



Hambali: Repatriation, Citizenship, and Ideological Risk

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By Muhammad Makmun Rasyid

SYNOPSIS

Indonesia is once again facing a complex dilemma regarding the repatriation of nationals linked to terrorism. The case of Encep Nurjaman, widely known as Hambali, revives long-standing questions about the intersection of citizenship law, national security, and ideological persistence. After more than two decades of detention in Guantanamo Bay, the prospect of his return has become a contentious issue, exposing policy contradictions and underscoring the challenges of balancing legal obligation with public safety.

COMMENTARY

On [18 January 2025](#), Indonesia's Coordinating Minister for Law, Human Rights, Immigration, and Corrections, Yusril Ihza Mahendra, publicly stated that the government was open to the idea of repatriating Hambali, a former senior operative in Jamaah Islamiyah (JI) and a key figure in Southeast Asia's transnational jihadist networks. "No matter what he has done, Hambali is still an Indonesian citizen," Yusril said. "No matter how wrong a citizen is abroad, the government must still give him attention."

This marked a sharp shift in public discourse, suggesting that Indonesia was prepared to acknowledge both the legal and humanitarian dimensions of Hambali's case. It triggered wide debate – especially among his victims' families, counterterrorism officials, and civil society – over whether such a return could be managed securely.

However, the Indonesian government reversed its position less than six months later. On [13 June 2025](#), during a meeting with the Australian Ambassador to Indonesia, Rod Brazier, Yusril declared that Hambali would be barred from entering Indonesia if released by the US authorities. He explained that Hambali had been arrested without

an Indonesian passport and added, “If an individual does not have an Indonesian citizenship document, then his or her status as an Indonesian citizen is considered void.” He further affirmed that the Indonesian government would fully defer to US legal jurisdiction over Hambali, effectively distancing itself from the repatriation issue.

This dramatic policy shift illustrates the tension within Indonesia’s state institutions, which are caught between the legal principle of protecting citizens abroad and the political, ideological, and security risks associated with high-profile returnees. The ambiguity around Hambali’s legal status has become a central point in justifying this shift from engagement to exclusion.

Citizenship and Legal Ambiguity

At the heart of the debate lies Hambali’s citizenship status. [Born in Cianjur](#), West Java, in 1964, Hambali was an Indonesian. However, reports from his 2003 arrest in [Thailand](#) indicated that he was carrying a Spanish passport at the time. If that passport was legitimate and obtained voluntarily, it could mean that Hambali has forfeited his Indonesian nationality under [Law No. 12 of 2006](#) on citizenship, which stipulates that any Indonesian who acquires foreign citizenship voluntarily loses his or her Indonesian status.

This legal ambiguity is pivotal. If Hambali is no longer an Indonesian citizen, the state has no formal obligation to accept his return, even on humanitarian grounds. Yusril’s June 2025 remarks align with this interpretation, suggesting that citizenship is not only about birthright but also a legal status that must be documented and maintained.

Conversely, if the Spanish passport was falsified or used for operational cover, as is often the case among transnational jihadist operatives, then Hambali may still legally be a citizen. This would place Indonesia in a more complicated position under international human rights obligations, particularly norms prohibiting rendering individuals stateless (apatride), unless they had knowingly and lawfully renounced their citizenship.

However, legal clarity alone cannot resolve the strategic implications. Even if Hambali retains Indonesian citizenship, his case is qualitatively different from that of other returnees, due to his symbolic value, ideological influence, and operational history within al-Qaeda and Jemaah Islamiyah (JI). These elements elevate the risk of his return far beyond administrative considerations.

Ideological Recurrence and the Limits of Repatriation

The core challenge in repatriating figures like Hambali lies not just in legality, but in ideological resilience. This is not speculative; Indonesia has already experienced such cases. A prime example is Abu Bakar Ba’asyir – Hambali’s spiritual mentor and one of the ideological architects of JI.

After serving a lengthy prison sentence, Ba’asyir was released unconditionally in January 2021 on humanitarian grounds. In January 2024, he made an unexpected visit to the [Indonesian Ulema Council](#) (MUI) in Jakarta, accompanied by long-time jihadist associates, including Said Sungkar and Afif Abdul Majid. During this visit,

Ba'asyir reportedly requested a fatwa that would reaffirm the obligation to establish a Daulah Islamiyah (Islamic State). The visit was not coordinated with authorities and triggered concern among intelligence agencies, although no formal response was issued.

This episode demonstrates how ideological commitment among extremists may persist – even intensify – after incarceration. Ba'asyir, although advanced in age, maintained considerable symbolic and doctrinal influence. Hambali, who played a more operational and international role, could re-emerge as a rallying figure for dormant or decentralised networks, even if his return is closely monitored.

Although improved, Indonesia's deradicalisation infrastructure remains limited in capacity and depth, particularly for high-risk individuals. The doctrinal concept of *al-jihād al-mustamir* (continuous struggle) reinforces the idea that long-term imprisonment may not necessarily weaken ideological conviction. As such, repatriation without ideological disengagement is not only ineffective, but it can be dangerous.

Conclusion

Hambali's case reflects the delicate interplay between legal identity, ideological threat, and national interest. The Indonesian government's initial willingness to consider his return, followed by a sharp policy reversal, underscores the fluidity of state responses when faced with conflicting principles of law, morality, and security.

If Hambali is no longer an Indonesian citizen, the state is within its legal right to refuse entry. But if he retains that status, the government must make a principled and prudent decision that balances constitutional obligations with risk management and public trust. In either scenario, transparent communication and inter-agency coordination are critical.

Ultimately, Hambali is not just an individual case. He is a test of how states deal with the long tail of terrorism, particularly when ideology defines the threat. The question is not simply whether to repatriate, but how to do so without endangering society or undermining national resilience.

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