



Graduate School of Development Studies

**POLITICS OF ETHNIC DISCRIMINATION AND
RESISTANCE:
The Chinese Ethnic in Indonesia 1998-2008**

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Sujarwoko
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Members of the examining committee:

Dr Rachel Kurian (supervisor)
Prof. Mohamed Salih (reader)

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Inquiries:

Postal address: Institute of Social Studies
 P.O. Box 29776
 2502 LT The Hague
 The Netherlands

Location: Kortenaerkade 12
 2518 AX The Hague
 The Netherlands

Telephone: +31 70 426 0460

Fax: +31 70 426 0799

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List of Acronyms

Bakom	: Communication Body
CSIS	: Centre for Strategis and International Studies
GANDI	: Anti-Discrimination Struggle Movements
GOLKAR	: Functional group
INTI	: Indonesian Chinese Association
Inpres	: President Instructive
LPKB	: The Institute of Cultivating national unity
NGO	: Non-Governmental Organization
PBI	: Indonesian University in Diversity Party
PDIP	: Indonesian Democratic Party-Struggle
PPIB	: New Indonesia Alliance Party
PPP	: Development Unity Party
PRD	: Democratic People's Party
PSMTI	: Indonesian Chinese Social Clan Association
TGPF	: Fact Finder Joint Team

Abstract

This paper explores the complexity of the Chinese discrimination issue in Indonesia, particularly from 1998 to 2008. What is now known as the Chinese discrimination in Indonesia is a result of a long lasting application of discriminative policies since Dutch colonial era to President Soeharto era in 1998. This paper explores how the Chinese react against discrimination both politically, based on social movement, identity, inclusion, and resistance theories. The forms of movement (through political party, through ethnic association, and through NGOs) are first examined. Then, the study explores the obstacles and opportunity of each movement, and how effective they are in order to fight against discrimination.

Relevance to Development Studies

The relevance of this paper is that it focuses on the political role of alternative development actors (such as civil society groups, NGOs, and social movement) in order to fight against discrimination in Indonesia. This paper tries to examine development studies theories in real life, particularly in Indonesia. Are those theories applicable, and what are limitations of the theories.

Keywords

Indonesia, Cina, Tionghoa, Chinese, Social Movement, Discrimination, Identity, Racism, NGO

Chapter 1

Introduction

This research analyses the ethnic discrimination experienced by the Chinese communities in Indonesia between 1998 and 2008 and the forms of resistance they undertook to reclaim their political rights in the country. It studies the politics of exclusion that took place historically which paved the way for Chinese Indonesian ethnic groups to develop alternative spaces to intervene in the political system in Indonesia. The democratic reforms after 1998 expanded these spaces allowing for greater participation in Indonesia's political system.

1.1. Economic, Social and Political Roots of Chinese Political Discrimination

The political discrimination faced by the Chinese Indonesian has a long history and has existed since the Dutch colonial era. In 1854 Dutch policy towards the Chinese developed in such a way that they came to occupy an important intermediate position called the 'colonial caste structure', based on an essentially racial stratification system, between the great mass of the subject Indonesians and the few Europeans who occupied the top levels. According to Mackie, (Mackie, 1976:9) Chinese, along with the 'natives', on an inferior level to Europeans in matters of law and administration within the colony, although all persons born in the Netherlands or its colonies were considered to be Dutch citizens, including persons of Chinese descent. Later, however, the Indies Chinese were designated as 'foreigners' and, later still, categorised for statistical and administrative purposes as 'Foreign Orientals', distinct from the other two categories of 'Europeans' and 'Natives'.

After the massacre in 1740 that was done by Dutch on Chinese in Batavia (now Jakarta), Dutch colonial state started to implement a series of racial political discriminations on the Chinese in Indonesia. The Dutch policy called *Wijkenstelsel*, forced Chinese to live in specific pointed areas (ghettos). These ghettos later on became Chinatowns, led by ghetto leaders called *Wijkmester*. To be able to go outside Chinatown, all Chinese had to have permission letter (*passenstelsel*) from *Wijkmester*. Not only that, the permission letter had to be stamped in every *onderdistrik* or at least in destination place, and when they came back home. This policy reduced the interactions between Chinese and native Indonesian. Lack of communication between Chinese and native Indonesian later on became a big problem when native Indonesian accused Chinese who lived in Chinatown of being exclusive and asocial [Setiono, 2008:130).

