



Australian Government
Refugee Review Tribunal

Country Advice Indonesia

Indonesia – IDN36421 – Ethnic Chinese –
Citizenship – Legal provisions

23 March 2010

1. Please provide information on the treatment of an Indonesian-born ethnic Chinese person who has resided outside Indonesia for long periods, if they return to Indonesia.

The legal conditions for Indonesia-born ethnic Chinese people has improved dramatically since the end of the New Order regime of Suharto and the anti-Chinese violence that swept Indonesia coinciding with the end of Suharto rule and the Asian Economic Collapse of 1997. The program of *reformasi* begun by Abdurrahman Wahid and continued by his successors has seen dramatic improvements in the rights of Indonesia's Chinese population. Of significant note, the Suharto era ban on the display and broadcast of Chinese languages has been lifted; Chinese New Year has been legalised and declared a national holiday; anti-discrimination laws have been passed; and, perhaps most significantly, a new non-discriminatory citizenship law was introduced in 2006.

Until recently, the most serious legal concern facing Indonesia's large Chinese population was the 1958 citizenship law that rendered most of Indonesia's millions of ethnic Chinese without nationality; under the law, only 'indigenous' people were automatically granted citizenship. In July 2006 Indonesia introduced a new citizenship law that jettisoned the indigenous requirement. According to *Inter Press Service*, the new act defines an Indonesian as someone born in the country; "[t]his act has allowed many Chinese-Indonesians belonging to families that have been in this country for generations but were 'stateless', to become full-fledged citizens of the country."¹ *The Jakarta Post* also states that the new law allows ethnically Chinese Indonesians "to hold several key government posts, including the presidency, which were formerly closed to them." One of the key aspects of the law is the jettisoning of the "distinction between 'indigenous' and 'non-indigenous' Indonesians – long cited as discriminatory by Chinese Indonesians – by redefining 'indigenous Indonesian' to include all citizens who never assume foreign citizenship."² On this basis, an ethnically Chinese person born in Indonesia who has never taken out foreign citizenship is now entitled to Indonesian citizenship. What remains unclear is how this law reform affects people who were born in Indonesia but who have since left an extended period of time without acquiring foreign citizenship.

Despite the 2006 citizenship law reform, there are reports that a number of ethnic Chinese are encountering problems securing Indonesian citizenship. An April 2009 report in *The Jakarta Post* states that "[a]t least 600 residents of South Sumatra of Chinese descent have yet to secure Indonesian citizenship." The article reveals that many applicants for citizenship are being naturalised in citizenship ceremonies; however, the problem lies with the government's difficulty collating information on many ethnically Chinese residents.³ It appears that

¹ Seneviratne, K. 2007, 'Ethnic Chinese Find New Acceptance', *Inter Press Service* website, 1 March <http://ipsnews.net/news.asp?idnews=36785> – Accessed 12 April 2007 – Attachment 1

² Hera, D. 2006, 'Law provides more inclusive definition of being Indonesian', Action in Solidarity with Asia and the Pacific website, source: *Jakarta Post*, 12 July <http://www.asia-pacific-action.org/southeastasia/indonesia/netnews/2006/ind26v10.htm> – Accessed 2 October 2006 – Attachment 2

³ '600 Sumatran Chinese yet to receive citizenship: Official' 2009, *The Jakarta Post*, 7 April – Attachment 4

problems associated with obtaining citizenship mostly relate to providing appropriate evidence to authorities.

A 2009 article in *Inside Indonesia* argues that the treatment of Indonesia's ethnic Chinese minority has been tied "to the fate of their fellow Indonesians." The author is suggesting that as the nation has moved further away from the New Order era and *reformasi* has taken effect, so too have legal and social conditions for ethnic Chinese improved; "the speed and extent to which the situation for the ethnic Chinese minority improved legally and politically in the wake of this violent transition is truly remarkable. For more than thirty years discriminatory policies and social conditioning had rendered Chinese outsiders. All of a sudden, the Chinese seemed to be welcomed into the Indonesian nation." The article also cites other reforms, including the lifting of the ban on the display and broadcast of Chinese languages and displays of Chinese identity and culture. The author states that, cumulatively, these reforms have had substantial practical, cultural and psychological benefits for the community.⁴

The US Department of State reported in March 2010 that despite reform, some ethnic Chinese reported that "public servants still discriminated against them when issuing marriage licenses and in other services and often demanded bribes for a citizenship certificate, although such certificates were no longer legally required." Furthermore, a number of other, unspecified discriminatory statutes remain yet to be eliminated.⁵

A 2009 article in *Inside Indonesia* appears to confirm the US Department of State's observations. The article states that "[u]nlike Indonesians of Arab or Indian descent, Chinese Indonesians are required to have a document that proves they are Indonesian citizens. Whenever Chinese Indonesians deal with the bureaucracy, they are obliged to produce this document. It is an integral part of their administrative experiences of birth, marriage and death. They need it to get an identity card, to enrol in an educational institution, to obtain a business license and to get a passport." All other Indonesians simply have to show their ID cards. According to the article, the document is known by the acronym SBKRI and is compulsory for "all Chinese Indonesians of 21 years of age or over, even if they were born in Indonesia to parents who were already Indonesian citizens." The author suggests that the ongoing insistence by Indonesian bureaucrats on seeing a SBKRI "is a sign of Indonesia's mistrust of its Chinese citizens."⁶ *The Jakarta Post* also reported that, despite legal changes, bureaucrats are still forcing Chinese-Indonesians to show citizenship certificates (SBKRIs) "when applying for identity cards, passports and other official documents."⁷

