

### CHAPTER III

## INDONESIAN GOVERNMENT POLICIES FOR THE WELFARE OF INDONESIAN DESCENDANTS IN MINDANAO, SOUTH PHILIPPINES

This chapter will discuss policies made by the government to protect Indonesian descendants that live in Mindanao. The policy includes the establishment of the Indonesian Diaspora network, the establishment of multiparty negotiations between parties, also, the development of cooperation between Indonesian representatives in Davao City with second track' diplomacy.

#### **A. The formation of the Indonesian Diaspora Network**

Discussing about the beginning of the formation of a Diaspora is very closely related to the discussion of transnational migration which with the arrival of new residents to a region or country will create a variety of new cultures that characterize the process of forming new identities in new areas outside their home countries.<sup>31</sup> The increasingly global migration movement is called migration globalization. Migration globalization is characterized by a growing number of countries that are significantly affected by international migration. On the other hand, a person's identity is a social construction. Therefore, migration and Diaspora become elements that are very close to identity construction and become an important part of the social structure of ethnic communities in various countries.<sup>32</sup> Identity construction is also related to the relationship between Diaspora communities and transnational networks in their home countries which have become easier through more advanced means of

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<sup>31</sup> Pudjo, Santi, "Diaspora Indonesia: A World Community (almost) forgotten". <https://cid2012.wordpress.com/2012/06/02/diaspora-indonesia-a-world-community-almost-forgotten/>. Retrieved on 18 February 2019.

<sup>32</sup> Shuval, J. T. (2000). *Diaspora Migration: Definitional Ambiguities and a Theoretical paradigm*. Cowley Road: Blackwell Publisher.

communication, technology and transportation.<sup>33</sup> Usually, countries that receive immigrants are increasingly colored by migrants from various countries with increasingly diverse economic, social and cultural backgrounds. As for destination countries, immigrant community and countries of origin forms network in order to realize a prosperous economic, social, cultural and political life, and live transnational lives. Then the immigrant community is the forerunner of the establishment of a Diaspora.<sup>34</sup>

According to IOM-MPI (International Organization for Migration-the Migration Policy Institute), the Diaspora as immigrant and their offspring living outside the country where they were born or their ancestors, but they still maintain a sentimental and material relationship with their home country.<sup>35</sup> Based on that statement, it is indicated that the number of Diaspora is more certain than the number of international migrants and the creation of the Diaspora not only strengthens the distribution of the Diaspora but also can strengthen their existence. <sup>36</sup>While, Van Hear (1988) argues that one of the results of the globalization process is the increase in interconnection of the Diaspora. The creation of interconnection relationships will make it easier to discuss with information and communication networks to get to know each other and then form communities that increase widespread grouping which ultimately increases the strengthening of the existence of the Diaspora. Thus, the formation of the Diaspora is expected to be able to realize at least facilitate the availability of Indonesian

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<sup>33</sup> Brubaker, Rogers. “*The ‘diaspora’ diaspora,*” *Ethnic and Racial Studies* Vol.28 No.1 January 2005 pp.1-9.

<sup>34</sup> Kalra, V., Kaur, R., & Hutnyk, J. (2005). *Diaspora and Hybridity*. Sage. Retrieved on 2 January 2019

<sup>35</sup> MPI, I. d. (2013). *Enhancing the Moldovan Government’s capacities in Diaspora engagement*. Retrieved on 2 January 2019.

<sup>36</sup> Agunias, Doreen Rannveig and Kathleen Newland. “Engaging the Asian Diaspora.” Issue in Brief: A Joint Series of the IOM Regional Office for Asia and the Pacific and the Migration Policy Institute Vol.7 November 2012.

diasporas data, including geographical distribution and characteristics. This data is very useful to find out the potential of Diasporas that can contribute to Indonesia's development.

One example is fighting for dual citizenship to strengthen their existence in carrying out national life, namely life oriented to more than one country.<sup>37</sup> Another example of the existence of Diaspora is related to their role in realizing a symbiosis that is beneficial for the destination country and country of origin. The existence of dual citizenship for the Diaspora does have a very strategic urgency. In addition to being a media to voice the aspirations of the Diaspora community in the country, actually it can also be an attempt to strengthen relations between the two countries. This is consistent with the characteristics of public diplomacy as a non-government group, its informal form is effective in reducing tension, eliminating fear, and increasing interdependence between parties.<sup>38</sup> In addition, the dual citizenship arrangement besides having a function as "connecting the dots", is also expected to provide opportunities for Indonesian citizens to be able to has an important role abroad.<sup>39</sup> Some countries that were considered successful in implementing the existence of Diaspora were China, India and the Philippines. Actually, the existence of Diaspora in international relations can provide positive benefits both for the country of origin and for the recipient country. Thus, the Diaspora in the migration study includes all emigrants and their offspring who still maintain community ties with their home countries.

Indonesian Diaspora Network was founded in 2012 by Dino Patti Djajal who served as Indonesian Ambassador to

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<sup>37</sup> Spiro, P. J. (2010). *"Dual Citizenship As Human Right"*, International Journal of Constitutional Law, Vol. 8, No. 1. Retrieved on 2 January 2019.

<sup>38</sup>J. Melissen, (2006). *"Public Diplomacy Between Theory and Practice. In: J. Noya (ed). The Present and Future of Public Diplomacy: A European Perspective"*. California : Rand Corporation. Retrieved on 2 January 2019

<sup>39</sup> May Lim Charity *"The Urgency of The Dual Citizenship Regulation for The Indonesian Diaspora"* Journal Online of Rechtvinding, page 3. Retrieved on 2 January 2019.

America in 2010-2013.<sup>40</sup> The term of Diaspora in the study of social sciences refers to ethnic or national groups who live far from their homeland, generally with causes of negative distribution such as political oppression, persecution, epidemics, and others.<sup>41</sup>

There were five large Diaspora groups in Indonesia which then became many exiles because of the security and political situation which caused them not be able to return to Indonesia, among others:

1. The Maluku Diaspora in the Netherlands which consists of Moluccan people supporting the Republic of South Maluku which was established in April 24, 1950 by Dr. Chris Soumokil who is the Attorney General of the State of East Indonesia consisting of *Seram Island*, Ambon, and Buru. But this "Republic of South Maluku" did not stand long and its struggle was able to be broken by the army. On December 27, 1949, the Dutch returned Indonesian sovereignty, but they also supported the "Republic of South Maluku". There were 12,500 people displaced until on March 21, 1951 the first group of "political escapees" arrived at the Port of Rotterdam. The official website calls the government "Republic of the South Maluku" in the Netherlands an Emergency Government. The current president of the "Republic of South Maluku" is John Wattilette who was inaugurated in 2010.<sup>42</sup>
2. The Papuan Diaspora consists of a network of pro-independence Papuan activists who "fled" outside Papua,

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<sup>40</sup> Salut Muhidin & Ariane Utomo, "*Global Indonesian Diaspora: How many are there and where are they?*". Journal of ASEAN Studies, Vol. 3, No. 2 (2015), page 97.

<sup>41</sup> Sheffer, Gabriel. 1986. "A new field of study: Modern diasporas in International Politics, in Gabriel Sheffer (ed.)". *Modern Diasporas in International Politics*. London: Croom Helm.

<sup>42</sup> Rikaz Prabowo, "*Riwayat Diaspora Politik Indonesia: Keturunan Maluku di Belanda*". <https://www.kompasiana.com/rikazprabowo/5535b97c6ea834f62ada42d4/riwayat-diaspora-politik-indonesia-keturunan-maluku-di-belanda>. Retrieved on 2 January 2019.

due to conflict since 1961. Papua began to become a Dutch colony in 1884 and became part of the Dutch East Indies. When the Government of the Kingdom of the Netherlands recognized Indonesian independence in 1962, Papua remained a colony until 1962 even though Indonesia claimed this area.<sup>43</sup> In the proclamation of independence on 17 August 1945, Indonesia declared Papua as part of its territory on the grounds that the territory of Indonesia covered all of the former territories controlled by the Dutch East Indies Government. After facing pressure from Indonesia and from its allied countries, the Netherlands transferred power over Papua to the UN under the New York Agreement in August 1962.<sup>44</sup> In May 1963, de facto power over Papua was transferred to Indonesia pending implementation referendum to determine the political status of this region held in 1969.

3. The 1965 Diaspora survivors were unable to return after the 1965 tragedy, including because their passports were revoked and they were threatened. This incident happened to Indonesian people who were forced to lose their homeland after the events of October 1, 1965. So, they crossed various countries in fear, without passports, to avoid the pursuit of the New Order regime which ruled for more than three decades.<sup>45</sup>

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<sup>43</sup>UN Security Forces (UNSF), “*West New Guinea, Historical Background*”.

<http://www.un.org/en/peacekeeping/missions/past/unsfbackgr.html>.

Retrieved on 2 January 2019.

<sup>44</sup> UN Peacemaker, Agreement between the Republic of Indonesia and the Kingdom of the Netherlands Concerning West New Guinea (New York Agreement), <http://peacemaker.un.org/indonesianetherlands-westguinea62>.

Retrieved on 2 January 2019.

<sup>45</sup> Nur Janti, “*Kemerdekaan bagi para eksil yang dicabut paspornya oleh rezim Orde Baru adalah pulang ke Indonesia*”.

<http://ypkp1965.org/blog/2017/08/13/orang-orang-indonesia-yang-kehilangan-tanah-airnya/>. Retrieved on 2 January 2019.