The interesting thing was, even though Dutch discriminated against the Chinese, they had, at the same time, strong economic ties with them. Chinese workers were involved in building Batavia and cultivating adjacent agricultural areas. And Chinese traders had good relationships with the first multinational company in the world, *Vereenigde Oost-Indische Compagnie* (VOC - The East India Company). For hundreds of years many Chinese had the right to collect taxes from native Indonesians and had privileges in trading and distribution.

When the “social policy” was implemented since 1877 (based on criticisms from inside and outside the country that Netherlands had a “moral debt” to the people of the East Indies), the Dutch colonial State tried to develop an education program in Indonesia. But the Chinese were excluded from that program, even though they had to pay double taxes, which were income tax and wealth tax. Income tax was subjected to *pribumi* (indigenous people) who were not farmers, and wealth tax was subjected to Europeans and foreign Orientals [Setiono, 2008:213].

Discriminative laws against Chinese Indonesian continued after Indonesian independence in 1945. During the President Soekarno era (1945-1966), the government issued the Peraturan Pemerintah 10/1959 (Government Directive No.10/1959) which forced Chinese Indonesian to close their business by 1 January 1960 and to relocate in urban areas. The regulation itself merely mentioned that only “foreign citizens” were required to do the relocation and closure of businesses. However, the law was effectively targeted against the Chinese Indonesian, because at that time Chinese Indonesian were never acknowledged as proper citizens of Indonesia and were always considered as foreigners.

The situation became worse during President Soeharto’s era (1966-1998) . A number of laws passed since 1966 that could be viewed as anti-Chinese legislation in Indonesia. For example¹:

- 127/U/Kep/12/1966 was an Indonesian law that required Indonesian Chinese to change their names to Indonesian-sounding names.
- Cabinet Presidium Instruction No. 37/U/IN/6/1967, which prohibited further residency or work permits to new Chinese immigrants, their wives, or children; freezing any capital raised by “foreigners” in Indonesia; closure of “foreign” schools except for diplomatic corps and their families; the number of Indonesian students must be the majority and in proportion to “foreigners” in any state schools.
- Presidential Instruction No.14/1967 (Inpres No.14/1967) on Chinese Religion, Beliefs, and Traditions, which effectively ban any Chinese literature and culture in Indonesia, including the prohibition of Chinese characters.

¹ http://en.wikipedia.org/wiki/Anti-Chinese_legislation_in_Indonesia

- Instruction of the Ministry of Home Affairs No.X01/1977 on Implementing Instructions for Population Registration and the confidential instruction No.3.462/1.755.6 of the Jakarta government on January 28, 1980 both authorize special codes in national identification cards to indicate ethnic Chinese origin.

Those discriminations put Chinese in difficult situations. If there was a problem in the economic policy implementation, Chinese would always be blamed. Restrictions in politics existed, not to mention the difficulty of bureaucratic matters related to citizenship documents. At the same time, corruption, collusion, and nepotism between government officials and Chinese businessmen emerged and created significant economic gap between Chinese and *pribumi* and resulted in jealousy and making Chinese as victims in many racial riots (Babari, 1999).

The downfall of President Soeharto in 1998 followed by the emergence of the reformation era brought a new atmosphere in Indonesian politics including for the Chinese. Soon after President Abdurrahman Wahid came into power, he quickly abolished some of the discriminatory laws in efforts to improve race relationships. He encouraged Chinese Indonesian literature and culture by declaring the Chinese Lunar New Year as a national holiday. He also designated the Chinese lunar New Year as a national holiday. Many restrictions were annulled by Keppres No. 6/2000; further annulments on restrictions were supported by former president Megawati Soekarnoputri in Keppres No 19/2002. There were also no more restrictions in political participation either. Soon after these enactments, a small number of Chinese Indonesians regained the courage to get involved in politics and created new political parties².

Unfortunately although many of those discriminative laws are no longer applicable, political discriminations against Chinese still persists in many regions in Indonesia. For example, in August 2005 major of Semarang City applied the local law that all Chinese in Semarang are required to have special citizenship paper in order to have identity card and some other documents.

It is important to point out that even though the central focus of many activists in order to fight against Chinese political discrimination is mostly about law, it doesn't simply mean that if those discriminative laws are abolished then political discrimination will finish. The idea behind political discrimination policies since Dutch colonial era and followed by Indonesian regimes until Soeharto era also has to be taken into account.

