

## **RESPONSE OF ASIAN COUNTRIES TO THE WIDESPREAD OF DUAL CITIZENSHIP POLICIES**

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### **ABSTRACT**

*Citizens are an element of the existence of a country, so that citizens are an important factor in the sustainability of a country. In the modern era, where people have high mobility to travel and even live abroad, marriages from different countries are increasingly massive, which encourages the birth of children from parents from different countries. This condition gives rise to various challenges in determining the legal status of citizenship, one of which is giving rise to political decisions to recognize dual citizenship. Politically, dual citizenship is a very dilemmatic political decision for Asian countries which have historically experienced a period of colonialism, economic activities that are still dependent on the West, and strong nationalism, making the political decision to implement dual citizenship variously contradictory. The aim of this research is to reveal the response of countries in Asia to the widespread political decisions regarding dual citizenship. This article uses literature studies sourced from various studies related to dual citizenship, especially in Asian countries. The research results show that it is more difficult for countries in Asia to accept dual citizenship due to historical, economic and nationalistic aspects, as well as other aspects that show differences with countries in Europe, America and Africa. Countries in Asia have not fully responded well to the spread of dual citizenship, so dual citizenship is still an issue that is fought for by the diaspora and faces opposition from local communities.*

**Keywords:** *State, Citizen, Dual Citizenship, Law, Politics.*

### **ABSTRAK**

*Warga negara merupakan salah satu unsur keberadaan suatu negara, sehingga warga negara merupakan faktor penting dalam keberlangsungan suatu negara. Di era modern saat ini, di mana masyarakat memiliki mobilitas tinggi untuk bepergian bahkan tinggal di luar negeri, perkawinan beda negara semakin marak, yang mendorong lahirnya anak dari orang tua yang berbeda negara. Kondisi ini menimbulkan berbagai tantangan dalam menentukan status hukum kewarganegaraan, salah satunya adalah memunculkan keputusan politik untuk mengakui kewarganegaraan ganda. Secara politis, kewarganegaraan ganda merupakan keputusan politik yang sangat dilematis bagi negara-negara Asia yang secara historis mengalami masa kolonialisme, kegiatan ekonomi yang masih*

*bergantung pada Barat, dan nasionalisme yang kuat, sehingga membuat keputusan politik untuk menerapkan kewarganegaraan ganda menjadi beragam dan kontradiktif. Tujuan dari penelitian ini adalah untuk mengungkap respon negara-negara di Asia terhadap maraknya keputusan politik mengenai kewarganegaraan ganda. Artikel ini menggunakan studi pustaka yang bersumber dari berbagai penelitian terkait kewarganegaraan ganda, khususnya di negara-negara Asia. Hasil penelitian menunjukkan bahwa negara-negara di Asia lebih sulit menerima kewarganegaraan ganda karena aspek historis, ekonomi, dan nasionalisme, serta aspek-aspek lain yang menunjukkan perbedaan dengan negara-negara di Eropa, Amerika, dan Afrika. Negara-negara di Asia belum sepenuhnya merespon dengan baik penyebaran kewarganegaraan ganda, sehingga kewarganegaraan ganda masih menjadi isu yang diperjuangkan oleh diaspora dan menghadapi pertentangan dari masyarakat lokal.*

**Kata Kunci:** *Negara, Warga Negara, Kewarganegaraan Ganda, Hukum, Politik*

## **INTRODUCTION**

Citizenship's legal status significantly influences an individual's rights and responsibilities while residing in a nation (Benhabib, 2017). Efforts are being made to reform citizenship regulations in response to dissatisfaction, particularly in relation to dual citizenship, which has become a topic of global discussion. The political dynamics in this endeavor are typical, encompassing elements of economics, security, sovereignty, human rights, and political engagement. This research focuses on analyzing the reactions of Asian countries.

Researching the topic of dual citizenship is crucial in the nation and state process since citizenship status is a fundamental aspect of human rights that provides citizens with protection from the state (Yuliantini & Mangku, 2020; Titko, et.al, 2021). Citizenship status establishes a reciprocal connection between people and their state, in

accordance with human rights which are a fundamental component of the state. Citizenship is necessary for everyone as it establishes a clear legal link between the individual and the state, ensuring legal certainty (Hermanto, 2022). For instance, due to the globalized world where people may travel freely across borders and time zones, mixed marriages and individuals holding positions in foreign countries for extended periods are becoming more common.