Given the legal reform undertaken by Indonesia, it appears that remaining discriminatory practices are due either to corruption (officials seeking bribes), or persistent prejudice. A February 2009 article in *The Jakarta Post* reports that President Yudhoyono has "called on all state officials to improve their services to the country's Confucian and Chinese-Indonesian communities, saying all discriminatory acts against minorities must be put to an end."⁸ In 2008 the Indonesian Assembly passed an anti-discrimination act that sets a minimum jail term for discriminatory acts.⁹

⁴ Purdey, J. 2009 'A common destiny', *Inside Indonesia*, July-September – Attachment 3

⁵ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Indonesia*, 11 March – Attachment 5

⁶ Effendi, W. 2009, 'Never Indonesian enough: State discrimination against the Chinese is a form of cultural violence', *Inside Indonesia*, 12 January – Attachment 6

⁷ Simamora, A.P. 2008, 'Ethnic Chinese still face hurdles to get ID cards: Survey', *The Jakarta Post*, 15 December – Attachment 7

⁸ 'Chinese Indonesians recognize improvement' 2009, *The Jakarta Post*, 2 February – Attachment 8

⁹ 'Bill against racial discrimination passed' 2008, *The Jakarta Post*, 29 October

<http://www.thejakartapost.com/news/2008/10/29/bill-against-racial-discrimination-passed.html> – Accessed 3 November 2008 – Attachment 9

Despite persistent low level discrimination, a number of senior members of the Chinese community have expressed satisfaction with the level of progress achieved in the past decade. A December 2009 article in the *South China Morning Post* on the use of Chinese languages quotes an 83 year old man from Medan; “It’s like spring time for the Chinese language in Indonesia, where everything is blooming anew.” The article states that the number and circulation of Chinese language newspapers in Indonesia has flourished “since Abdurrahman Wahid lifted Indonesia’s ban on Chinese-language media and cultural expression.” The lifting of the Chinese language ban has also encouraged more young ethnic Chinese in Indonesia to begin learning Mandarin.¹⁰ A 2006 article in *The Economist* suggests that Mandarin is becoming popular among both ethnic Chinese and other Indonesians. It also suggests that the flourishing of the language extends beyond print and into television and radio.¹¹

Chinese New Year celebrations are also now publicly celebrated. A recent *Inside Indonesia* article as states that “presidents, ministers, governors and other senior officials regularly attend Chinese cultural events and watch traditional Chinese performances such as the such as barongsai (dragon dance).” Perhaps even more remarkable, states the author, is the fact that in October 2008, “the Indonesian Army’s 63rd anniversary was celebrated with a dragon dance performed by the Wirabuana Military Command, which oversees military affairs in South Sulawesi, at Karebosi Square in Makassar...Not long ago it would have been unimaginable that the military would incorporate a Chinese cultural display into its sacred nationalist rituals.”¹²

Attachments

1. Seneviratne, K. 2007, ‘Ethnic Chinese Find New Acceptance’, *Inter Press Service* website, 1 March <http://ipsnews.net/news.asp?idnews=36785> – Accessed 12 April 2007.
2. Hera, D. 2006, ‘Law provides more inclusive definition of being Indonesian’, Action in Solidarity with Asia and the Pacific website, source: *Jakarta Post*, 12 July <http://www.asia-pacific-action.org/southeastasia/indonesia/netnews/2006/ind26v10.htm> – Accessed 2 October 2006.
3. Purdey, J. 2009 ‘A common destiny’, *Inside Indonesia*, July-September. (CISNET Indonesia CX233654)
4. ‘600 Sumatran Chinese yet to receive citizenship: Official’ 2009, *The Jakarta Post*, 7 April. (CISNET Indonesia CX224103)
5. US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Indonesia*, 11 March.
6. Effendi, W. 2009, ‘Never Indonesian enough: State discrimination against the Chinese is a form of cultural violence’, *Inside Indonesia*, 12 January. (CISNET Indonesia CX217989)
7. Simamora, A.P. 2008, ‘Ethnic Chinese still face hurdles to get ID cards: Survey’, *The Jakarta Post*, 15 December. (CISNET Indonesia CX216490)

¹⁰ ‘Chinese-language newspapers said flourishing in Indonesia’ 2009, *South China Morning Post*, 16 December – Attachment 10

¹¹ ‘The happy Chinese’ 2006, *The Economist*, 2 February http://www.economist.com/world/asia/displaystory.cfm?story_id=E1_VQSGNTG – Accessed 8 November 2006 – Attachment 11

¹² Purdey, J. 2009 ‘A common destiny’, *Inside Indonesia*, July-September – Attachment 3

8. 'Chinese Indonesians recognize improvement' 2009, *The Jakarta Post*, 2 February. (CISNET Indonesia CX219497)
9. 'Bill against racial discrimination passed' 2008, *The Jakarta Post*, 29 October <http://www.thejakartapost.com/news/2008/10/29/bill-against-racial-discrimination-passed.html> – Accessed 3 November 2008. (CISNET Indonesia CX213521)
10. 'Chinese-language newspapers said flourishing in Indonesia' 2009, *South China Morning Post*, 16 December. (CISNET Indonesia CX237986)
11. 'The happy Chinese' 2006, *The Economist*, 2 February http://www.economist.com/world/asia/displaystory.cfm?story_id=E1_VQSGNTG – Accessed 8 November 2006.