² http://en.wikipedia.org/wiki/Chinese_Indonesian

If we look at the situation during Dutch colonial era and periods afterwards, we can find similar patterns on how regimes built relations with the Chinese and how was Chinese position in relation with Indonesian from other ethnics. Firstly, both Dutch colonial and Soeharto regimes benefited financially by giving the Chinese privileges and concessions in economic field. Secondly, only small number of the Chinese who got these privileges and concessions and make profits out of them, but it gave impression that all Chinese were beneficiaries. Thirdly, both Dutch colonial and Soeharto regimes benefitted politically by placing the Chinese as a buffer between them and the people. That was why both Dutch colonial and Soeharto regime wanted to preserve the situation and were never serious about solving the political discrimination problem. Implementing the assimilation on one hand and applying citizenship proven paper for Chinese on the other hand had shown how the government did not serious in solving political discrimination problems.

It is also important to clarify that although the focus of this research is about the Chinese movement since 1998 to 2008, it does not necessarily mean that during previous periods there were lack of Chinese movements in the previous periods. The Chinese had been actively involved in Indonesian independence. Chinese involvement in movements during Soekarno era was also significant. However, history had proved to the Chinese Indonesian that they could not rely on political will from the government to give them equal rights. The political space created in the last decade also gave them greater opportunities to fight for their rights and fight against political discriminations. In this case, it is interesting to see the actions taken by Chinese Indonesians from alternative politics perspective in order to fight against political discriminations.

1.2. Research Objective

The objective of this research paper is to analyse the forms of political discrimination and resistance by the Chinese Indonesian from 1998 to 2008.

1.3. Research Questions

- What are the forms of political discrimination on Chinese Indonesians during and after colonial period and how did this influence current politics?
- How the Chinese Indonesians resist the discriminations?
- How did the democratic reforms in 1988 influence and shape the forms of political resistance
- What political alternatives do Chinese Indonesians take, and how effective of each alternative help them to fight against discriminations?

1.4. Relevance and Justification

Nobody can choose what ethnicity they want to be when we were born. It means that nobody may become victims of discriminations simply because of their ethnicity. Article 7 of **Universal Declaration of Human Rights** says:

“All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination”³.

According to census in 2000, there are 1,739,000 Chinese Indonesians, spread in many regions in Indonesia, like in Java, Bangka-Belitung, West Kalimantan, and South Sulawesi⁴. Many of them nowadays have born and live in Indonesia for generations. Many of them do not have orientation and preference to China in any way. Many younger generations don't even know how to speak and write Chinese anymore. They consider Indonesia as their home country.

Chinese Indonesians also played an active role in the politics of Indonesia since the independence during 1940s along with Indonesian from other ethnics.. For example, the lyric of Indonesian anthem was firstly published by Chinese language newspaper called *Sin Po*. There was also Admiral John Lie who smuggled numerous weapons for Indonesian soldiers. There are also 5 Chinese who became members of BPUPKI (Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia, or Body for Investigating Preparation Attempts of Indonesia's Independence) (Kusuma, 2006). Until now, Chinese Indonesians have consistently become sport heroes by winning gold medals in Olympic. Rudi Hartono, eight times All England winner in Badminton is also Chinese. It means that Chinese Indonesian has become an integral part of Indonesian society that should have equal rights and obligations like other Indonesians.

1.5. Research Methodology

This research paper analyzes the Chinese political discrimination from social movement perspective, and also relates the social movement with identity problem that is faced by the Chinese and also inclusion theory to give clearer view of the research problem.

Two sets of data were required; primary and secondary data:

³ Universal Declaration of Human Rights, <http://www.un.org/Overview/rights.html>

⁴ Population Census 2000, Central Bureau for Statistics.

- Primary Source of data: A survey method is used for this data. This involved semi structured interviews conducted with Chinese Indonesians directly in Indonesian politics, such as the Bupati/Walikota⁵ (district leaders), political party leaders, leaders of Chinese associations, and also members of local parliaments from Chinese ethnic. The focus of interview was try to attain information about motivation of interviewees and their reasons for getting into politics at this point of time, including the choice of the movement, the type of movement and the obstacles that they had to dea withl.
- Secondary source of data: Literature study method was also used. Information wasl be collected from books, theses, magazines, manuscripts, and also from the internet.

Those two sources of data have been jointly employed to analyse the data.

⁵ Bupati refers to District Leader in rural area, and Walikota refers to District Leader in urban area.

