

# Indonesian Citizenship, Chinese Community and Politics of Contestations

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## *Abstract*

*Culturally and socially, Indonesian Citizenship is not a fixed concept like in the legal context, but it is clearly loaded with identity struggles. The experience of the Chinese community in adjusting to Indonesian Citizenship and identity reflects the struggle between different subjectivities and agendas. But how the Chinese Indonesians deal with these conflicting positions will provide us with a very interesting picture of politics of contestations employed by this minority group, and perhaps with lessons to learn for other minority groups in the country.*

## **Introduction**

The problem faced by developing countries like Indonesia in relation to its citizens is not similar to that of the developed countries. As we know, in Asia and Africa, the formation of ‘modern state’ was started only after World War II with the end of ‘colonialization’ and the emergence of independence movements, with the exception of China and Japan which represent a specific case of ‘non-colonialized countries’. The state formation in these ‘new’ states was not following its European model of state which was established after a nation. Instead, it was mostly formed on top ‘traditional tribal communities’. These communities formed a ‘state’ and a ‘nation’ just for the sake of independence and anti-colonial movement, so both were created for a purpose, not as a conclusion. The Indonesian case is exactly that. It means that we could not call Indonesia as a ‘nation-state’ like we do the European countries, and perhaps a better term is ‘state-nation’ – first the state and then the nation.

Under such a circumstance, we then could not say that the Chinese in Indonesia have acquired their (Indonesian) citizenship when the Indonesian ‘nation-state’ – nation and then state - has been firmly established like it happened to their (Chinese) counterparts in Europe, America etc. In those countries, the Chinese were granted citizenship by ‘relatively free and independent’ countries which have probably long before resolved their own internal problems. Moreover, the Chinese in those countries were not part of the countries’ history of struggle for independence like in Indonesia. For example, we could find several Chinese



Indonesians joined the preparation committee for independence (BPUPKI) or others who were informally known as having joined the war for (Indonesian) independence. It is due to that reason that the Indonesian citizenship acquired by the Chinese in Indonesia after the Indonesian Independence was more 'political' than legal. That is why we heard about the 'passive option' given to the Chinese in the first Citizenship Law of 1946<sup>1</sup>.

Unfortunately the option was changed into the 'active' one after the signing of the Dual Citizenship Agreement between Indonesia and China in April 22, 1955, known as the Sino-Indonesian Treaty on Dual Nationality. The agreement was reached after the 1955 Asia-Africa Conference. We could then observe the change of option in the 1958 Citizenship Law, which is operational since 1960 up to today. Although it required those who were considered as having dual citizenship made a declaration in a court of law that they rejected Chinese citizenship and opted for Indonesian citizenship, but in practice, all Chinese in Indonesia were qualified to take this action, so they should decide "who they were, where they were and how they saw their future", which in Mely G. Tan's words, "to determine their identity" (1997:33). The political impact of such a change is very substantial because the 'active' option has placed the Chinese as 'outsiders' within the Indonesian society, ignoring their part in the history of Indonesian Independence. Ever since the law became effective, the Chinese and the Indigenous Indonesians were separated politically and legally. The first one is 'foreigner' who could become Indonesians through legalization process, while the later is the 'native' who is automatically Indonesians. Obviously in this way Indonesian citizenship works as a 'dividing tool' rather than as a 'marker for belonging to the group or in-group' like we could discern in the developed countries. Hence it is clear that citizenship – in this case the Indonesian citizenship - was loaded by constructed meanings given to it, particularly between the competing issues of 'native-ness' and 'foreign-ness'.

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<sup>1</sup> The regulation concerning citizenship and residence in Indonesia which were announced in April 1946, in Article 1, stated that "Indonesian citizens are (a) people who are native to the territory of the Indonesian nation; (b) people not included in the above group but who descended from someone in that group and who were born and reside in the territory of the Indonesian state; and people not descended from the aforementioned group but who were born and have resided there for at least the last five consecutive years who are at least twenty-one years of age or married, unless they have declared their objection to becoming an Indonesian citizen because they are a citizen of another country". Then, in Article 4 said "[t]he aforementioned declaration (declaration of objection) in article 1 paragraph b must be forwarded in writing on stamped paper to the Ministry of Justice within one year after the aforementioned article goes into effect. This means that peranakan Chinese according to Article 1 of the Indonesian citizenship regulations are included as Indonesian citizens. However they have the right according Article 4 to refuse that citizenship within one year after the above regulations are implemented. This is what is known as the right of repudiation" (Tjoa Sik Ien, 1947, "Peranakan Chinese and Indonesian Citizenship", in Leo Suryadinata (editor) (1997) *Political Thinking of the Indonesian Chinese 1900-1995: A Sourcebook*, Second Edition, Singapore University Press - National University of Singapore, pp.174-177).