4. The Timorese Diaspora, namely East Timorese people who were forced to leave their homes due to the invasion of the New Order to Timor since 1975. Soeharto met with the President of the United States, Gerard Ford and State Secretary Henry Kissinger, in Wonosobo, Central Java. On December 6, 1975. During the meeting, Suharto expressed concern about the security situation in Timor-Portuguese and the possibility of a new 'Cuba and Vietnam' in the backyard of Indonesia and Australia. The following day, the 24-year invasion and occupation began which claimed lives according to official data from the commission and the church of around 250,000 people, nearly one third of the population of East Timor. This invasion and annexation led to a prolonged resistance which ended in the popular consultation on 30 August 1999.<sup>46</sup>
5. The Aceh Diaspora, namely Acehnese people who fled conflict with the central government since 1976. Antje Missbach through her book entitled Politics of the Distance of the Aceh Diaspora: An Overview of Separatist Conflict in Indonesia reveals that the conflict between the Free Aceh Movement (GAM) and the Republic of Indonesia is likely to not last long if it is not supported by Acehnese Diasporas communities abroad. The socio-political activities of the Aceh Diaspora, mainly centered in Malaysia, Scandinavia, the United States and Australia, are so significant for conflict and politics in the internal world of Aceh. The intensity of the relationship between the Aceh Diaspora and their homeland was colored by the conflict that struck the region throughout 1976-2005 and the difficulties experienced by Acehnese both at home and abroad. The thirty years of long-distance politics carried out by the Aceh Diaspora became a

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<sup>46</sup> [IVO MATEUS GONCALVES, "VITTORIA DAN NARASI TUNGGAL ORDE BARU TENTANG TIMOR LESTE". HTTPS://INDOPROGRESS.COM/2016/03/VITTORIA-DAN-NARASI-TUNGGAL-ORDE-BARU-TENTANG-TIMOR-LESTE/. RETRIEVED ON 2 JANUARY 2019.](https://indoprogress.com/2016/03/vittoria-dan-narasi-tunggal-orde-baru-tentang-timor-leste/)

milestone in seeing the separatist conflict. This indicates that the conflict can be analyzed from various problems, including social, political, and aspects of Acehese culture. The focus of attention on external factors related to Acehese abroad and their impact on the politics of the country cannot be ignored.<sup>47</sup>

According to Dino Patti Djalal written on the Indonesian Diaspora Network site, the term Indonesian Diaspora means Indonesian citizens who live abroad and are divided into four groups, among others:<sup>48</sup>

1. An Indonesian citizen who lives abroad or still holds an Indonesian passport legally.
2. Indonesian citizens who have become foreign nationals because of the naturalization process and no longer have an Indonesian passport.
3. Foreign nationals who have parents or ancestors from Indonesia.
4. Foreign nationals who have absolutely no ancestral ties with Indonesia but have extraordinary love for Indonesia.

Indonesian government strives to develop and succeed the Indonesian Diaspora Network and hopes that Indonesia will establish bilateral relations with many countries in the world through the Diaspora community. One of the efforts of the Indonesian government is by holding a Diaspora congress which aims to hold the Indonesian Diaspora community as an important element for the nation's progress.<sup>49</sup> Until now, the Indonesian government has held four Diaspora Congresses attended by

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<sup>47</sup> **DIDIN RAHMAWATI, "POLITIK JARAK JAUH MELALUI DIASPORA: PERSEBARAN GLOBAL ACEH DALAM KONFLIK SEPARATIS".** [HTTP://CCFS.UB.AC.ID/?P=1303](http://ccfs.ub.ac.id/?P=1303). **RETRIEVED ON 2 JANUARY 2019.**

<sup>48</sup> Kumparan, "Diaspora Indonesia dan Penemuan Mereka yang Mengguncang Dunia". <https://kumparan.com/@kumparansains/diaspora-indonesia-dan-penemuan-mereka-yang-mengguncang-dunia..> Retrieved on 8 December 2018.

<sup>49</sup> Evelyn Tan-Cullamar, "The Indonesian Diaspora and Philippine-Indonesian Relations", *Philippine Studies* vol. 41, no. 1 (1993): 38–50.

thousands of people who were very enthusiastic in carrying out the event. The four Congresses of Indonesian Diaspora, among others:

1. The First Congress of Indonesian Diaspora “Declaration of Indonesian Diaspora”

On 6-8 July 2012, the first Congress of Indonesian Diaspora was initiated by the Ambassador of the Republic of Indonesia to the United States named Dino Patti Djalal which took place in Los Angeles, USA and was attended by more than 2000 Indonesian Diaspora who met in a special forum to discuss various topics related to Diaspora . The Congress gave birth to the “Declaration of Indonesian Diaspora” which included the vision and future of the Indonesian Diaspora. At this first congress, Dino said that the Congress of the Indonesian Diaspora aims to encourage Indonesian Diaspora wherever they are to be able to close together to become a large community and build real strength. Dino also defines the Indonesian Diaspora as every Indonesian who is abroad, both bloodied and spiritually and culturally Indonesian, whatever the legal status, occupation and the ethnic background. Through this congress, it is hoped that there will be a rope of friendship and spirit of togetherness between Indonesian Diaspora groups and the government also hopes that through this congress, awareness will arise from the Indonesian Diaspora community to work together with their birth nation. In the event, the Congress Diaspora participants were briefed on the topic “Harmony in Diversity” which discussed the issues of Diaspora, such as empowering businesses outside Indonesia, promoting Indonesian restaurants abroad, and the importance of approaches to politics and local government. On the other hand, they were also given information about the role of the younger generation, about education and also motivations to encourage the participants. In the last session, Dino said that this declaration would be the foundation for the development of the Indonesian Diaspora for the future, and it was hoped



that further meetings or congresses would be held to follow up on the results of the first Indonesian Diaspora Congress.<sup>50</sup>

2. The Second Congress of Indonesian Diaspora “Home Coming”

On August 18-20 2013, the Second Congress of Indonesian Diaspora was held in Jakarta with the theme “Home Coming”. The second congress was attended by 2500 participants and was opened by remarks from the 6th President of the Republic of Indonesia Susilo Bambang Yudhoyono. The second Congress of the Indonesian Diaspora in Jakarta was designed to carry out concrete programs that connect the spearhead of the Diaspora with various elements in Indonesia. More than 10 task forces have been formed to discuss a variety of important and strategic issues, business networks, culture, knowledge transfer, philanthropic activities, public-private partnerships, and professional relations. At the second congress this theme was “The Power of Harmony in Diversity: Unleashed Worldwide”. Based on the data, the most Diaspora is in Malaysia and Middle Eastern countries, this is because in both locations there are many migrant workers but the Indonesian Diaspora is not only intended for migrant workers or migrant workers, but for all Indonesian citizens who live and settle abroad.<sup>51</sup> In the Indonesian Diaspora has three categories including Indonesian citizens who reside in other countries, Indonesian citizens who have become foreign nationals, and foreign nationals but have high affinity or sympathy for Indonesia. In the closing session at the second congress the award was awarded “Lifetime

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<sup>50</sup> Beritasatu. “Kongres Diaspora Indonesia Pertama Dibuka di Los Angeles”. <http://www.beritasatu.com/politik/58205-kongres-diaspora-indonesia-pertama-dibuka-di-los-angeles.html>. Retrieved on 8 December 2018,

<sup>51</sup> “*Migrant Workers’ Rights to Social Protection in ASEAN: Case Studies of Indonesia, Philippines, Singapore and Thailand*”. 2011. Singapore: Friedrich-Ebert-Stiftung Office for Regional Cooperation in Asia.

Achievement” to BJ Habibie for his dedication as an outstanding and most inspiring Indonesian Diaspora.<sup>52</sup>

3. The Third Congress of Indonesian Diaspora “Diaspora of Bhakti Bangsa”

On August 12-13 2015, the Third Congress of Indonesian Diaspora was held in Jakarta on the theme of “Diaspora Bhakti Bangsa”. A number of topics were discussed at this third congress, including Indonesia Tourism, Livable Cities, Dual Citizenship, Diaspora Cards and Ex-Indonesian Citizens Visas, as well as the protection of Indonesian migrant workers. Based on the data, there are more than 60 management of the Indonesian Diaspora Network at the national chapters and the local chapters that have been formed in around 30 countries. The formation of this global scale organization is a shared aspiration so that they can be more coordinated in giving their contribution to the homeland. In addition to discussing the dual citizenship issue, a number of other strategic issues concerning the economic and educational fields will also be discussed at this congress. At the third Diaspora congress the participants were taught to make a consortium of task forces, create culinary, help Diaspora who want to learn Indonesian cuisine and for diasporas who want to open Indonesian restaurants abroad. In this case, in its participation in the Diaspora congress it is very open to anyone who intends to continue developing Indonesia. So, not only Diaspora will gather from various countries to Jakarta, including open to migrant workers who have long worked abroad and activists in the field of migrant workers, this is so that the Indonesian Diaspora abroad contributes its potential to Indonesia's development.<sup>53</sup>

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<sup>52</sup> Andreas. “Agustus, Kongres Diaspora Indonesia II” <https://nasional.kompas.com/read/2013/05/21/13313394/Agustus..Kongres.Diaspora.Indonesia.II>. Retrieved on 8 December 2018.