Chapter 2

Conceptual and Analytical Framework

2.1. Social Movement

The theory of social movement was initially started by Marx and Engels when they began to ask what makes individuals engage in a collective action. Marx answered the question of how individuals get involved in collective action largely in historically determined terms: people will engage in collective action, he thought, when their social class comes into fully developed contradiction with its antagonists. In the case of the proletariat, this meant when capitalism forced into large-scale factories where it lost the ownership of its tools but developed the resources to act collectively. Among these resources were class consciousness and trade unions. It was the rhythm of socialized production in the factory that would pound the proletariat into a class of itself and give rise to the unions that would give it shape. Social movement theory then developed by other Marxist theorist such as Lenin with his thought about resource mobilization and also Gramsci with his thought about cultural hegemony among others (Tarrow 1998).

The social movement theory was also developed in a non-Marxist perspective. Mancur Olson, an American economist acknowledged the importance of nonmaterial incentives in 1965. For Olson, the problem of collective action was aggregative: how to involve as high a proportion of a group as possible on behalf of its collective good. Only in this way could the group convince its opponents of its own strength. Olson posited that, in a large group, only its most important members have a sufficient interest in achieving its collective good to take on its leadership – not quite Lenin’s “vanguard” but not far from it (Olson 1965 in Tarrow, 1998:15).

For a while the social movement theory developed by non-Marxist theorists were criticized, mostly because of high influence of economic study in it. This remained until Charles Tilly inserted political content in the theory. Tilly put forward a “polity model” for the analysis of collective action from which he elaborated a set of conditions for mobilizations, foremost among which were the opportunity – threat to challengers and facilitation – repression by authorities. Both of these dimensions linked collective action to the state (Tilly 1978 in Tarrow, 1998:18).

Tilly argued that the development of the national social movement was concomitant, and mutually independent, with the rise of consolidated national states. It followed that movements could be studied only in connection with politics, and would vary in their strategy, structure, and success in different kind of states (Tilly 1978 in Tarrow, 1998:19).

Nevertheless, some basic questions remained unanswered: why does contentious politics seem to develop only in particular periods of history and why does it sometimes produce robust social movements and sometimes flicker out into sectarianism or repression? And why do movements take different forms in different political environment? Sydney Tarrow tried to answer these questions.

Tarrow argued that people engage in contentious politics when patterns of political opportunities and constraints change and then, by strategically employing a repertoire of collective action, create new opportunities, which are used by others in widening cycles of contention. When their struggles revolve around broad cleavages in society, when they bring people together around inherited cultural symbols, and when they can build on or construct dense social networks and connective structures, then these episodes of contention result in sustained interactions with opponents – specifically in social movements (Tarrow, 1998:19).

Tarrow added that people do not simply “act collectively”. They petition, assemble, strike, march, occupy premises, obstruct traffic, set fires, and attack others with intent to do bodily harm. No less than in the case of religious rituals or civic celebrations, contentious politics is not born in organizers’ heads but is culturally inscribed and socially communicated. The learned conventions are repositories of knowledge of particular routines in a society’s history, which help them to overcome the deficits in resources and communication typically found among the poor and disorganized (Tarrow, 1998:20).

The concept of social movement developed in 1980s and took cultural turn as focus, and it is then called the new social movement (NSM). As a whole, new social movement emerge as a response to and interpretation of contemporary European social movements that were focused on cultural, moral, and identity issues, rather than on economic distribution. When in previous time the social movement was seen as the labour – socialist movement, in contrast, NSMs were often thought to be more like “moral crusades”, and as such appeared as a new phenomenon that needed to be theorized distinctly for the historical moment in which they occurred. Thus the cultural component of new social movement theory had to do with content of movement ideology, the concerns motivating activists, and the arena in which collective action was focused – that is, cultural understanding, norms, and identities rather than material interests and economic distribution. New social movement theory was generally macro in orientation, and retained the traditional Marxian concern with articulating the ways in which societal infrastructures produced and are reflected by culture and action (Williams, 2007:92).

There are two important contributions from NSM: First, the theory focuses on “culture” as an arena of action, and cultural change as a consequence of

movement efforts (as well as a causal factor in mobilization) which provided important addenda to the movement-as-political reform perspective that was characteristic of structural approaches such as resources mobilization. Another important focus of the NSM was the explicit attention to the connections between the forms of collective action and the historical moments and societal formation in which they existed (Williams, 2007:93).

