A further point that needs to be adequately discussed is what benchmarks should be used by the DPR in objectively assessing applications for naturalization of foreign athletes. Article 20 of the Citizenship Law states that foreigners who have made merit or reasons of national interest may be granted citizenship status. With regard to that, the Government in Article 5 paragraph (1) of Minister of Youth and Sports Regulation 10/2023 regulates more detailed criteria regarding foreign athletes who can apply for recommendations.³⁸ The criteria can be observed in the following table.

Table 5. Criteria for Granting Naturalization of Foreign Athletes by the Government

| Criteria | Description of Terms |
|--|--|
| Age Range | Aged 18 (eighteen) to 30 (thirty) years old |
| Kinship Factor | There is a kinship factor from grandparents or parents of Indonesian blood; |
| International Achievements | achievements in their home country at the international level; and |
| National Achievement/ National Interest | Achieving national sporting achievements or fulfilling national interest considerations. |

Source: Data processed by the Author, 2025.

In this case, the Government has developed its own parameters when proposing athletes. However, a further question is whether the DPR will assess the naturalization process of foreign athletes through the same parameters, or should there be other parameters that the DPR needs to develop to assess the naturalization process? To date, there are no clear parameters for the DPR to give its consideration. In this regard, if we refer to the way of thinking of the legislators in the academic paper, where every requirement that has existed

RI (Jakarta: DPR RI, 2022), <https://www.youtube.com/watch?v=yADeVWaoNduY>.

38. The criteria for Foreign Athletes who can be proposed to be given Recommendations include: a. aged 18 (eighteen) to 30 (thirty) years; b. the presence of kinship factors from grandparents, grandmothers or parents who are of Indonesian blood; c. excel in the country of origin at the international level; and d. achievements towards national sports or fulfill national interest considerations. Vide Article 5 paragraph (1) Permenpora 10/2023

in the naturalization provision is said to be used as a benchmark to assess the granting of naturalization by the President.³⁹ This indicates that the DPR could have used the existing requirements to reassess the naturalization process by the Government.

Based on the criteria developed by the Government above, the first two criteria tend to be easier to measure, namely the age range and kinship factors. As long as there are facts that fulfill this, the criteria regarding age range and kinship factors are indisputable.

Furthermore, with regard to the requirements for achievement, there is no further elaboration on what needs to be achieved, whether it is enough to achieve good statistics individually, or whether it is necessary to achieve certain achievements. Another crucial point that is important to understand in these criteria is the difference in the context of international achievement requirements and achievements at the national level (within Indonesia). In this case, international achievement requirements stand alone and are separate from other requirements. Meanwhile, national achievement requirements stand alternatively with the fulfillment of national interest considerations. It can be understood that in certain cases there can be foreign-born athletes who excel at the international level, but have never made achievements at the national level (in Indonesia)—perhaps because they have never played in domestic tournaments. Therefore, the requirement of achievement at the national level can be substituted with the fulfillment of national interest considerations.

All of the above naturalization criteria are actually formulated cumulatively between 1) age range; 2) kinship factors; 3) international achievements; and 4) national achievements/national interests. All of these must be met simultaneously. The requirement of national achievement will to some extent be difficult to fulfill by foreign athletes who have indeed from the beginning of their career in their home country or outside Indonesia. Instead, consideration of national interest must be met in assessing the naturalization process of the foreign sportsman concerned.

At this point, the author argues that the DPR has a large role in assessing the fulfillment of national interest considerations in the naturalization process of foreign athletes. This is in line with the juridical and historical review where the role of the DPR in this type of naturalization is only placed specifically on special naturalization - in the context of the discussion is the naturalization of foreign athletes. In addition, consideration of national interest is something that is very abstract and has a broad meaning.