<sup>53</sup> Utami, R. V. “Kongres Diaspora Indonesia Digelar 12-14 Agustus”. <https://www.cnnindonesia.com/internasional/20150805190045-106->

4. The Fourth Congress of Indonesian Diaspora “Synergizes in Building the Country”

On July 1-4, 2017, the Fourth Congress of Indonesian Diaspora was held in Jakarta with the theme “Synergizing to Build the Country”. The congress was attended by 9,000 domestic and foreign participants from 55 countries, 134 cities in the world, and 71 cities in Indonesia. The fourth congress of Diaspora addresses various economic, social and cultural issues, with the aim of improving the lives of Indonesian people in the country and abroad. Dino Pati Djalal said that the purpose of this congress was to gather the potentials of the Indonesian Diaspora to provide added value for development in Indonesia. The 4th Diaspora congress is the largest congress in the history of the Diaspora. Previously there has never been a Diaspora congress as big as in 2017. A number of state officials from state officials and figures present at the event included Foreign Minister Retno Marsudi, National Police Chief Gen. Tito Karnavian, and Speaker of the House Setya Novanto. One of the things that made this fourth Diaspora congress very special is because the former President of the United States Barack Obama was present at the same time giving a keynote address at the opening session of the convention, which was held at the Casablanca Mall, Jakarta. Regarding this, the Indonesian Diaspora Congress will be followed by an internal meeting of members of the Indonesian Global Diaspora Network on July 2 which will present the government to socialize policies related to Diaspora such as the implementation of a five-year visa for Indonesian Diaspora and plans for issuing cards Indonesian Diaspora.<sup>54</sup>

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[70329/kongres-diaspora-indonesia-digelar-12-14-agustus](#). Retrieved on 8 December 2018.

<sup>54</sup> Waluyo, A. “*Kongres Diaspora Indonesia ke-4 Berakhir*”. <https://www.voaindonesia.com/a/kongres-diaspora-indonesia-ke-4-berakhir/3929321.html>. Retrieved on 8 December 2018.

In addition, the Diaspora can be said as a person who chooses to leave his homeland and migrate to other regions or countries with the aim of getting a more decent life than before.<sup>55</sup> The term Indonesian Diaspora is aimed at every Indonesian who lives abroad who basically comes from Indonesian descent, so it is not only directed at Indonesian Workers, but then, within the Diaspora itself can be classified into four Indonesian Diaspora groups, among others.<sup>56</sup>

- a. Indonesian people who have an Indonesian passport and leave their homeland to work abroad or settle abroad, such as diplomats, Indonesian workers, female laborers and so on. This usually occurs in several neighboring countries such as Malaysia, Singapore, the Philippines, and Thailand.
- b. Native Indonesians who later became citizens of other countries or moved to become citizens of the countries where they lived, one of them being the Sulawesi population who had left Indonesia and had long settled in the Philippines.
- c. People who are descendants from Indonesia or mulatto either from men or women who marry foreign people. In the third group this can occur either because of the marriage results of the male or female parties who then get the result of the mixed marriages. In this case, Indonesian citizens who have settled for a long time in Mindanao are married to Filipinos and have several offspring.
- d. Indonesian lovers in any country, usually are people who have lived in Indonesia, either diplomats or students or workers who have worked in Indonesia, then they return

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<sup>55</sup> Retno Lestari P. Marsudi. *“Diaspora Indonesia: Bakti untuk Negeri”*. 2013. Imelda Bachtiar Press.

<sup>56</sup> Tedi Yusuf. *“Hukum Kewarganegaraan dan Potensi Ekonomi Diaspora Indonesia”*. <http://www.unpad.ac.id/2015/02/hukum-kewarganegaraan-dan-potensi-ekonomi-diaspora-indonesia/>. Retrieved on 8 December 2018.

to their respective countries and are usually very fond of Indonesian cuisine and Indonesian culture, as well as researchers or scholars who remain in their country, but have good relations with the Indonesian Embassy or Indonesian Consulate General.

According to Eko Hartono, the Consulate General of the Republic of Indonesia in Davao City welcomed and enthusiastically supported the formation of the Diaspora of Indonesia-Southern Philippines in the accreditation area.<sup>57</sup> The formation of the Diaspora in the Mindanao region is expected to improve the economy of Indonesian citizens and develop a relationship between economic and trade cooperation between Indonesia and the Philippines, so that trade networks between countries are increasingly widespread. Based on data, foreign exchange sent by Diaspora globally reaches around US \$ 500 million, while the amount of foreign exchange received by developing countries from the Diaspora is three times greater than the assistance provided by developed countries.<sup>58</sup> Therefore, the role of the Indonesian Diaspora is very large for the development of the State of Indonesia. The Indonesian government seeks to have a Diaspora strategy in order to be able to take advantage of assets, networks and brain power owned by the Indonesian Diaspora. Besides, with the formation of the Diaspora of Indonesia-Southern Philippines

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<sup>57</sup> **KEMENTERIAN LUAR NEGERI REPUBLIK INDONESIA, “KONSUL JENDERAL EKO HARTONO BUKA WORKSHOP AND TRAINING PROGRAM ON SALESMANSHIP DI HOUSE OF INDONESIA”.**

[HTTPS://WWW.KEMLU.GO.ID/DAVAOCITY/ID/BERITA-AGENDA/BERITA-PERWAKILAN/PAGES/KONSUL-JENDERAL-EKO-HARTONO-BUKA-WORKSHOP-AND-TRAINING-PROGRAM-ON-SALESMANSHIP-DI-HOUSE-OF-INDONESIA.ASPX.](https://www.kemlu.go.id/davaocity/id/berita-agenda/berita-perwakilan/pages/konsul-jenderal-eko-hartono-buka-workshop-and-training-program-on-salesmanship-di-house-of-indonesia.aspx)

**RETRIEVED ON 13 JANUARY 2019.**

<sup>58</sup> [Amelie F. Constant](#), [Klaus F. Zimmermann](#), (2016) “*Diaspora economics: new perspectives*”, International Journal of Manpower, Vol. 37 Issue: 7, pp.1110-1135, <https://doi.org/10.1108/IJM-07-2016-0151>

has the obligation to help Diasporas living in Mindanao to develop their abilities and help them to get a more decent life, especially in the economic field.

The Diaspora of Indonesia-South Philippines is in full responsibility of the Consulate General of the Republic of Indonesia in Davao City strives to improve the standard of living of the Diaspora left in Mindanao in various fields, one of which is in the field of education. Some of the efforts made by the Diaspora of Indonesia-South Philippines are to carry out illiteracy eradication activities by involving community members who are considered to have higher education to become teachers in these activities. The effort to eradicate illiteracy received special attention from the Consulate General of the Republic of Indonesia in Davao City which eventually was upgraded to the “Indonesian Basic Knowledge Course”. In the course, the community is taught to be able to speak good Indonesian, besides that it is also introduced to the culture and customs of Indonesia so that they understand the diversity of languages, cultures and customs that Indonesia has.<sup>59</sup>

In addition, the Consulate General of the Republic of Indonesia in Davao City also recommends that Diasporas living in Mindanao wish to send their children to higher education to be enrolled at the “Sekolah Indonesia Davao” located near the Consulate General of the Republic of Indonesia, Davao City. Actually “Sekolah Indonesia Davao” was established in 1968 which is one of Indonesia’s overseas schools among 12 countries that have overseas Indonesian schools under the guidance of the National Education Department and the Foreign Ministry. Initially “Sekolah Indonesia Davao” was specifically for the sons and

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<sup>59</sup> Kementerian Luar Negeri Republik Indonesia. “*Peminat Kursus Bahasa Indonesia Di Filipina Selatan Melonjak Pesat Pada Tahun 2018*”. <https://www.kemlu.go.id/davaocity/id/berita-agenda/berita-perwakilan/Pages/PEMINAT-KURSUS-BAHASA-INDONESIA-DI-FILIPINA-SELATAN-MELONJAK-PESAT--PADA-TAHUN-2018-.aspx>. Retrieved December 8, 2018.

daughters of diplomats, but after Consulate General of the Republic of Indonesia in Davao City understood the very low level of education of Diasporas living in Mindanao, finally “Sekolah Indonesia Davao” began to accept children of Indonesian citizens as the main target to increase their education level.<sup>60</sup>

On the other hand, the role of the Diaspora of Indonesia-South Philippines is very big for the survival of the Diaspora living in the Mindanao region. The Diaspora of the Indonesia-South Philippines together with the Consulate General of the Republic of Indonesia Davao City seeks the legality of the legal status of Indonesian citizens in Mindanao. This is because there are still many of them who do not have legal documents such as Alien Certificate Registration (ACR) and passport. In fact, most of them lost their citizenship status, which ultimately caused their own suffering because they were vulnerable to intimidation, discrimination and exploitation. The effort of the Consulate General of the Republic of Indonesia Davao City regarding the legality of legal status for Indonesian citizens living in Mindanao, including:

- a. Through the “*Pemutihan*” ACR (Alien Certificate Registration) process
- b. By “Repatriation” which means through the transmigration program back to the Indonesian homeland<sup>61</sup>

Based on data from the Consulate General of the Republic of Indonesia Davao City, there are 8,745

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<sup>60</sup> Kementerian Luar Negeri Republik Indonesia. “*Siswa Sekolah Indonesia Davao Kunjungi University of Mindanao*”. <https://www.kemlu.go.id/id/berita/berita-perwakilan/Pages/Siswa-Sekolah-Indonesia-Davao-Kunjungi-University-of-Mindanao.aspx>. Retrieved December 8, 2018.