A total of 82.4 million people have been forced to flee their homes due to persecution, conflict, violence and human rights violations, according to the latest report by the UN High Commissioner for Refugees (UNHCR). The report released in Geneva calls on countries to reverse the global trend of displacement, fueled by violence and persecution that has persisted for almost a decade. The number of newly released refugees is 4% higher than the previous

figure at the end of 2019, which recorded 79.5 million people (Ngutjinazo, 2021).

The growing human mobility has led to demands for a dual citizenship policy, although this does not necessarily have a favorable effect (Adrian, Miriam, & Michael, 2017). Dual citizenship from a state perspective is linked to a country's security in both the country of origin and the country of residence. Individuals with dual citizenship typically choose to live abroad voluntarily, distinguishing them from refugees who flee their country due to emergency situations (Simsa, 2017). This situation highlights the need to investigate dual citizenship promptly owing to potential prejudice against diaspora individuals, particularly related to their formal citizenship status.

Isin & Turner (2007) focus on examining recognition within the realm of citizenship. They contend that individuals can only receive protection from legal institutions if they share the same national origin. Those with different nationalities must undergo legal exemptions until they have completely assimilated and distanced themselves from their origins. It shows that expatriates face discriminatory legal protection.

Fraser (1996) argues that a significant component of modern citizenship is the problem between redistributive injustice and recognition. Redistributive injustice in socio-

economics stems from the political-economic framework of society, characterized by exploitation, economic marginalization, and deprivation. Recognition injustice in cultural or symbolic forms stems from patterns of representation, interpretation, and communication. This injustice can manifest as cultural domination, non-recognition, and disrespect.

Isin & Turner (2007) discuss the challenge for redistribution within the framework of citizenship, critiquing Marshall and John Maynard Keynes' perspectives that viewed citizenship as a mechanism to secure workers a modest standard of living by shielding them from accidents, illness, and joblessness. Unforeseen. Keynesian economic redistribution techniques aim to boost employment by having the government invest in utilities during economic downturns. Isin & Turner argue that Marshall does not focus on a thorough definition of citizenship, while modern conceptions of citizenship are primarily interested in evolving identities. Isin & Wood (1999) contend that identity and citizenship are closely interconnected.

Diasporas have a different identity and legal status from their country of residence, experiencing problems of unfair redistribution and recognition. They advocate dual citizenship rights from the government based on the theory of recognition and redistribution of citizenship.

When creating rules during political debates, this issue is vital as it

directly affects people's lives. Not achieving the outcomes of talks in parliament is viewed as undemocratic. According to Warren & Mansbridge (2013), if government issues require action and the legislative body does not act, the responsibility for action shifts to the executive branch, administrative agencies, and the judiciary. Presidents, institutions, and courts are not democratic. These actions are democratically justified as voters elect executive entities, which are then nominated and granted authority by the constitution.

It suggests that societal issues should be addressed inside the legislative institution as a democratic entity rather than being passed on to the executive institution for regulatory decisions. This article examines how Asian nations are responding to the growing trend of dual citizenship legislation worldwide.

## **LITERATURE REVIEW**

The EUDO Citizenship Observatory study (EUDO, 2017) indicates that several nations in East and South Asia have seen a moderate rise in the approval of dual citizenship, however not as significant as in Europe and America. Some Asian nations allow dual citizenship.

Mateos (2019) examines how dual citizenship in Mexico is influenced by class and ethnicity. Mateos categorizes Mexican dual citizens into two groups: white, upper-class 'Euro-

Mexicans' with citizenship based on ancestry from countries like Spain or Italy, and lower-class Mexicans of mixed racial background (mestizo) from migrant families who returned to or were deported from the United States. This research emphasizes how dual citizenship can institutionalize existing socio-racial distinctions, exacerbating social disparities in extremely unequal nation-states and questioning deeply rooted mixed-race (mestizo) values.

Kim's (2019) research investigates how ethnicity and citizenship intersect by conducting an ethnographic study on Korean ethnic migration traditions from China. While the papers in this special issue mostly discuss strategic citizenship in European and American settings, Kim offers a comparative viewpoint by examining the situation in East Asia, where citizenship is still based on territory and is exclusive. He discusses the various methods in which Korean-Chinese utilize their 'ethnic capital,' such as family connections, skill in the Korean language, and physical appearance, to obtain South Korean citizenship or visas. Many of them then utilized their new status to migrate gradually to the United States.