2.1.1. Limitation of Social Movement Theory

Social movement normally refers to a movement that is done by the people outside formal political institutions. People start a movement because they are dissatisfied with the result or performance of a political institution; therefore they try to organize a movement outside the political system. In other words, people have tried to achieve their goal through formal institutions first, and then after they think that the result is not as good as they expect, they shift to achieve their goals through outside formal institutions.

In my opinion, the theory only applies to the countries where people have the opportunity or where there are no barriers for the people to fight for their interest through formal institutions. The Chinese movement case is different. During President Soeharto's era from 1966 to 1998, the Chinese did not involve themselves in formal politics and nor fight for their interest, not because they were not satisfied with it, but because they were not allowed to do so. They were not allowed to participate in politics in many forms, except as donors considering their economic power.

After the riot in May 1998, the Chinese saw that there are discrimination problems both political and socio-cultural discriminations. Since they have the opportunity to participate after the fall of Soeharto regime, the Chinese use it to fight for their right through political parties to abolish discrimination policies, together with other movements through Chinese associations and NGOs.

So, in this case there is no rigid distinction between movement through political parties and movement through associations and NGOs. They are all movements. The Chinese use political institutions because they have not tried them before, not because they were unsatisfied with them. Therefore, in my opinion movement through political system can be considered as a movement and is equal with other forms of movements such as movements through associations and NGOs.

This argument may be similar with what Charles Tilly argued about social movement. How will we recognize a social movement when we see one? It consists of *a sustained challenge to power holders in the name of a population living under the jurisdiction of those power holders by means of repeated public displays of that population's worthiness, unity, numbers, and commitment*. At a minimum, social

movements involve continuous interaction between challengers and power holders. This claim-making usually engage third parties such as other power holders, repressive forces, allies, competitors, and the citizenry as a whole (Giugni, 1999).

2.2. Identity

Regarding identity, Mack posited the existence of three essential human needs that can be fulfilled only through group membership: a need for belonging, a concern about survival, and a need for a sense of worth or value. The need for belonging, reinforced by an unconscious positive emotion associated with membership in a collective (i.e., the family, village, ethnic group, or nation), represents an emotional attachment by which an individual seeks inclusion not only for personal benefit, but also because the alternative of solitary existence is something to be avoided: “The experience of being outside, disconnected, ostracized, or rejected by one’s peer, professional, or national group is so painfully desolating that groups can expect a remarkable degree of compliance among members who value their inclusion” (Davis, 1999:28).

In addition to belonging, Mack contended there is a need for personal survival, security, and safety, met most often through group participation. Individuals, as a result of early socialization, recognize their membership in various collectives and begin to draw distinction between those within the group (“us”) and those outside (“them”). Whether rational or not, individuals, develop anxiety and latent fears about the intentions of “outsiders,” leading them to embrace the collective (i.e., the racial, ethnic, or national group) as a protector from perceived threats (Davis, 1999:29).

There are so many Chinese spreads all over the world. What is the the difference of identity that holds the Indonesian Chinese in comparison with others? Actions that have been made by the Indonesian Chinese are different than the Chinese in other countries. What makes them different? According to Stephen Reicher, these phenomena can not be explained simply by psychological approaches. He said that it is the faith of many psychological theories to see all their richness reduced to a single aphorism and all their complexity reduced to a single hypothesis. The danger of abstracting a specific claim from the larger theoretical edifice is not only that one fails to appreciate the edifice as a whole, but also that one distorts the specific claim in the process. He argues that many contemporary uses of the social identity tradition – most notably, the reduction of the tradition to a claim that mere division into groups necessarily leads to intergroup discrimination – are prone to such myopia and such distortion. It is particularly ironic that an approach whose whole *raison d’être* lies in an attempt to contextualize human thought and action should fall prey to such reductionist interpretations, and the consequences are all the more serious for it. In effect, they turn the theory against its own meta-theory (Reicher 2004).

Therefore, the social identity tradition is based on an insistence that human social action needs to be understood in its social context. Action is a function of context because the operation of psychological processes depends on social parameters. Thus, whereas social psychologists all too frequently seek the use of psychological universals to explain the social domain (and hence turn us away from any analysis of social specificity). The social identity tradition forces us to turn toward the social world. It forces us to address the ideological and structural features of that world. Only by doing so will we understand how our psychology relates to what we do.