<sup>61</sup> Francis Tom F. Temprosa, “*The “Liberalization” of Refugee Naturalization: Some Insights in Republic v. Karbasion the Gains and Deficits on the Law on Local Integration*”, *Ateneolawjournal*, 2016, page 258.

Indonesian citizens living in the Mindanao region and 96% of them are from the under poverty community. However, the Diaspora of the Indonesia-South Philippines together with the Consulate General of the Republic of Indonesia Davao City is still working hard to deal with the issue of legalization of all Indonesian citizens living in Mindanao. Most of them have the status of “Illegal Entrance” or commonly referred to as “Undocumented Citizen” because they do not have a valid residence permit and work permit and they are also unable to fulfill the obligation to pay contributions or taxes for foreigners or ACR. Besides, the socio-economic conditions of the Indonesian citizens are under poverty, this is very closely related to the low level of education, limited skills and status as an Indonesian citizen which is a barrier for them to get more decent jobs. This is because the majority of Indonesian citizens work as farmers, unskilled laborers, fishermen and factories with very low or very little income. Therefore, in solving the problem of “Undocumented Citizen”, the Consulate General of the Republic of Indonesia Davao City made an effort divided into three stages, among others:<sup>62</sup>

- a. Hold socialization to the community.
- b. Data collection of Indonesian citizens who are in the accreditation area the Consulate General of the Republic of Indonesia Davao City with the aim to find out how many Indonesian citizens have been obliged to pay ACR in accordance with Memorandum of Commissioner of Immigration No. 32 of 2002.
- c. Hold ACR payment assistance programs for all Indonesian citizens who legally have to pay ACR.

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<sup>62</sup> Kementerian Luar Negeri Republik Indonesia. “*Government Provides Maximum Protection to Persons of Indonesian Descents in Mindanao*”, <https://www.kemlu.go.id/davaocity/en/berita-agenda/berita-perwakilan/Pages/Government-Provides-Maximum-Protection-to-Persons-of-Indonesian-Descents-in-Mindanao.aspx>. Retrieved December 8, 2018.



In addition to the issue of legality, dual citizenship is also one of the issues that have become a serious problem for Indonesian citizens in Mindanao. According to Law No. 12 of 2006 concerning Citizenship, it stipulates that “an Indonesian child born abroad must choose one nationality when he is 18 years old”. The statement means that the time period for obtaining dual citizenship in Indonesia is limited and only for children less than 18 years. However, in the context of the dual citizenship emphasized by the Diaspora is to maintain one’s sense of nationalism towards Indonesia, not to force foreigners to love Indonesia. Basically, the implementation of the Philippine Dual Citizenship also greatly benefits the Philippine Diaspora, because for people who have a Dual Citizenship certain rights will be granted such as:

- a. Right to vote in Philippine national elections
- b. Right to own land and property in the Philippines
- c. Right to engage in business or profession as a Filipino<sup>63</sup>

The Dual Citizenship policy is very important to be realized because it is in line with the formation of a Ministry of Diaspora. According to the Dual Citizenship team there are 56 countries that make new policies regarding the Diaspora in their country. While, there are 44 countries have issued Dual Citizenship policies. This policy is proven to increase the remittance of the Indonesian state, the Diasporas community and the Indonesian people. Some of these benefits include:<sup>64</sup>

- a. Dual Citizenship can provide opportunities to work more broadly and lower tuition fees. All these benefits can indeed be received by a diasporas community, but when

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<sup>63</sup> Philippines. “*Dual Citizenship (RA 9225)*”. <http://www.philippineconsulatela.org/consular-services-2/dual-citizenship-ra-9225>. Retrieved December 8, 2018.

<sup>64</sup> Tristram, R. “*The Benefits of having Dual Citizenship (Filipino and British)*”. <https://everythingzany.com/benefits-dual-citizenship/>. Retrieved December 8, 2018.

the diasporas community is able to study, work and improve its profession, they can increase the number of Indonesian remittances, open new partnerships according to their expertise, can help Indonesian people who can take advantage of their abilities and other benefits is the successful of Diaspora can expand the economy to the State of Indonesia and open a work forum for the people of Indonesia. So that it can also be good for the State and the people of Indonesia.

- b. The legacy of Indonesia is an important framework in considering the Dual Citizenship policy. According to the advocacy team, this Dual Citizenship proposal is limited to:
- 1) Indonesian citizens who move citizens because of work or marriage
  - 2) Groups that are foreign nationals are not born in that country
  - 3) Former Indonesian citizens who want to return to their homeland and who focus on Dual Citizenship are Indonesian citizens or descendants of Indonesian citizens.<sup>65</sup>

Based on the Diaspora of Indonesia-South Philippines perspective, the existence of a Dual Citizenship policy will provide “self-confidence” for Indonesian citizens who may want to become global citizens but do not want to be said to lack nationalism or do not love the country. Indonesian people need to give a Dual Citizenship opportunity to the Diasporas community to serve a country with their respective contributions. This is because, with the Dual Citizenship, it is deemed able to develop each country because this will make it easier in the transfer of knowledge, technology transfer, strengthening trade networks and mutual sharing of expertise between the two parties easily because between the two countries have relations that

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<sup>65</sup> Consulate General of the Republic of Philippines. “*Applying for Dual Citizenship?*”. <http://www.philippineconsulatela.org/dual-citizenship>. Retrieved on 2 January 2019.

closely with the existence of the Dual Citizenship.<sup>66</sup> However, there are a number of negative impacts that are often debated in the debate on the Dual Citizenship Policy, that is, with the implementation of the policy an interpretation will emerge that a person is less national, less patriotic, and less love for the Indonesia country. While, another negative impact that arises is the emergence of a gap or difference in position between groups that have a dual citizenship and other Indonesian people.

Edward Wanandi, President of the Indonesian Diaspora also urged the government to revise the current Law on Citizenship in order to allow for dual citizenship for Indonesian citizens. Until now, based on Law No. 12 of 2012 concerning Citizenship, Indonesia only continues to recognize dual citizenship until the age of 18 years.<sup>67</sup> Whereas according to the citizenship policy in force in the Philippines since 2003, namely the Citizenship Retention and Reacquisition Act of 2003, every citizen of the Philippines born in the Philippines and then becoming a naturalized citizen of another country, it is possible to have a Dual Citizenship.<sup>68</sup> Then, the impact arising from the implementation of the policy slowly incised good achievements for the Philippines, especially related to the economic field. Based on the number of Filipino

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<sup>66</sup> **DAN KETCHUM, “HOW TO APPLY FOR DUAL CITIZENSHIP IN THE PHILIPPINES”.** [HTTPS://LEGALBEAGLE.COM/4963082-APPLY-DUAL-CITIZENSHIP-PHILIPPINES.HTML](https://legalbeagle.com/4963082-apply-dual-citizenship-philippines.html). **RETRIEVED ON 2 JANUARY 2019.**

<sup>67</sup> Constitutions. “*Law of the Republic of Indonesia Number 12, Year 2006 on Citizenship of the Republic of Indonesia.*” <https://www.refworld.org/pdfid/4538aae64.pdf>. Retrieved on 2 January.

<sup>68</sup> **EMBASSY OF THE REPUBLIC OF THE PHILIPPINES.** “*DUAL CITIZENSHIP OR CITIZENSHIP RETENTION AND RE-ACQUISITION.*” [HTTPS://WWW.PHILEMBASSY.NO/CONSULAR-SERVICES/DUAL-CITIZENSHIP-OR-CITIZENSHIP-RETENTION-AND-RE-ACQUISITION](https://www.philembassy.no/consular-services/dual-citizenship-or-citizenship-retention-and-re-acquisition). **RETRIEVED ON 8 DECEMBER 2018.**

remittances, the Philippines is in the top four in the world after India, China and Mexico. One of the benefits that can be obtained from Dual Citizenship is in the form of human capital, where the Diaspora transfers expertise and knowledge to bring home the experience of working and competing abroad, the level of education, contacts abroad and their savings to the homeland. So, based on measuring the success of the Philippine Diaspora, the Indonesian Diaspora Network has carried out studies related to the remittances of global workers of Indonesian citizens throughout the world in order to maintain and improve the existence of the Indonesian Diaspora Network in the international arena.<sup>69</sup>

#### **B. Tripartite negotiations between the Indonesian government, the Philippines government and UNHCR**

Definition of Tripartite Negotiation is the holding of a meeting or forum which must be attended by all constituent organizations and the forum is held at least twice each year with provisions for extraordinary meetings or special meetings. In the Tripartite Negotiation Forum the mandate was to ensure consultation, cooperation and negotiation of social and economic issues by the government, organized business, and organized labor. The forum has three structures specified in the Law, namely the Tripartite Negotiation of the Main Forum, the Technical Committee and the Management Committee. While the forum has the function, among others, to consult and negotiate social and economic issues and submit recommendations to the Cabinet, foster cooperation from tripartite constituents and consult with other key stakeholders and contribute to the formulation and implementation of social and economic policies, and follow up and monitor implementing

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<sup>69</sup> Constitution. “*Law of The Republic of Indonesia Number 12, Year 2006 On Citizenship of The Republic of Indonesia*”. <https://www.refworld.org/pdfid/4538aae64.pdf>. Retrieved on December 8, 2018.