Harpaz & Mateos (2019) redefine the fundamental concepts of state membership, transitioning from exclusive and territorial to overlapping and portable, thereby expanding dual citizenship. This tendency has wide-ranging consequences for the study of

migration, globalization, economic inequality, and national identity, but these ramifications have not been well investigated. The trend of strategic citizenship is expected to persist despite some countries considering restrictions on dual citizenship due to growing anti-immigrant feelings. This trend is in line with the advancement of human and individual rights discussions, the practical concerns of global elites, and the rising global migration rates.

Most international migrants worldwide reside in Europe and Asia, making up around two-thirds of the global migrant population, primarily in the Global North. Accompanying this expansion is the rise of relaxation of dual citizenship rules globally (Faist, Gerdes, & Rieple, 2004; Howard, 2005; Alarian & Goodman, 2017). Furthermore, 68% of nations permitting multiple citizenship are situated in Europe or Asia, suggesting a link between migration and the adoption of dual citizenship (Alarian & Goodman, 2017).

Poethig (2006) performed research in Cambodia on the discussion surrounding the enactment of the 1996 Dual Citizenship Law. Opponents of dual citizenship argue that it can harm cultural integrity, pose a risk to democracy due to divided loyalties, threaten political stability, and weaken a nation's distinct identity. They also claim that practical considerations in dual citizenship can sometimes override loyalty to the country during

challenging circumstances. Advocates of dual citizenship challenge the concept of cultural "purity" in Cambodia's diverse population. Groups advocating for dual citizenship dispute charges of harm to the country, as they believe that during challenging periods, the diaspora helps Cambodia reintegrate into the complexities of international relations.

## **METHOD**

This research employs a qualitative methodology, doing a literature review of sources from academic publications on dual citizenship in Asian nations and utilizing citizenship data from government and non-government entities. Data processing include data display, data reduction, and making conclusions. This research followed the Kuhlthau (2002) approach, which includes: a) selecting a topic; b) exploring information; c) establishing the research focus; d) gathering data sources; e) preparing data presentation; and f) creating reports. Data analysis use content analysis to select, compare, combine, and filter diverse findings from many research on dual citizenship. Once all the data is gathered, the subsequent stage involves analyzing the data in order to derive conclusions (Moser & Korstjens, 2018). Data analysis approaches rely on thorough examination of the written or printed information in journals to achieve accurate and exact results, research data

based on trusted portals related to dual citizenship information data. Content analysis is employed to examine all study findings related to the dual citizenship topic. The study analysis aims to address the research question and goals, specifically focusing on how nations in Asia are responding to the issue of dual citizenship.

## RESULT AND DISCUSSION

Some countries permit dual citizenship without restrictions, while others only allow it in specific situations. Below is a comprehensive list of nations that permit dual citizenship.

**Table 1. Countries that Recognize Dual Citizenship**

Albania	Central African Republic	The Gambia	Latvia	Peru	Switzerland
Algeria	Chile	Germany*	Lebanon	Philippines	Syria
American Samoa	Colombia	Ghana	Lithuania	Poland	Taiwan
Angola	Comoros	Greece	Luxembourg	Portugal	Tajikistan
Antigua & Barbuda	Republic of Congo (Brazzaville)	Grenada	Macau	Romania	Thailand
Argentina	Costa Rica	Guatemala	Macedonia	Russian Federation	Tibet
Australia	Ivory Coast	Guinea-Bissau	Mali	Saint Kitts & Nevis	Tonga
Armenia	Croatia	Haiti	Malta	Saint Lucia	Trinidad & Tobago
Australia	Cyprus	Honduras	Mauritius	Saint Vincent and the Grenadines	Tunisia
Barbados	Czech Republic	Hong Kong	Mexico	Samoa	Turkey
Belgium	Denmark	Hungary	Moldova*	Scotland	Uganda
Belize	Djibouti	Iceland	Morocco	Serbia	United Kingdom
Benin	Dominica	Iraq	Namibia	Seychelles	United States
Bolivia	Dominican Republic	Ireland	Nauru	Sierra Leone	Uruguay
Bosnia & Herzegovina	East Timor	Israel	New Zealand	Slovenia	Vatican City
Brazil	Ecuador	Italy	Nicaragua	Somalia	Venezuela