2.3. Democratic Inclusion by “Difference Democrats”

The research uses a conceptual framework based on the notion of democratic inclusion by “difference democrats”. According to difference democrats, people are different from one another in fundamental ways, and to treat them as similar – e.g., by granting them all the same formal rights and the same access to politics — effectively extinguishes any political manifestation of difference (Young 1990, in Dryzek 1996).

To some difference democrats, notably Anne Philips, these considerations suggest only such measures as setting aside quotas of seats in parliament for particular categories of people, such as women (Philips, 1993, in Dryzek, 1996). Philips is otherwise keen to preserve the basic structure of liberal democracy. She does not suggest that the representative in question have a special change to speak for women and only as women; it is enough that they are simply women⁶.

Difference democrats see a variety of barriers to the emergence, recognition, organization, and assertion of groups. These barriers come mostly in the form of hierarchy and oppression, with natural and economic as well as political causes. Whereas mid-century U.S. pluralism is passively inclusive in its pattern of representation in that it is prepared to accept whatever constellation of groups emerge from society to enter politics, difference democrats are more attune to the need for actively inclusive representation, in which efforts are made to promote the ability of groups to recognize an interest and pursue it in politics. In this respect, they reveal a surprising affinity with James Madison’s view of groups, or factions, as he would have called them; for Madison too did not believe that a desirable pattern of group representation emerges automatically.

⁶ Anne Philips uses women as example while explaining her concept because like many other difference democrats, she is a feminist.

2.4. Resistance

Scholars have used the term *resistance* to describe a wide variety of actions and behaviours at all levels of human social life (individual, collective, and institutional) and in number of different settings, including political systems, entertainment and literature, and the workplace. Given these variations of resistance, the term is defined variously as, for example, “acting autonomously, in [one’s] own interests” (Gregg, 1993); “active efforts to oppose, fight, and refuse to cooperate with or submit to... abusive behaviour and... control” (Profitt, 1996); “engaging in behaviours despite opposition”(Carr, 1998); or simply “questioning and objecting” (Modigliani and Rochat 1995 in Hollander 2004).

The scale of resistance is variable: acts of resistance may be individual or collective, widespread or locally confined. Related to the scale is the level of coordination among resisters, that is, the extent to which they purposefully act together. While revolutions and other organized protest activities clearly require coordination, other act of resistance can take place with little or no coordination among actors. The targets of resistance also vary, from individuals to groups and organizations (Hollander 2004).

Another source of diversity is the direction or goals of the resistance. While resistance is most frequently understood to be aimed at achieving some sort of change, in some cases, the behaviour described as resistance aims to curtail change. For example, “cultural resistance” in minority communities attempts to preserve the minority culture against assimilation to the host culture. Further, the change which resistance demands is often assumed to be progressive or at least prosocial; it is generally the wrongly oppressed who are viewed as resisting domination from above (Hollander 2004).

2.5. Analytical Framework

The analytical framework of this research uses the categorisations of resistance as developed by Mely G. Tan as starting point. According to Mely, the political aspiration and participation of Chinese Indonesian can be divided into five forms:

1. Chinese Indonesians who feel the need to show their ethnicity and fight for their ethnic right by forming Partai Tionghoa (Chinese Indonesian Party).
2. Chinese Indonesians who do not wish to use their ethnicity as base of their movements, but emphasize on another platform such as equal right by forming Partai Bhineka Tunggal Ika (Unity in Diversity Party).
3. Chinese Indonesians who prefer to form pressure groups.
4. Chinese Indonesian who prefers to form associations based on their ethnicity, by forming Paguyuban Sosial Marga Tionghoa Indonesia (Indonesian Chinese Community Association).

5. Chinese Indonesian who prefers to join inclusive political parties, such as Partai Demokrasi Indonesia Perjuangan (Indonesian Democratic Party Struggle), or Partai Perhimpunan Indonesia Baru (New Indonesia Alliance party).

Those participation forms can also be seen as social movements in order to fight against discriminations and also the Chinese's efforts to preserve their ethnic identity. This research will analyse each of those participations by using the theories above. Brief descriptions about each aspiration and participation above will be provided at the beginning of the analysis to give more understanding about the Chinese political discrimination in Indonesia in general and each movement in particular. Then, by using the social movement, inclusion, and identity theories this research paper will analyze how those movements work, what the obstacles are, and how effective those movements are.