In this paper we will discuss the constructed meanings given to the Indonesian citizenship in relation to the Chinese as ‘legalized foreigner’ and/or ‘legalized Indonesian’, as well as the politics of contestations carried out by the Chinese Indonesians in relations to the State and to the Indigenous Indonesians, as part of the (re)constructing process of their ‘subjectivity of belonging’.

### **Indonesian Citizenship and Indonesian Chinese Community**

For the Chinese in Indonesia, the issue of ‘Indonesian Citizenship’ is a relatively new issue, like the issue of ‘Chinese citizenship’ itself. Although the Republic of China was established by Sun Yat Sen in 1911, but the Chinese ‘state’, like the state in Indonesia, was not officially in operation until 1950s. So, that is why the problem of citizenship of the Chinese in Indonesia, as mentioned before, was not dealt until 1955, after the Asia-Africa Conference in Bandung. The 1955 meeting between Chou En Lai, the foreign minister of China, and Achmad Subardjo, the Indonesian foreign minister, has successfully solved the problem of dual citizenship for the Chinese in Indonesia. Unfortunately the implementation did not take place until 1960, and by that time, the situation of the relationship between the Chinese in Indonesia and the Indigenous Indonesians have changed into the worse. As we know, there was the *Benteng* policy of 1959 (PP 10/59)<sup>2</sup>, which created turmoil among the Chinese in Indonesia, and even has forced many of them to return to China. Later, the tragic event of 1965, when the Chinese was accused of being involved in the Indonesian Communist Party (PKI)’s movement, has even caused a ‘total break’ in the relationship (for details, see Coppel, 1983). Under the circumstances, no wonder if the issue of citizenship was then placed on the back seat, till mid 1980s to 1990, when the diplomatic relations with China was re-opened. But, even then the issue was taken care for a short period only.

Actually the effort of mid 1980s to 1990 was to solve the issue of citizenship of the Chinese in Indonesia once for all. For that purpose, several Chinese tycoons donated some money to help the poor Chinese to complete their citizenship paper. But, due to various technical problems, it was not up the expectation. So, until today there are still quite a number of Chinese Indonesians who still have the citizenship problem, either as stateless (most of them are in this status), or WNA (of foreign citizenship, RRC or Taiwan).

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<sup>2</sup> A regulation that prohibited foreign citizens of Chinese descent living in rural area.



The above description is about the 'legal statuses' of the Chinese Indonesians. Socially and culturally, the situation is more complex, because it involves the issue of identity, namely the 'Indonesian identity'. However, in relation to this we should note what Maureen Whitebrook (2001) has said, that "[p]olitical theorists may want to separate out a specific political identity which disregards all else about the person except their status and behaviour in the political realm" (p.135), and so, as the consequence, citizenship is "treated not as a facet of identity, or mediating concept between personal and political identity, but as a separate 'civic' identity, conferred on, not stemming from the person" (Ibid.). It means that "[w]ho and what we are as citizens can [or should] be seen as a production of imposition" (Ibid), that even though "the 'first and primary identity of any citizen' is their identity as 'members of particular class, ethnic and religious communities' but .... this 'must be transformed in the process of developing a civic identity'" (Ibid., p.136). That is also why such a political identity keeps on conflicting with an individual's ethnic and/or religious identity.