In the context of the rule of law, Adriaan Bedner argues that every state action must have a legal basis and can lose meaning if that basis is not specific enough.⁴⁰ A traditional area of contention is the issue of discretionary power,

³⁹. *In relation to good governance and the oversight function, whether in the House of Representatives or the public or through the mechanism of the State Administrative Court, these requirements can be a benchmark whether the President's granting or refusal of an application for naturalization has met the juridical and objective rules or not. Republik Indonesia, "Naskah Akademis Rancangan Undang-Undang Kewarganegaraan Republik Indonesia."*

⁴⁰. Adriaan W. Bedner, "Suatu Pendekatan Elementer Terhadap Negara Hukum," in *Kajian Sosio Legal*, 1

known in German as *freies ermessen*. This issue often undermines the principle of legality through so-called ‘open concepts’ in law, such as ‘public interest’, ‘common good’,⁴¹ including ‘national interest’. These concepts have the potential to be loaded by the government according to its wishes and preferences.

In this context, the author argues that Parliament should play a significant role in interpreting the concept of “national interest”. The athlete’s naturalization application submitted by the government inherently reflects that national interest considerations have been met according to the government’s version. However, the DPR should not only function procedurally, but should play an active role in assessing with objective and substantive benchmarks.

Based on this reasoning, the author argues that the DPR can use the same parameters as the Government in considering the naturalization of foreign athletes, but with the main focus on assessing the fulfillment of the national interest aspect. In addition, the DPR can also review the completeness of procedural documents, including ensuring that the naturalization process is in accordance with the provisions of international sports federations. This aspect cannot be ignored so that events such as the Ezra Walian naturalization case are not repeated, where there are problems related to non-compliance with FIFA statutes.⁴² However, the most important thing is the development of objective benchmarks in assessing national interest by the DPR, which must be based on an evidence-based approach so that decisions taken have strong legitimacy and can be accounted for.

Looking at the objective benchmarks of national interest in the context of the discussion, there are a number of lessons that can be traced from the motives of various countries’ policies in naturalizing foreign athletes. Reiche and Tinaz in their comparative study analyzed the motives for naturalizing foreign athletes in Qatar and Turkey. The two countries Reiche and Tinaz chose because they were two countries that included conducting massive naturalization policies ahead of the 2016 Olympics.⁴³

Based on Reiche and Tinaz’s study, a number of reasons why governments and sports federations carry out foreign sports naturalization policies are revealed, including: 1) to gain international prestige; 2) fast track policies, where developing local athletes takes more time; 3) the factor of little involvement of its citizens in certain sports fields; 4) to increase the national competitive level; 5) the possibility of increasing domestic athletes.⁴⁴

In addition to examining countries that massively carry out naturalization policies, objective benchmarks can also be built based on countries that initially restrict naturalization policies, such as in China.⁴⁵ In this case, China studied

(Denpasar: Pustaka Larasan, 2012), 58–59.

41. W. Bedner, 58–59.

42. M. Hafidz Imaduddin and Ferril Dennys, “PSSI Gerak Cepat Tuntaskan Masalah Kewarganegaraan Ezra Walian,” 2021, <https://bola.kompas.com/read/2021/06/11/19270958/pssi-gerak-cepat-tuntaskan-masalah-kewarganegaraan-ezra-walian?page=all>.

43. Danyel Reiche and Cem Tinaz, “Policies for Naturalisation of Foreign-Born Athletes: Qatar and Turkey in Comparison,” *International Journal of Sport Policy and Politics* 11, no. 1 (2019): 158.

44. Reiche and Tinaz, 167.

45. Jonathan Sullivan, Tobias Ross, and Chaojin Wu, “Representing the Nation: Exploring Attitudes towards

how the long-term and short-term contributions of naturalization policies to the development of the national sports industry.⁴⁶ In addition, there is also a wide discussion about the issue of national identity on the naturalization policy of foreign athletes.⁴⁷

Based on a comparative review of various naturalization motives in different countries, the author highlights key aspects in formulating objective benchmarks for “national interest.” The analysis presented is not intended as a rigid standard but rather as an initial overview of aspects that should be considered in developing an empirical assessment of naturalization policies moving forward. The following table presents several benchmarks that can be considered:

Table 6. Criteria for Consideration of National Interest from Comparative Review

| Criteria | Description |
|---|---|
| Sports Prestige | Improving national team performance and international standing |
| Domestic Sports Development | Naturalization can increase healthy competition between domestic and foreign athletes in a healthy manner. |
| Availability of Domestic Athletic Resources | Naturalization needs to pay attention to the level of availability of domestic talents in certain sports fields and in certain positions so as not to close the growth and development of domestic talents. |
| Balance of Short-term and Long-term Goals | Naturalization must have a clear goal which should not abandon the development of domestic talents and only rely on foreign athletes to get instant results. |
| National Identity | Familiarity of foreign athletes with Indonesian culture, language and philosophy. |
| Public Opinion | The influence of public opinion and institutional support on naturalization policy |

Source: Data processed by the Author, 2025.

Thus, the author formulates a proposed benchmark that can be used as a reference for the DPR in assessing the fulfillment of the national interest aspect in the process of naturalizing foreign athletes. Until this study was compiled, the DPR did not have clear criteria for giving consideration to the

Naturalized Foreign Football Players in China,” *Soccer & Society* 24, no. 5 (July 4, 2023): 593–606, <https://doi.org/10.1080/14660970.2022.2069100>.

46. Sullivan, Ross, and Wu, 601.

47. Enze Han and Lingbo Zhao, “Naturalized Athletes and Racialized National Identity in China,” *Journal of Contemporary China* 33, no. 145 (January 2, 2024): 52–53, <https://doi.org/10.1080/10670564.2023.2179391>.

process. In fact, the latest amendment to the House Rules of Procedure does not regulate the aspects that need to be considered in providing consideration to the President, so there is still a lack of standards in the decision-making process that needs further study.

Based on the overall discussion above, the author underlines that the role of the DPR in the naturalization process of foreign athletes can be seen as the implementation of preventive supervisory functions. However, there are two important notes that need to be considered: first, the clarity of the status of DPR's consideration in the naturalization process, and second, what aspects should be the basis of DPR's consideration. If these two notes are not clearly and firmly outlined, the author believes that the DPR's involvement in the naturalization process will become insignificant. Without such clarity, the DPR's role will seem irrelevant and only become a non-essential part of the bureaucracy, a mere procedural "trinket" without substantive meaning.

6. Conclusion

First, the process of naturalization of foreign athletes who have and/or can excel in the national interest has been regulated as stipulated in Article 20 of the Citizenship Law (Special Naturalization). In this case, the DPR is an institution specifically authorized to be consulted by the DPR. However, there are no specific provisions governing the procedures and the impact of the DPR's rejection of the Foreign Athlete's application for citizenship. In addition, the granting of citizenship must also not result in the Foreign Athlete having dual citizenship. Special Naturalization path (Article 20 of the Citizenship Law).

Second, it can be concluded that the role of the DPR in the naturalization process in Indonesia is closely related to the oversight function and the principles of good governance. Although the DPR's oversight was initially constructed in general for all naturalization pathways, Article 20 of the Citizenship Law specifically confirms that the DPR's role only applies in the Special Naturalization process. This is due to the unique characteristics of Special Naturalization, which is based on national interests, thus requiring legitimacy from the people's representatives as a form of collective approval. In addition, the DPR's involvement also serves as a control mechanism against potential abuse of the President's authority in granting citizenship. With this supervisory role, it is hoped that the Special Naturalization process will continue to run in accordance with the principles of law, transparency, and the real interests of the country.

Third, preventive oversight prior to issuance serves to prevent maladministration and ensure that citizenship is only granted to individuals who meet objective criteria. Although the Citizenship Law does not explicitly regulate the legal consequences of the DPR's consideration, the DPR's internal regulations stipulate that its recommendations are binding on the government. In discussing the naturalization of foreign athletes, it should not only involve Commission III, but also Commission X in charge of sports. In addition, the DPR needs to formulate clear benchmarks in assessing the fulfillment of national interests, including aspects such as sports prestige, domestic sports development, availability of domestic sports resources, balance between short-term and long-term goals, national identity, and

public opinion. With clear benchmarks, the process of naturalizing foreign athletes can be carried out more transparently, accountably, and in line with national interests.

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