Chapter 3

Movement Through Political System

Soon after Soeharto assumed power in 1966, all ethnic-based and organizations in socio and political field were banned. Those who wanted to get involved in politics under his New Order regime had to join one of the three existing indigenous-dominated-parties—Golkar (Functional group), the Partai Persatuan Pembangunan (PPP, Development Unity Party), and the Partai Demokrasi Indonesia (PDI, Indonesian Democratic Party)—or government-affiliated organizations such as the Center for Strategic and International Studies (CSIS) or the Lembaga Pembinaan Kesatuan Bangsa (LPKB, the Institute of cultivating national unity). In 1977 the LPKB itself was replaced by Badan Komunikasi (Bakom, Communication Body), an organization established under the Ministry of Home Affairs. There were no credible Chinese nongovernmental organizations (NGOs) during the New Order period, a reflection of Suharto's authoritarian attempt to control all aspect of Indonesian society (Suryadinata, 2001).

During the New Order era, everything related to China was also banned. Started with Chinese writings, culture, newspapers, language, names (Chinese names had to be replaced by Indonesian sounding names), and also education (by closing down Chinese language based school and quota for Chinese in public universities). Chinese food was probably the luckiest one because it was the only thing that was not banned by the government.

At the same time, for more than 30 years prejudice among indigenous Indonesians toward Chinese still remained. Chinese are perceived as communist supporters and economic animal and therefore became common enemy to the indigenous Indonesian community. People then became more reactive whenever racialist issues arose, especially when it came to Chinese. Facing that situation, the Chinese developed a defensive attitude that was described by Ivan Wibowo as safety protocol. Chinese tend to avoid conflicts with non-Chinese, hiding, and also looking for protection. Blurring identity was one of the protocols, such as claiming to have a special relationship with military generals, using dark sunglasses, changing identity in their ID document, using dark glass helmet and cars, avoiding Chinese traditional celebrations, and so on. All forms of resistance were prohibited, even from the Chinese community itself, because it was believed to endanger the community as a whole. Withdrawing themselves from outside community was believed as the best way out. Passivism became doctrine (Wibowo 1998).

Starting May 13 1998, Jakarta saw two days of large-scale unrest directed against the city's ethnic Chinese population. Their shops were ransacked, looted, and burned down; many were attacked; and numerous ethnic Chinese women were tortured, raped, and killed. The horror stories spread like wildfire.

Initially, there was the general perception that thousands of Chinese girls and women had been raped, and tortured, which caused Chinese families to panic. Many of these families, especially those with young women and girls, escape to what they hoped were safer places, either around Indonesia (such as Bali, Kalimantan, and North Sulawesi) or overseas (Suryadinata, 2001).

Turning point began when they realize the fact that there were only small numbers of Chinese who were wealthy enough to escape to other countries or regions. It questioned the passivism doctrine that they believed for years. Many of the Chinese had to defend themselves with everything they had in order to survive and protect their belongings. These sporadic resistances happened in many real estates in Jakarta where the Chinese lived. Many Chinese who previously only knew how to run business went out of their houses with everything they think they could use as weapons to repel the enemy⁷.

Apart from the economic crisis that hit Indonesia since 1997 that cause poverty, employment, and also wider economic gap between Chinese and indigenous people, there was a strong indication that the Riot in May 1998 was not a coincidence. Based on a report from Tim Gabungan Pencari Fakta Kasus Kerusuhan Mei 1998 (TGPF – Fact Finder Joint Team for May Riot 1998), they report that the riot was set up based on previous situation. The riot was most likely created as a part of a political struggle in the elite level. There is also an indication of involvement of the local gangsters, political organizations, mass organizations, and also the Indonesian army which acted outside their chain of command. They benefited not only by actively participating in the riot, and also by doing nothing to prevent it. In this sense, the Indonesian army failed to do their job since it was their duty to prevent the riot⁸.

But whatever the cause of the riot was, there was no doubt that May 1998 riots gave significant impact on the Chinese in terms of looking at their position among the Indonesian community as a whole. Many of them then think that the riot may be a momentum for them to fight for themselves. This momentum was boosted by the increase of sympathy not only from international community, but also from indigenous Indonesians. On top of that, the downfall of Soeharto regime had given them the opportunity to be directly involved in political process.

3.1. Movement By Establishing Chinese Political Party

After the end of New Order Era, hundreds of new political party were formed. The establishment of political parties based on ethnic in general and Chinese

⁷ D&R Magazine, May 16, 1998.