The fact that citizenship is 'relatively new' issue – it only happened in 1950s - for the Chinese in China, as well as in Indonesia, has given some Chinese Indonesians a solid reason to establish Baperki (*Badan Permusyawaratan Kewarganegaraan Indonesia* – The Consultative Body of Indonesian Citizenship, see Coppel, 1983) in 1954, under Siauw Giok Tjhan's leadership. The purpose was to help the Chinese in Indonesia to adopt Indonesian citizenship and to adjust themselves accordingly. It clearly attracted many Chinese Indonesians if we considered how fast the organization has grown, and the fact that it could establish many 'Baperki' schools as well as a 'Baperki' university (namely Res Publica, or today's Trisakti)<sup>3</sup>. Unfortunately Baperki was later (in 1965) accused of being Communist and thus was dissolved. Ever since that time, and during the three decades of the New Order period, the issue of citizenship becomes an individual matter. Each Chinese individual should deal with it himself or herself, even though as mentioned above, the citizenship issue involves a larger issue of (Indonesian) identity, and hence is not clear by itself.

When the issue of citizenship – as well as the issue of identity - is open for individual constructions, we could see that, at least for the Chinese Indonesians, the Indonesian citizenship works only as a form of legality, or a tool of legitimatization for the existence and

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<sup>3</sup>Based on Coppel and Mackie, Mely G. Tan came up with 2.45 million as the total number of Chinese Indonesians during the option period. One million of them were considered as having dual citizenship, and it was estimated that between 65 % to 90 % of them would opt for Indonesian citizenship. That is why the deadline was set up for 1962. Obviously the assumption ignored the fact that there should be some who were ignorant of the Treaty and hence lost their chance to take the option (Tan, 1997:35).



residential rights of each of them in Indonesia. It happens because, as mentioned before, socially they are still considered as ‘foreigner’, that is as ‘the people who came from outside Indonesia’. Their foreign-ness is seen vis-à-vis the ‘native-ness’ of the Indigenous Indonesians which is mostly tied to land of origin, such as the Javanese from Java, the Dayak from Kalimantan, the Papuan from Papua or Irian Jaya, etc. Within such framework of mind, the Chinese could never be ‘native’, but should always be seen as ‘foreigner’ or ‘outsider’. The fact that they are required to have ‘a proof of citizenship thus works with a dual meaning, i.e. not only as ‘an official permit to enter and stay in Indonesia’, but also as an ‘engraved-like marker’ for their foreign-ness.

Nevertheless, we should say that the issue of Indonesian citizenship is not only “problematic” for the Chinese Indonesians only, but also for the Indigenous Indonesians. We could even say that it has worse effects for the Indigenous Indonesians. Since they are not ‘officially recognized’ as Indonesian citizens, but as ‘native’, this obviously has a different social-political implication. As we know, only the Chinese has a proof of citizenship, while among the Indigenous Indonesians, only a small number of them who have gone abroad have acquired an Indonesian passport and hence could prove themselves as ‘Indonesian citizen’. For those who have no passport, it would be difficult to prove themselves as ‘Indonesian citizen’ or “not an Indonesian citizen”. Obviously, the issue of Indonesian citizenship is not considered as important for and by the Indigenous Indonesians, because they have already had the right over Indonesia due to their ‘native-ness’, regardless the fact that may be there are some Indigenous Indonesians that have released their rights as ‘Indonesian citizen’ by acquiring foreign citizenship (Singaporean, Germany, American, etc). With their rights as the ‘native’, Indigenous Indonesians could forever hold on to Indonesian Citizenship, regardless of their ‘sense of belonging’ or of their ‘nationalism’. In this matter, perhaps it is quite appropriate to say that the issue of citizenship becomes ‘solely the Indonesian Chinese’s affairs’. That is why only the Chinese Indonesians protested, and continue to protest about the Indonesian citizenship, while many Indigenous Indonesians, particularly those in the government institutions, see the Chinese Indonesians’ attitude as ‘ungrateful’ and ‘unappreciative’.