Bulgaria	Egypt	Jamaica	Niger	South Africa	Vietnam
Burkina Faso	El Salvador	Jordan	Nigeria	South Sudan	British Virgin Islands
Burundi	Equatorial Guinea	Kenya	Pakistan	Spain	Yemen
Cambodia	Fiji	South Korea	Panama	Sri Lanka	Zambia
Canada	Finland	Kosovo	Papua New Guinea	Sudan	Zimbabwe
Cape Verde	France	Kyrgyzstan	Paraguay	Sweden	

\* These countries allow dual citizenship with the US under certain conditions.

Source: <https://www.endevio.org/en/insights/list-of-countries-that-allow-dual-citizenship>

Statistics indicate that multiple citizenship is a practice implemented by several nations across Europe, America, and Asia. The enhanced accessibility between nations has resulted in a notable rise in citizen movement, promoting contact among varied people (Mansoor, 2021). This statistic indicates a growing likelihood of other nations acknowledging dual citizenship. While some governments acknowledge dual citizenship, others prohibit it. Each nation has distinct rules concerning dual citizenship. Prior to applying for dual

citizenship, it is crucial to research the rules and regulations in both nations because of the intricate nature of the matter (Simonsen, 2017).

Dual citizenship refers to an individual who holds citizenship in two nations simultaneously, presenting both benefits and drawbacks due to its intricate legal nature. Dual citizenship offers the advantage of holding two passports, but it may lead to double taxes as a disadvantage. The issue of double tax payment deters persons from pursuing dual citizenship.

**Table 2. Countries That Do Not Allow Dual Citizenship**

Afghanistan	Iran	Maldives	San Marino	Andorra	Japan
Marshall Islands	Sao Tome and Principe	Austria	Kazakhstan	Mauritania	Saudi Arabia
Azerbaijan	Kiribati	Micronesia	Singapore	Bahrain	North Korea
Monaco	Slovakia	China	Kuwait	Mongolia	Suriname
Djibouti	Laos	Mozambique	Swaziland	Eritrea	Lesotho
Myanmar, Burma	Tanzania	Estonia	Liberia	Nepal	Togo
Ethiopia	Libia	Netherlands	Ukraine	Georgia	Liechtenstein
Norway	United Arab Emirates	Guinea	Malaysia	Oman	Uzbekistan
Guyana	Montenegro	Palau	Vanuatu	India	Madagascar

Qatar	Indonesia	Malawi	Rwanda		
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Source: <https://www.endevio.org/en/insights/list-of-countries-that-allow-dual-citizenship>

According to the statistics, some nations prohibit dual citizenship, although they are outnumbered by those that allow it. Countries that do not allow dual citizenship typically do so for reasons related to colonial history, economics, politics, legal considerations, and nationalism. Countries that do not allow dual citizenship assert their authority to shape the political and legal beliefs of their residents, as citizens play a crucial role in the establishment of a nation.

Democracy is characterized by fundamental values of liberty and egalitarianism, typically associated with many elements and structures, including the rule of law (Christiano, 2018; Fuchs & Roller, 2018). One crucial technique is ensuring protection, legal clarity, and compliance with the right to citizenship identification, which is essential for persons to fully engage in the nation. Without citizenship, an individual lacks the ability to fully participate in social activities, lacks legal protection, and does not enjoy the same benefits as a citizen. The idea of citizenship under Indonesia's constitutional system has evolved in response to changes in the administration.

Countries that do not allow dual citizenship may do so due to concerns related to security, sovereignty, or cultural reasons. Citizens also reject the dual citizenship policy due to its perceived drawbacks. Folger (2023)

dual citizens are subject to the laws of both countries they hold citizenship in. For example, the US taxes its citizens on income earned globally. If he resides outside the US, he could be liable to pay taxes to both the US government and the nation where the income was generated. Income tax treaties between the US and other nations help to minimize or eliminate tax obligations to prevent double taxation, such the agreement between the US and New Zealand.