joint agreements to form a Setting Agenda for the next Tripartite Negotiation Forum meeting.<sup>70</sup>

The geographical proximity between Indonesia and the Philippines is one of the biggest factors that allows the beginning of the entry of Indonesian people into the southern Philippines on the island of Mindanao. The significant population movement made the two countries find a quite complicated problem regarding the obscurity of citizenship status because at that time the Indonesian people crossed to Mindanao Island without having official identification documents. This created a dilemma for the two countries, so the Indonesian government and the Philippine government agreed to hold a bilateral meeting which agreed on several agreements, including:

1. The agreement between the Republic of the Philippines and the Republic of Indonesia concerning Immigration, July 4, 1956 was ratified on January 16, 1961
2. Joining Directive and Guidelines on the Implementation of the Immigration Agreements on Repatriation and Border Crossings Arrangement between the Republic of Indonesia and the Republic of the Philippines, September 16, 1965
3. Joint Implementation of the Border Control Agreement and Border Crossing Arrangement between the Government of the Republic of Indonesia and the Government of the Republic of the Philippines, 11 March 1975<sup>71</sup>

Considering the endless problems faced by people of Indonesian descent in Mindanao, the efforts that have been made before did not seem to show sufficient results. In 2011, the Philippine government and the Indonesian consulate collaborated with the United Nations High Commissioner for

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<sup>70</sup> Veritas. *“Tripartite Negotiating Forum Bill, 2018”*. [http://www.veritaszim.net/sites/veritas\\_d/files/Tripartite%20Negotiating%20Forum%20Bill.pdf](http://www.veritaszim.net/sites/veritas_d/files/Tripartite%20Negotiating%20Forum%20Bill.pdf). Retrieved on 5 March 2018

<sup>71</sup> United Nations High Commissioner for Refugees. *“Philippine and Indonesian Governments work together to end statelessness in Mindanao”*. <https://www.unhcr.org/ph/11753-philippine-indonesian-governments-work-together-end-statelessness-mindanao.html>. Retrieved on 5 March 2019.

Refugees (UNHCR) as a mediator to initiate the Indonesian Registration Project to identify Indonesian descent citizenship status in Mindanao and to assist them in deciding citizenship that would become permanent citizenship people of Indonesian descent.

In the Pilot Project Execution, the Indonesian Consulate General in Davao City, the Philippine government and UNHCR conducted a visit to the Indonesian citizen settlement in Mindanao in March 2016. During the visit the government surveyed and conducted an interview with Indonesian citizens regarding their personal data. Based on the survey data, it was then analyzed and discussed in a bilateral meeting between the two countries and representatives of the two countries agreed on several policies. These policies then began to be executed in the form of Solution Mission (Affirmation Status) which began in March to October 2016. There are several steps in the Mission Solution process, including orientation, acceptance, data verification, registration and counseling. After getting the results from the registration system and all steps, the actors found a permanent solution to determine the clarity of citizenship status of Indonesian descendants in Mindanao.<sup>72</sup>

Regarding the end of the survey process for people of Indonesian descent in Mindanao and also the process of determining national status, the Indonesian Consulate in Davao City took the initiative to regularly visit remote areas in Mindanao to socialize the results of the interview process and counseling to determine status people of Indonesian descent to have a comprehensive understanding of citizenship status and their rights and obligations as citizens. Especially for citizens who choose to return to Indonesia, the Indonesian Consulate in Davao City will coordinate with the central government to provide free passports and visas to prepare the repatriation

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<sup>72</sup> United Nations Commissioner for Refugees. *“Mindanao’s returnees get help with kelp in the Philippines”*. <https://www.unhcr.org/news/latest/2015/4/551d371c6/mindanaos-returnees-help-kelp-philippines.html>. Retrieved on 5 March 2019.

process to Indonesia. In the repatriation process the Indonesian Consulate General in Davao City in collaboration with the North Sulawesi Border Management Agency was particularly concerned with the relocation of suitable housing and livelihoods for them after the repatriation process took place, considering that most of them no longer had families in Indonesia.<sup>73</sup>

### **C. Submit free passports and visas for all Indonesian descendants in Mindanao.**

On January 3, 2018, Indonesian Minister of Foreign Affairs Retno Marsudi made a visit to Davao City with two main missions, namely first, to submit passports symbolically to Indonesian descendants who had lived in the Southern Philippines for generations; and second, launching Islamic education cooperation between Indonesia and the Philippines in Mindanao, Southern Philippines. In addition, the Philippine Ministry of Justice, the Refugee Unit and Non-Department of the Philippines led the project together with the Immigration Bureau, the Attorney General's Office, the Indonesian Consulate and the United Nations High Commissioner for Refugees (UNHCR) Philippines to resolve the citizenship cases experienced by Indonesian people living in the Mindanao region.<sup>74</sup> Efforts made based on the joint project began with a survey, interview and data collection for citizens of Indonesian descent. Based on the data collection, there are some data regarding the existence of Indonesian citizens in the Mindanao region, among others:<sup>75</sup>

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<sup>73</sup> Ardi wurdana. "Stateless Indonesian descendants in Philippine given Citizenship". <https://indonesiaexpat.biz/news/stateless-indonesian-descendants-philippines-given-citizenship/>. Retrieved on 5 March 2019.

<sup>74</sup> Bong S. Sarmiento, "Poor Indonesians endure in Mindanao through fishing and farming". <https://asiancorrespondent.com/2017/10/poor-indonesians-endure-mindanao-fishing-farming/#2MLdQy1kqVahhOCR.97>. Retrieved on 2 January 2019.

<sup>75</sup> Direktorat Asia Tenggara, Kementerian Luar Negeri 2018. Gambaran singkat perkembangan terkini Republik Filipina dan Hubungan Bilateral Republik Indonesia – Republik Filipina.

1. Basically people traditionally immigrated between Indonesia and the Philippines for centuries ago.
2. The history of people of Indonesian descent is those who live in Mindanao with mixed parents, usually their mother come from Indonesia, while their father comes from the Philippines or vice versa. There were also several people whose parents came from Indonesia but they were born and raised in the Philippines.
3. There are a number of Indonesian descendants who are in the region having difficulty getting access to education, civil rights and health facilities.
4. Based on some of the difficulties faced by those of Indonesian descent, in the end it resulted in creating a lack of clarity regarding their citizenship status and the poverty factor they experienced while living in the region.
5. Based on the survey that has been carried out, around 8,745 people have received verification, of which 2,435 of them have been given Indonesian Citizenship Affirmation Letter by the Ministry of Law and Human Rights of the Republic of Indonesia. However, the rest are Filipinos and they still have dual citizenship because almost all of them are under the age of 18 so they still have the right to have dual citizenship.
6. The creation of cooperation between the Philippines government, UNHCR, the Consulate General of the Republic of Indonesia in Davao City and the Davao Immigration Office regarding cases of status determination for citizens of Indonesian descent has now been in the process of collecting biometrics for 300 descendants of Indonesia.

Regarding this, the passport distribution program implemented by Retno Marsudi in 2018 is an important result and the achievement of the mission of the solution that has been formed by the Indonesian government, the Philippine government and UNHCR, which included matters concerning the settlement of the issue of citizenship status of 8,745 people of Indonesian descent who had spread in various regions in



Mindanao, which is basically their existence in the area, is invalid because it is not accompanied by official population administration documents by the State.<sup>76</sup> The efforts that have been made by the actors concerned are basically based on the discourse from Mr. Berlian Napitupulu as the Indonesian general republic consulate in Davao City who said that the process of determining the Indonesian citizenship status must be carried out optimally, so that the problems regarding citizenship status that have long been delayed can be immediately completed through missions that have been created by the Indonesian government, the Philippine government and UNHCR.<sup>77</sup>

#### **D. Government policy in improving the quality of education for Indonesian descendants in Mindanao**

In 2018, Retno Marsudi made a visit to Davao City with aimed to sign a bilateral cooperation between Indonesia and the Philippines in the aspect of education, specifically concerning Islamic schools in South Mindanao. The launch of Islamic education cooperation between Indonesia and the Philippines was conducted at Al Munawwara Madrasah, Davao City, Southern Philippines. Almunawarah Madrasah is the first Islamic school that has been accredited since 1996, when it signed the Final Peace Agreement between the Moro National Liberation Front (MNLF) group and the Philippine Government facilitated by Indonesia. The Madrasah now has 200 students, 13 teachers, and 8 priests. Cooperation in the aspect of education between Indonesia and the Philippines is indeed very strong, some fields include the Curriculum Developments, Joint

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<sup>76</sup>Lodie Tombeg, “*Stateless Lega Jadi WNI di Era Jokowi, UNHCR: 8.744 Stateless di Filipina-Sangihe*”, <http://manado.tribunnews.com/2018/12/06/stateless-lega-jadi-wni-di-era-jokowi-unhcr-8744-stateless-di-filipina-sangihe?page=all>. Retrieved on 13 January 2019.

<sup>77</sup> **NIDIA ZURAYA, “2.399 KETURUNAN INDONESIA DI MINDANAO DIBERI STATUS WNI”.** <HTTPS://REPUBLIKA.CO.ID/BERITA/NASIONAL/UMUM/16/11/30/OHFSLV383-2399-KETURUNAN-INDONESIA-DI-MINDANAO-DIBERI-STATUS-WNI>. RETRIEVED ON 13 JANUARY 2019.