If we only see the issue from the point of view of the Chinese Indonesians, or from the view of the Indigenous Indonesians, we could be well-involved in an unending saga because the argument of each side to some extent has a ring of truth. But if we think it over carefully, the



issue of citizenship that was raised by the Chinese Indonesians, as argued above, is also 'problematic' for the Indigenous Indonesians. Perhaps the recent debate over 'native' and 'newcomer' in many places of Indonesia after the implementation of regional autonomy could cast some lights to our discussion concerning the citizenship issue. Clearly those Indigenous Indonesians who argue over their 'native-ness' against 'newcomers' in their 'native territory' have a strong foundation on the 1945 Constitution, because if they could use it against the Chinese, why can't they use it against other Indigenous Indonesians who are obviously 'not native' in their traditional land? It is only the Papuans are the 'native' in Papua Island, not the Javanese, not the Bugis, not the Acehnese, not the Sundanese or even the Minangkabau. Similarly in Aceh, only the Acehnese are the 'native', while the others are 'newcomer' or 'foreigner'. The story goes for other indigenous groups as well. Although there are many intellectuals who argue that 'Indonesian citizenship' allows any Indonesian citizen to come and stay in any place in Indonesia, still the issue of 'native-ness' rules in almost all places of Indonesia. This is actually an understandable attitude if we consider the abovementioned fact: that for the Indigenous Indonesians, the issue of Indonesian citizenship is not important, except for those who have gone abroad, or for those who have to come face to face with 'it' in their interaction with citizens of other countries. Even for them, the Indonesian citizenship only works as a form of legality, a proof that they are Indonesians, who legally are 'different' from other 'Malay' groups from Malaysia, Singapore and Philippines.

Within such a context, the Chinese Indonesians are obviously alone in dealing with the issue of 'Indonesian citizenship'. So what did they do? As individual, each of them did what mentioned before, that they use it only as a tool of legality. But as a group, they argue about their status as 'second-class citizen', or sometimes they use the word 'victimization' or 'discrimination'. It is an usual story for a minority or excluded group, which in Maureen Whitebrook's opinion (2001)'s, "whose story is not [or never] heard", and hence has a problem of "authorship" or "loss of voice", where "any definition of a group's identity not in terms of its own constitutive experiences but in terms of its victimization by others reduces that group's subjectivity to the terms of the dominant discourse" (p. 133). This argument, to some extent, could be compared to the protest of marginalization voiced by the Dayaks, the Papuan, the Acehnese, etc. It means that each of them argues about their group's position at the margin, vis-à-vis 'other' at the core of the system. The Chinese see themselves vis-à-vis 'the Indigenous Indonesians', while the Dayaks, the Papuans, the Acehnese, and the others see themselves vis-à-vis 'non-Dayaks, non-Papuans, non-Acehnese, etc.', which sometimes is



referred to the Javanese in particular as the ‘dominant culture’, or as the ‘main controlling unit of the whole (Indonesian) system. It is exactly between these issues of the ‘core’ and the ‘margin’ that, in the following section, the writer would like to discuss the politics of contestations of the Chinese Indonesians, of how they actually deal with the issue of Indonesian identity or Indonesian-ness embedded within the Indonesian citizenship, which according to Maureen Whitebrook above, is “a production of imposition” (2001:135).

### **Politics of Contestations by the Chinese Indonesians**

Within the Indonesian society, the Chinese Indonesians are supposed to deal with ‘the Indonesian-ness’ which politically is placed as vis-à-vis their ‘Chinese-ness’. However, the fact that there is no clear definition or explanation about what is considered as the main characteristics of being ‘Indonesian’, so the Chinese choose to negotiate their ‘Chinese-ness’ within a ‘local’ context. What is seen by the Chinese as a ‘local’ context is the locality or the area where they live, such as Jakarta, Java, Medan, Manado, Ujung Pandang or Makassar, etc. As we know, within such a local context, there is no standard about how the Chinese should ‘behave’, but totally dependent upon the reaction from the local people themselves. For example, since in Medan, Palembang and West Kalimantan, the local people have been more lenient, so the Chinese are able to keep their language and culture till today. On the other hand, in Java where the local people are strongly against the Chinese’s keeping their language and culture, the Chinese are forced to ‘forget’ them, or at least to reduce the intensity of such an ‘ethnic’ expression within the private domain, so as a result, the Chinese in Java, particularly the younger generation, lost their ability to communicate in Chinese, and more and more of them convert to Christianity as a replacement or substitute to their ancestor’s beliefs<sup>4</sup> (for details, see Thung, 1998).