Dual citizenship might hinder some job opportunities and, depending on one's career trajectory, may be a drawback. Dual citizenship may hinder an individual from gaining the necessary security clearance for government positions or jobs that include access to classified information (Sharma & Warkentin, 2019; Mau, et.al 2015). Another empirical issue arises when dual citizenship is acquired automatically, such as when a kid is born in Indonesia to foreign parents. At times, the procedure may span across several years and include significant costs and complexities. This may impede those seeking dual citizenship.

In the redistributive justice paradigm, injustice is viewed through a socio-economic lens, focusing on the uneven socio-economic structure of society as the primary cause of social injustice. Neoliberalism is based on the belief that economic market transactions are the primary paradigm



that influences all human activities and behaviors (Olssen & Peters, 2005). To comprehend all aspects of existence and change in human society, one must see them through the lens of the economic market transaction paradigm. Based on such premise, governance relations exclude the general interest and prioritize the interests of each person.

The emphasis on the common good as a representation of social justice in state principles was replaced by prioritizing private interests via the rise of the free market system. The emphasis on the common welfare is neglected in the relationship between the republic and its citizens. It is recognized in this context that the primary motivation for advocating for dual citizenship is the economic concerns of those living overseas. They believe that economic inequality is pushing for the approval of the dual citizenship law in Indonesia, granting them unrestricted participation in economic endeavors in their residing nation.

Isin & Turner (2007) criticize Marshall for not defining fundamental principles of social policy that overlooked gender issues and assumed that traditional gender-based division of labor became less important as women joined the formal workforce. Isin & Turner (2007) argued that evaluations of human needs should be entrusted to the market rather than the government. The era of Keynesian redistribution was replaced by a neo-conservative government that emphasized

entrepreneurial and self-interested consumers as the main drivers of the economy, with free markets being crucial for freedom.

Recognition politics is considered a leading stance in the fight for social justice discourse during the period of globalization. The political battle for recognition seeks to create a multicultural society where every unique individuality is acknowledged, fueled by the liberation imagination. In this paradigm, any absorption, assimilation, or conformity to prevailing cultural standards is viewed as an ethical transgression in the realm of the fight for acknowledgment.

Advocates of recognition-based social justice oppose the distributive social justice model, viewing it as materialistic, impartial, and partially accountable for different types of social injustice due to its lack of cultural empathy for others (misrecognition). Cognitive justice necessitates establishing cultural norms that demonstrate equal respect for all participants in the socio-political system and ensure equal opportunity for everyone to achieve a meaningful existence. This scenario is known as the intersubjective condition for participatory equality. Both the redistributive justice paradigm and cognitive justice paradigm are equally crucial in social movements' efforts to uphold social justice throughout the period of globalization.

Isin & Turner (2007) noted that countries with aging populations and low birth rates must depend on foreign migrant labor to sustain their economic development. Western labor markets rely on these people since their workforce lacks mobility and is hesitant to accept unskilled or low-paying positions. The French government is grappling with a conundrum as its economic competitiveness is being undermined in the global economy due to much cheaper labor salaries in Asia compared to Northern Europe. Yet, a contradiction arises from the growing reliance on international labor migration. Western nations rely on migrant labor, but their democratic governments, influenced by election pressure and media criticism of foreign workers, are not overly tolerant of large amounts of migration, particularly illegal immigration.

Dual citizenship, formerly valued, is now being viewed more as a potential risk due to concerns about ensuring and upholding complete allegiance to the nation. Dual citizenship, although feasible, is not advisable. Political criticism of dual citizenship and flexible employment arrangements has been growing due to the belief that they undermine conventional ideals of political commitment (Valadez, 2018; Isin & Turner, 2007).

## **CONCLUSION**

Based on research results, it shows that countries in Asia show caution in implementing dual citizenship policies, this is because historically countries in Asia were colonial countries, so the sense of nationalism is very strong. Economic conditions that have not demonstrated independence, which indicates that there are still economic disparities between communities, as well as concerns about state security, have made countries in Asia cautious in discussing dual citizenship. It is not only the attitude of countries that reject dual citizenship, but people who are not ready to adapt to dual citizenship is also a factor in not many countries in Asia accepting dual citizenship. On the basis of this research, suggestions for further research focus more on discussing group motives that encourage the creation of dual citizenship, so that it will complement research by looking at citizens' perspectives in understanding dual citizenship.

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