Research and Education Workshops, Ulama, Principal, and Teachers Exchange Programs, Technical Vocational Education (benchmarking activities) and Student Exchange Programs. During the visitation, it was also announced that the Indonesian government would provide 100 scholarships for madrasah students from Mindanao each year.<sup>78</sup>

Meanwhile, the provision of scholarship programs for Mindanao children has also been organized by the Pidie Sukma Bangsa School (SSB) located in Aceh. The provision of educational assistance is one part of the negotiation process for the release of 10 Indonesian citizens conducted by the Sukma Foundation with the Abu Sayyaf group in May 2016. Most of the students came from Cotabato, Zamboanga, Basilan, Sulu, and Tawi-tawi provinces with a total of 22 students. They will travel the scholarship program for four years to be able to attend junior high school to high school. Still within the scope of bilateral cooperation between Indonesia and the Philippines in the field of education, in 2007 the Ministry of Education and Culture together with the Ministry of Foreign Affairs of the Republic of Indonesia built several Learning Centers in Indonesian citizen settlement points, such as in Tupi, Laensasi, Isulan, Magdub, Quilantang and Balunto, where some of these areas are on Mindanao Island.<sup>79</sup>

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<sup>78</sup> **KEMENTERIAN LUAR NEGERI REPUBLIC OF INDONESIA, “MENLU RETNO BERTEMU WNI DI DAVAO DAN LUNCURKAN KERJA SAMA PENDIDIKAN DI FILIPINA SELATAN”, [HTTPS://WWW.KEMLU.GO.ID/ID/BERITA/BERITA-PERWAKILAN/PAGES/MENLU-RETNO-BERTEMU-WNI-DI-DAVAO-DAN-LUNCURKAN-KERJA-SAMA-PENDIDIKAN-DI-FILIPINA-SELATAN.ASPX](https://www.kemlu.go.id/id/berita/berita-perwakilan/pages/menlu-retno-bertemu-wni-di-davao-dan-luncurkan-kerja-sama-pendidikan-di-filipina-selatan.aspx). RETRIEVED ON 13 JANUARY 2019.**

<sup>79</sup> **NIRWAHYUDI, TEGUH, “ANAK-ANAK MINDANAO BETAH HINGGA LANCAR BERBAHASA INDONESIA DI PIDIE”, [HTTP://MEDIAINDONESIA.COM/READ/DETAIL/160359-ANAK-ANAK-MINDANAO-BETAH-HINGGA-LANCAR-BERBAHASA-INDONESIA-DI-PIDIE](http://mediaindonesia.com/read/detail/160359-ANAK-ANAK-MINDANAO-BETAH-HINGGA-LANCAR-BERBAHASA-INDONESIA-DI-PIDIE). RETRIEVED ON 13 JANUARY 2019.**

The Learning Center is open to all Indonesian people who live in the area without any age limit for participants who want to join. In the learning process at the Learning Center not only provided Indonesian language learning material, but also included basic knowledge about Indonesia was also given to them. Eko Hartono as the Consul General of the Republic of Indonesia in Davao City in 2014 said that the Indonesian government had built an Open Middle School in the Tupi area to serve education for children of Indonesian citizens who were less capable. While the construction of the Open Middle School in Lainsasi also aims to accommodate 900 Indonesian children living in the area.<sup>80</sup> However, the two schools built by the Indonesian government were opened only on Saturday and Sunday. While the remaining five days they went to Philippine Middle School. This is based on the fact that for Indonesian citizens living in Tupi it is permissible to send their children to Philippine schools but according to the provisions of the Philippine government, with curricula and predetermined subjects. Therefore, this factor has caused many citizens of Indonesian descent who do not know the Indonesian culture and language even though they are from Indonesia.

Thus, the main purpose of establishing the Learning Center by the Indonesian government is so that Indonesian citizens can get to know about Indonesia. In addition to teaching in the use of Indonesian, they are also taught the Indonesian Basic Knowledge Course (KPDJ). This knowledge, which included the introduction of the president and vice president to important figures who contributed to Indonesia's independence, was introduced to the Indonesian flag, Indonesian national anthem, Pancasila, the 1945 Constitution, and Indonesian culture such as dances and special foods from Indonesia. Thus, the learning is not only given material, but also taught some skills

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<sup>80</sup> **SETIAWAN, HILMI, “MENINJAU LAYANAN PENDIDIKAN ANAK-ANAK WNI DI FILIPINA (2-HABIS), [HTTPS://WWW.JPNN.COM/NEWS/MENINJAU-LAYANAN-PENDIDIKAN-ANAK-ANAK-WNI-DI-FILIPINA-2-HABIS](https://www.jpnn.com/news/meninjau-layanan-pendidikan-anak-anak-wni-di-filipina-2-habis). RETRIEVED ON 13 JANUARY 2019.**

such as cooking which they are taught to cultivate the natural potential available around them into various types of creations for sale and can be used as livelihoods to improve their economy.

The Ministry of Foreign Affairs Education and Cultural Attaché, Paristiyanti Nurwardani explained that participants who attended the learning at the Learning Center would also be given other formal lessons and would get a diploma if they successfully completed their studies. Thus, this stage is the initial stage where after they graduate from learning at the Learning Center will be able to continue their education to a higher level.<sup>81</sup> Regarding the survey, the community was very enthusiastic and enthusiastic to take an Indonesian language course held at the Learning Center. Even one member of the community said that the course certainly had a positive impact on the local population, at least Indonesian citizens who have long lived in Mindanao can remember the Indonesian language and culture. Therefore, the local community is certainly very supportive of this course, even the courses determined by the Indonesian Consulate General are held twice a week, while the community asks to be done every day or at least five times a week because of the enthusiasm of the community to learn more about culture Indonesia. Therefore, the course is expected by the local community to be maintained and even developed, because they need proper knowledge in a situation where they always find it difficult to get education related to unresolved citizenship problems.

Thus, the efforts of the Indonesian government together with the Philippine government in the aspect of education succeeded until May 2018, the Consulate General of the Republic of Davao City held an Indonesian language course attended by nearly 300 participants from Local Staff and security guards at the Indonesian Consulate General, members of the

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<sup>81</sup>Harijono, Tri, *“Sebelum Mati, Saya Ingin Lihat Indonesia”*, <https://nasional.kompas.com/read/2012/11/28/09470597/artikel-detail-komentar-mobile.html>. Retrieved on 13 January 2019.

National Police The Philippines in the Mindanao region, a member of the military from the East Mindanao Command and the Eastern Mindanao Naval Forces, Ateneo de Davao University students, Indonesian School students in Davao and the local community especially for Indonesian descendants in the area.<sup>82</sup> The Indonesian Language Course is taught by teaching staff from the Indonesian Language Development and Development Agency, the Ministry of Education and Culture of the Republic of Indonesia who are serving in Davao City. Indonesian Language Courses held at the Learning Center are the full responsibility of the Consulate General of the Republic of Indonesia in Davao City. This activity is one of the effective ways to promote the diversity of arts and culture, language and tourism in Indonesia to the local community. For this reason, the Indonesian Consulate General in the City of Davao will continue and utilize the Indonesian Language Course as a means to further promote the promotion of the image and art of Indonesian culture in the future.

**E. Cooperation between the Indonesian Consulate General in Davao City and International Relations Department of Muhammadiyah University of Yogyakarta to empower the Indonesian people in Mindanao.**

The definition of Protection in general is an action to protect others. Therefore, the term protection in the context of the country, namely the government of a country is obliged to provide protection for its people both domestically and abroad. The government has a very important role in protecting its people and still upholds the welfare of all the citizens. The Consulate General of the Republic of Indonesia in Davao City is

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<sup>82</sup> **KEMENTERIAN LUAR NEGERI REPUBLIK INDONESIA, “PEMINAT KURSUS BAHASA INDONESIA DI FILIPINA SELATAN MELONJAK PESAT PADA TAHUN 2018”, [HTTPS://WWW.KEMLU.GO.ID/DAVAOCITY/ID/BERITA-AGENDA/BERITA-PERWAKILAN/PAGES/PEMINAT-KURSUS-BAHASA-INDONESIA-DI-FILIPINA-SELATAN-MELONJAK-PESAT--PADA-TAHUN-2018-.ASP](https://www.kemlu.go.id/davaocity/id/berita-agenda/berita-perwakilan/pages/peminat-kursus-bahasa-indonesia-di-filipina-selatan-melonjak-pesat-pada-tahun-2018-.asp). RETRIEVED ON 13 JANUARY 2019**

one of the representatives of the Indonesian government abroad who are tasked with protecting the welfare of the Indonesian people in Mindanao. In accordance with its identity, the Consulate General of the Republic of Indonesia in Davao City is an official representative of the Indonesian government engaged in consular affairs. Consular affairs that cover all matters relating to the interests of a country outside the political aspects that is abroad.<sup>83</sup> In addition, as an official representative of the government of the Republic of Indonesia abroad, especially in the area of its accreditation, the Consulate General of the Republic of Indonesia in Davao City is obliged to follow Indonesian protocols in dealing with every country's problems. This is based on the identity of Indonesia as a sovereign country and bound by law, both international law and local law. This law-abiding embodiment is part of an international system that makes law a part of being a protector and overseer of every movement of a country in the world. The prevailing rules will be the foundation for the Indonesian Consulate General in handling problems or implementing programs that are in accordance with Indonesia's interests.