Besides localizing their problem, the Chinese too deal with the issue of ‘Indonesian-ness’ by becoming urban, metropolitan and global. For them, particularly for the younger generation, being ‘Indonesian’ is identical to ‘being modern’ or ‘being westernized’. As we know, ‘Indonesia’ or ‘Indonesian nation-state’ is a modern creation, a western creation, so it is not too far out if the Chinese interpreted it as such. The Indigenous Indonesians themselves, particularly during the New Order period, saw the western civilization as ‘better’ than the eastern civilization. We see how the Indigenous Indonesians themselves are being modernized by western culture through popular song and movie. As a result of this westernization, many

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<sup>4</sup> Due to the ‘negative image’ of Islam among the Chinese, only a small number of Chinese converted to Islam.



of the young Chinese have chosen to go abroad to study, which at the same time helped to lose their 'Chinese-ness', and it is quite fortunate that they were better accepted by the Indigenous Indonesians compared to their counterparts who stayed and studied in Indonesia. Thus it proves that 'becoming modern' is identical with 'becoming Indonesian' (Ibid.).

These strategies of 'localizing' and 'globalizing' employed by the Chinese are clearly part of their politics of contestations, developed within a particular socio-political context of New Order's Indonesia, which the Chinese were forced to adopt. Whether it is a right choice or a wrong choice, I refuse to make a moral judgement. However, taking in the strategies adopted by the Chinese, I have a sudden thought that is quite disturbing: if the reaction of the Chinese is 'localizing' and 'globalizing', so where is the nationalizing process which was intended for the Chinese at the first place? Obviously the so-called 'Indonesian citizenship', instead of making clear an individual Chinese's 'new nationality' (meaning 'Indonesian identity'), it creates a conflicting identity between their ethnic (Chinese) identity and the so-called national (Indonesian) identity, and I believe it would be the same for the Indigenous Indonesians – they too have to negotiate their own ethnic identity (Javanese, Sundanese, Ambonese, Papuan, Buginese, etc) vs Indonesian identity, albeit its problematic level would be different than that of the Chinese Indonesians. So, I think it is quite imperative to re-investigate the issue of 'Indonesian identity and citizenship' within today's socio-political change, especially since now the issues of 'locality' and 'globality' have become very important for everybody in this world. We certainly could not escape the 'local' and/or the 'global'. If we follow the question that others has raised in relation to 'nationality and nationalism'<sup>5</sup>, perhaps it is quite significant to ask: how should we deal with 'the Indonesian citizenship' when today the so-called '(Indonesian) nationality and nationalism' starts to become obscure? Could we re-negotiate the issues of Indonesian nationality and nationalism, including the issue of Indonesian citizenship, under today's pressures of 'being more local' and 'being more global'? If yes, how should we do it? Perhaps more specifically, we could also ask: whether

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<sup>5</sup> According to Thomas Hylland Eriksen (1993), "[t]he distinguishing mark of nationalism is by definition its relationship to the [modern] state" (p.6), because the "important aim of nationalist ideology is .. to recreate a sentiment of wholeness and continuity with the past; to transcend that alienation or rupture between individual and society that modernity has brought about" (Ibid., p. 105). Thus, for him, "[n]ationalism is not the awakening of nations to self-consciousness: it invents nations where they do not exist" (Ibid., p. 97). In his opinion, "the nation-state draws an important aspect of its political legitimacy from convincing the popular masses that it really does represent them as a cultural unit" (Ibid., p. 101, underline added). He also believed that, "[n]ationalism stresses solidarity between the poor and the rich, between the propertyless and the capitalists...[so] the sole principle of political exclusion and inclusion follows the boundaries of the nation – that category of people defined as members of the same culture" (Ibid., p. 102). Hence, in his view, "[i]ts political effectiveness is one condition for nationalist ideology to be viable; it must refer to a nation which can be embodied in a nation-state and effectively ruled. An additional condition is popular support." (Ibid., p. 105).





or not the 'new' draft of Citizenship Law in principle has dealt with the issue of nationality and nationalism within the changing context of localism and globalism, like it should be? If not, how should we do it so the issue is being dealt with properly in the regulation? I could not answer those questions myself, so I would like to invite the audience to discuss them in this opportunity. Thank you.

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