One of the programs made by the Consulate General of the Republic of Indonesia in Davao City is to tackle the problems of Indonesian descendants in Mindanao which are at stateless risk. Because this program covers issues of citizenship and several issues of immigration, and in the process this issue also involves various elements, the Indonesian Consulate General in Davao must pay attention to the applicable rules relating to the issue. The rules include rules relating to the concept of citizenship in an international regime, rules relating to the concept of citizenship according to Indonesia, and other technical rules between the countries concerned. These rules are a binder for the Consulate General of Davao City in dealing with the problems of Indonesian descendants in Mindanao who are at stateless risk.

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<sup>83</sup> Nicholas Tandi Dammen. "*Kewenangan Perwakilan Republik Indonesia di Luar Negeri*". *Jurnal Hukum Internasional*. Vol 2 No 4. Retrieved on 5 March, 2019.

Because the international legal system conceptualizes a system of legal ties in international agreements, Indonesia through the Indonesian Consulate General Davao City is only bound by rules that have been ratified by Indonesia. By using this system, not all international rules relating to citizenship are bound to Indonesia.

The existence of thousands of Indonesian descents, who have been living in the Davao City of the Southern Philippines without citizenship, is a unique phenomenon and a complicated problem for the two countries. This situation certainly concerns many other countries where Indonesian citizens need attention, compensation, and empowerment both in terms of understanding as citizens, socio-economic conditions, and their cultural identity as Indonesian descendants. Regarding this matter, the International Relations Department from the University of Muhammadiyah Yogyakarta as an institution with the obligations of the Higher Education Tridharma, especially the third dharma namely Community Service, seeks to provide a solution to this problem by sending students to implement the International Community Services (ICS) program in Davao City with the main subject of the People of Indonesian Descents.

Dr. Ir Gunawan Budiyanto, M.P, as Chancellor of the University of Muhammadiyah Yogyakarta was very supportive by stating that the ICS program had received very good appreciation from various parties, such as the Ministry of Foreign Affairs of the Republic of Indonesia, the Philippine Government, and several other Indonesian universities. Mr. Gunawan also added that the University of Muhammadiyah Yogyakarta was the first university in Indonesia to conduct an International Community Service with a model like this by promoting the empowerment of Indonesian people living in Mindanao. The ICS program is an innovation and creativity pioneered by the International Relations study program from Muhammadiyah University of Yogyakarta which was initiated in 2016 and carried out in two countries namely Davao City, Southern Philippines and in Tawau, Sabah Malaysia.

In August 2018, the University of Muhammadiyah relinquished 28 students with International Relations to Davao

City to carry out International Community Services. I am proud to be one of the 28 great students who carried out ICS to Davao City specifically in the village of Glan, Lainsasi, Southern Philippines. The activity was a fairly progressive soft diplomacy step by carrying out service and interacting directly with Indonesian citizens who lived in Mindanao for decades. Regarding the destination of the 28 students of Muhammadiyah Yogyakarta University, the mission has its own mission in order to empower the community, first, through creative economic empowerment programs to strengthen Indonesian cultural identity. Second, the International Community Services team has also implemented the program in order to introduce the “Muhammadiyah” in Davao, especially understanding how Muhammadiyah’s involvement in community empowerment in terms of education, health, economy, environment, disaster, and also Islamic da’wah as rahmatan lil ‘alamin.

Meanwhile, the International Community Service activities have also carried out programs to teach the use of Indonesian Language so that it can be applied in their daily lives. The introduction of Indonesian knowledge also includes teaching Indonesian batik, teaching cooking Indonesian specialties using materials available from the surrounding natural surroundings, such as making *es pisang ijo*, *abon ikan tuna*, *pisang nuggets* and so on. The purpose of the cooking program is so that the community can manage and utilize the available natural resources to become something useful for their daily lives. The last program which was considered quite interesting and received more attention from citizens of Indonesian descent was teaching Sintren Dance, where the dance originated from Cirebon, West Java. In teaching Indonesian traditional dances, they received great enthusiasm from the residents and it was assessed that the program was very successful with the success of Indonesian descendants displaying the Sintren dance on stage during the farewell event of the International Community Service team held on the beach of Laensasi in Glan, Southern Philippines. Thus, bilateral cooperation that has been fostered by the Consulate General of the Republic of Indonesia in Davao City with the



International Relations Department from the University of Muhammadiyah Yogyakarta since 2016 is getting closer and closer which can be categorized as a soft diplomacy to empower the lives of Indonesians living in Mindanao, Southern Philippines

**F. The Philippine government's support regarding the Indonesian government's efforts in continuing to strengthen bilateral relations between the two countries**

The bilateral relations between Indonesia and the Philippines are very close, especially in the area of Davao City. Since Mr. Berlian Napitupulu becomes the Consulate General of Republic of Indonesia in Davao City, bilateral relations and cooperation between Indonesia and Davao City are increasingly tight. Mr. Berlian itself is always promoting products from Indonesia so that they can be known and can also be consumed in that region. Bilateral relations between Indonesia and the Philippines especially in Davao City are focused on the economic, education and cultural aspect. There are some of events that have been carried out by the two countries to strengthen bilateral relations, among others:

1. In the event of "Business Briefing on Enhancing Indonesia & Philippine Relations" that held on June 2017. Mr. Berlian Napitupulu explains comprehensively about Indonesia especially regarding the potential and superiority of the economy as well as the relationship between Indonesia and the Philippines in the current trade sector. In order to help improve relations between the two countries, especially between Mindanao and Sulawesi, the Indonesian Consulates General in Davao has compiled 10 Trade Expo and Cultural Performances events throughout 2017.<sup>84</sup>

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<sup>84</sup> Kementerian Luar Negeri Republik Indonesia, "*KJRI Davao City Promosikan Tarian, Kopi hingga Traktor Indonesia di Tagum City Filipina*". <https://www.kemlu.go.id/davaocity/id/berita-agenda/berita-perwakilan/Pages/KJRI-Davao-City-Promosikan-Tarian,-Kopi-hingga-Traktor-Indonesia-di-Tagum-City-Filipina.aspx>. Retrieved on 13 January 2019.

2. At the meeting Mr. Berlian Napitupulu with the mayors of Manado and Bitung that held in each of their offices on August 3, 2017 in order to promote North Sulawesi and Mindanao Trade and Tourism Relations and also to discuss the Mindanao Entrepreneurial Trade Mission to Jakarta and North Sulawesi. The Trade Mission is a form of the effort of the Indonesian Consulate General in Davao City to encourage increased trade relations between Indonesia and the Philippines, and also to increase the RoRo Davao-General Santos-Bitung load factor launched by the President of Indonesia and the Philippines on 30 April 2017.<sup>85</sup>
3. In the event of “1<sup>st</sup> Indonesia Fashion Expo (IFE) that held in Abreeza Mall, Davao City on 24-27 November 2017. There are 24 Indonesian SME companies participated in the Expo which showcased, such as export quality clothing, bags, wallets, accessories and handicrafts made in Indonesia. The expo held to enhance trade relations between Indonesia and the Philippines, particularly with Mindanao while increasingly the cargo of the RoRo Davao-Bitung ship launched by President Duterte and President Jokowi in Davao City last April.”<sup>86</sup>
4. In the event of “the 5<sup>th</sup> Indonesian Cooking Lesson” that held in Wisma of Consulate General Republic of Indonesia in Davao City on 29 November 2017 which was attended by reliable chefs from the Philippines. In this cooking lesson, the

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<sup>85</sup> **KEMENTERIAN LUAR NEGERI REPUBLIK INDONESIA, “GUNA MAJUKAN HUBUNGAN DAGANG DAN WISATA SULUT DAN MINDANAO, KONJEN RI DAVAO CITY TEMUI WALIKOTA MANADO DAN BITUNG”. [HTTPS://WWW.KEMLU.GO.ID/DAVAOCITY/ID/BERITA-AGENDA/BERITA-PERWAKILAN/PAGES/MISI-DAGANG-PENGUSAHA-MINDANAO-KE-INDONESIA.ASPX](https://www.kemlu.go.id/davaocity/id/berita-agenda/berita-perwakilan/pages/misi-dagang-pengusaha-mindanao-ke-indonesia.aspx). RETRIEVED ON 13 JANUARY 2019.**

<sup>86</sup> Colino, Antonia, “Indonesia Fashion Expo set in Davao City”, <https://www.mindanews.com/top-stories/2017/11/indonesia-fashion-expo-set-in-davao-city/>. Retrieved on 13 January 2019.

chefs were taught three Indonesian dishes, such as Sate Ayam Madura, Ikan Bumbu Acar Kuning, and Kue Nagasari. On that occasion, the chef said that he was very interested in the diversity and delicacy of Indonesian cuisine, so this event was held with the aim of introducing and teaching Indonesian food.<sup>87</sup>

5. Visitation from 770 students of Precious High School of Davao City to Consulate General Republic of Indonesia and Indonesia Convention Center (ICC) that held on 4-5 December 2017. The Educational Field conducts in order to get to know Indonesia more deeply as a fellow ASEAN member country. In the Field Trip, the students were taught about the diversity of ethnic cultures, languages, tourism objects, economic conditions, and the progress of the Indonesian manufacturing industry, which among others had produced high-tech product, such as planes, ships, cars and motorbikes.<sup>88</sup>
6. In the events of “2<sup>nd</sup> Indonesia Manufactured Product Expo-IMPE II” that held by Indonesian Consulate General in Abreeza Mall, Davao City on 23-25 November 2018. The visitors came from business, traders, chamber of commerce, media and the general public from Davao City. Mr. Berlian

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<sup>87</sup> **KEMENTERIAN LUAR NEGERI REPUBLIK INDONESIA, “PROMOSI KULINER INDONESIA, KJRI DAVAO CITY ADAKAN COOKING LESSONS KELIMA”.** [HTTPS://WWW.KEMLU.GO.ID/DAVAOCITY/ID/BERITA-AGENDA/BERITA-PERWAKILAN/PAGES/PROMOSI-KULINER-INDONESIA.-KJRI-DAVAO-CITY-ADAKAN-COOKING-LESSONS-KELIMA.ASPX](https://www.kemlu.go.id/davaocity/id/berita-agenda/berita-perwakilan/pages/promosi-kuliner-indonesia.-kjri-davao-city-adakan-cooking-lessons-kelima.aspx). RETRIEVED ON 13 JANUARY 2019.

<sup>88</sup> **KEMENTERIAN LUAR NEGERI REPUBLIK INDONESIA, “KJRI DAVAO CITY PROMOSIKAN INDONESIA KEPADA 770 SISWA PRECIOUS INTERNATIONAL SCHOOL OF DAVAO”.** [HTTPS://WWW.KEMLU.GO.ID/DAVAOCITY/ID/BERITA-AGENDA/BERITA-PERWAKILAN/PAGES/KJRI-DAVAO-CITY-PROMOSIKAN-INDONESIA--KEPADA-770-SISWA-PRECIOUS-INTERNATIONAL-SCHOOL-OF-DAVAO.ASPX](https://www.kemlu.go.id/davaocity/id/berita-agenda/berita-perwakilan/pages/kjri-davao-city-promosikan-indonesia--kepada-770-siswa-precious-international-school-of-davao.aspx). RETRIEVED ON 13 JANUARY 2019.

Napitupulu explains about the short-term goal of organizing the expo is to facilitate Indonesian entrepreneurs to promote their products directly to entrepreneurs and the public in Davao City and Mindanao. Meanwhile, the long-term target is mutually beneficial and sustainable cooperation between the two countries, which is also expected to support load factors with Davao-general Santos-Bitung RoRo launched by President Duterte and President Jokowi in April 2017.<sup>89</sup>

In addition, in 2015 Joko Widodo as president of the Republic of Indonesia conducted a state visit to Manila with the aim of signing a memorandum of understanding on bilateral cooperation with the Philippine government. During the visit there were four bilateral cooperations that had been signed, including Firstly, cooperation in the protection of migrant workers, secondly, cooperation in the aspect of vocational education and training, thirdly, cooperation against drug smuggling, the last is cooperation in research education and training between national defense education institutions.<sup>90</sup> Then, strong bilateral relations between the two countries were signed with bilateral meetings on a regular basis between the two to discuss priority issues regarding the borders of political, legal and security cooperation, protection of Indonesian citizens, economic cooperation, cooperation in education and inter-community relations.<sup>91</sup> While the issue of maritime security which is also one of the important issues considering Davao, the

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<sup>89</sup> <sup>89</sup> Kementerian Luar Negeri Republik Indonesia, “2nd Indonesia Manufactured Product Expo di Davao City Sukses Pikat Mitra Usaha dan Tarik Ribuan Pengunjung”, <https://www.kemlu.go.id/davaocity/id/berita-agenda/berita-perwakilan/Pages/2nd-Indonesia-Manufactured-Product-Expo-di-Davao-City-Sukses-Pikat-Mitra-Usaha-dan-Tarik-Ribuan-Pengunjung.aspx>. Retrieved on 13 January 2019.

<sup>90</sup> Akhirul Anwar, “*Ini 4 Kerjasama Penting Indonesia dan Filipina*”, <https://kabar24.bisnis.com/read/20150209/19/400651/ini-4-kerja-sama-penting-indonesia-dengan-filipina>. Retrieved on 18 February 2019.

<sup>91</sup> Lawrence Charles Salazar, “*Bilateral cultural diplomacy: 50 years of Philippine experience (1959-2009)*”, *Enact Journal of Cultural Management and Policy*, Volume 5, Issues 1.

Southern Philippines is a strategic area for bilateral cooperation. So in 2017, President Joko Widodo inaugurated the Roll On Roll Off (RoRo) shipping system for the Davao-Bitung shipping line.<sup>92</sup> Thus, bilateral cooperation relations have been established for a long time and take root in various fields between Indonesia and the Philippines, and now both countries continue to look for ways to strengthen the partnership.

#### **G. The remaining un-solved problems experienced by Indonesian citizens living in Mindanao.**

The problem of determining citizenship status is indeed a major problem that is still experienced by Indonesians who live in the Mindanao region. Several attempts have been made to resolve the issue, both from the Indonesian government and from the Philippine government.<sup>93</sup> (Tanggol, 2017) Several other actors such as UNHCR and Davao Immigration also contributed significantly in the process of resolving the issue of citizenship status.<sup>94</sup> However, the Indonesian government's efforts to distribute free passports that have been carried out in 2017 by the Minister of Foreign Affairs Retno Marsudi through his visit to Mindanao Island still seem unable to resolve the problems for all residents due to the large number of Indonesian offspring and passport numbers what is shared is insufficient.<sup>95</sup> However, the

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<sup>92</sup> Subekti, "Ini Agenda Lawatan Presiden Jokowi ke Filipina", <https://dunia.tempo.co/read/869419/ini-agenda-lawatan-presiden-jokowi-ke-filipina>. Retrieved on 18 February 2019.

<sup>93</sup> **TANGGOL, FAIZZA, "PHILIPPINE AND INDONESIAN GOVERNMENTS WORK TOGETHER TO END STATELESSNESS IN MINDANAO".** [HTTPS://WWW.UNHCR.ORG/PH/11753-PHILIPPINE-INDONESIAN-GOVERNMENTS-WORK-TOGETHER-END-STATELESSNESS-MINDANAO.HTML](https://www.unhcr.org/ph/11753-philippine-indonesian-governments-work-together-end-statelessness-mindanao.html). **RETRIEVED ON 18 FEBRUARY 2019.**

<sup>94</sup> Penelope Mathew and Tristan Harley, "Refugee Protection and Regional Cooperation in Southeast Asia", Core Journal, 2014, page 15.

<sup>95</sup> Rappler, "Pilipino receives Indonesian passport". <https://www.rappler.com/nation/192847-indonesian-mindanao-passports>. Retrieved on 18 February 2019.

Indonesian government had said that there would be a second free passport distribution to the Mindanao region, but it was uncertain when the opportunity would be implemented again.

The root of the problem experienced by Indonesian citizens is indeed on an unclear citizenship status. These problems are tormenting the lives of Indonesian citizens. The Indonesian government has sought to resolve this problem. However, the issue of unclear citizenship status is increasingly complicated because of the actions of the people themselves. The Indonesian Consulate General in Davao City as responsible for Indonesian citizens living in Mindanao region has provided an options in which the community is required to determine one of the two available options. The first option, for them who want to become Philippines citizens, for every person must pay an ACR Tax of 700 piso or equal to two hundred thousand rupiah each month. The second option, for them who want to become Indonesian citizens must submit their identity that they are genuine Indonesian citizens, such as Identity Card or Family Card. Thus, for them who have met these requirements, the Indonesian government will be given a free passport and visa then the government promises to return them to their home country, which is Indonesia.

Based on these two options, up to now Indonesian citizens have not been able to determine which decisions they must take. Indonesian citizens are very burdened with this option, because they are already accustomed to living a completely free life that has been provided by the Philippine government. However based on a survey from the Indonesian Consulates General in Davao City, many of them chose to remain in the Philippines, considering that they no longer had families in Indonesia. However, if they make this decision, they are also faced with new problems, which is they cannot afford to pay ACR of 700 piso for every person, even though most of them come from big family that have many children. Thus, the problem regarding citizenship is indeed very complicated with the added condition of Indonesian citizens themselves being very concerned in terms of their economy.

Meanwhile, several other problems that have yet to get the right solution include problems that hinder the economic relations of the two countries, some of which include:<sup>96</sup>

1. Problems in the investment sector, currently the Philippines still limits equity to foreign capital ownership.
2. In addition to consumptive, Filipino people are also known as “brand-oriented”, so that in order to redeem the Philippine market, it is necessary to promote image formation for Indonesian products that require not a small amount of money.
3. Security issues are an issue for those who want to invest in the Philippines, especially related to gun ownership and the intensity of political competition which causes casualties.

Besides, the problems in the consular aspect there are several legal cases or problems faced by Indonesian citizens include narcotics cases, illegal possession of explosives and firearms, terrorism cases, overstay problems, problems not having passports, problems being repatriated before the contract work ended, as well as illegal fishing cases carried out by foreign fishing vessels with Indonesian crew members.<sup>97</sup> However, this issue will subside slightly if Indonesian citizens can determine the status for themselves. Considering the citizenship status is a very important aspect for every citizen, especially for those who live abroad. An identity card is really needed so that all citizens can still get their rights as citizens and get services and protection from the state government.

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<sup>96</sup> Rencana Strategis Kedutaan Besar Republik Indonesia Manila tahun 2015-2019. Potensi dan Permasalahan yang dialami oleh warga negara Indonesia di Filipina page 4.

<sup>97</sup> Ibid., page 5.