⁸ Laporan Tim Gabungan Pencari Fakta (TGPF) Peristiwa Tanggal 13-15 Mei 1998

ethnic political parties in particular was a new phenomenon, in the sense that for almost 30 years Indonesian had gotten used to have only 3 parties, none of them are based on ethnic. Therefore, the establishment of Chinese parties did not run smoothly. Criticism spread among Indonesians who were worried about the sustainability of the Indonesian unity.

By early 1999, there were 148 new political parties registered in Departemen Kehakiman (Ministry of Justice), based on ethnic, religion, ideology, and also grass root. Out of 148 new parties, there are 3 new political parties that were formed by the Chinese. They are Partai Bhineka Tunggal Ika Indonesia (Indonesian University in Diversity Party), Partai Reformasi Tionghoa Indonesia (Chinese Indonesian Reformation party), and Partai Pembaruan Indonesia.

As the requirements of forming a new party during that time were relatively simple, it is understandable that suddenly there are so many parties are formed in less than a year.. According to the Political Party Law, a political party can be formed by a minimum of 50 persons who are at least 21 years old, and use Pancasila as the organizational fundament, and accept the unity of Indonesia as their platform.

If forming a political party was so simple, becoming contestant in the general election was a different story. All registered political party should pass verification which had much more difficult requirements. According to the Law No.3/1999, a political party can become contestant in the 1999 general election if it fulfils requirements as follows:

- a. Its existence is legitimate according to the Political Party Law.
- b. It has branches in more than 50 percent of the total provinces in Indonesia
- c. It has branches in more than 50 percent of total kabupaten/kotamadya (municipality) in every province that was mentioned in point b.
- d. It submits the name and the logo of its political party.

The reason behind difficult requirements to become contestant in general election was because the government did not want to confuse the people. With 148 parties, it would be hard for the people to choose their preferred party. Not to mention difficulties on election logistics such as the size of ballot papers if there were too many contestants during the elections. There were also security reasons, e.g. to minimize clashes between party supporters during the campaigns. So the law was not made particularly to block the Chinese parties to participate in election, but more because of practical reasons. Many other minority based parties were also affected by the law.

Even though the Chinese had Partai Bhineka Tunggal Ika (PBI) as their own political party, this new party apparently failed to attract the sympathy and support of the Chinese. Most ethnic Chinese chose to vote for the indigenous

political parties instead of parties of their own. It went to all other ethnic based parties, not only the PBI. Political parties based on ethnicity failed to attract the community.

The 2004 General Elections was even worse for the Chinese parties, because out of 24 parties, not a single ethnic Chinese political party qualified for participation. Heavier new requirements to become political party and to become participant in the 2004 general election were the reasons behind all these. According to the Law no. 31/2002, every political party had to have branches in at least 50 percent of the total provinces in Indonesia. In those provinces, a political party had to have branches in at least 50 percent of total kabupaten/kotamadya (municipality). In those kabupaten/kotamadya, a political party had to have at least 25 percent of the total kecamatan (district). Every branch also had to have an office with a clear address. Out of hundreds new political parties, there were only 50 parties that passed the requirements.

That was not the only barrier that had to be faced by the political parties. Requirements to become participant in the 2004 general election was even more difficult. Every party that were qualified the political party verification had to have branches in at least 2/3 of the total provinces in Indonesia. In each of those provinces, every party had to have branches in at least 2/3 of total kabupaten/kotamadya. In each of those kabupaten/kotamadya, the party had to have 1/1000 registered members of the total population (if the population is less than 1 million) or at least 1,000 registered members (if the population is more than 1 million).

If the requirements for the 2004 election were so difficult, the requirements for the 2009 election are even more difficult. According to the Law No. 2/2008, every political party has to have branches in at least 60 percent of the total provinces in Indonesia. In those provinces, a political party has to have branches in at least 50 percent of total kabupaten/kotamadya (municipality). In those kabupaten/kotamadya, a political party has to have at least 25 percent of total kecamatan (sub-district). Central office committee should consist of at least 30 percent women, but it is not compulsory.

The requirements to become a participant in the 2009 election are quite similar with requirements for the 2004 election with additional requirement that every party has to have at least 30 percent women representatives in the central office committee. Since there is no significant progress from the Chinese to establish their own party, once again the Chinese ethnic based party fail to be a participant in the 2009 general election.

3.2. Movement Through Inclusive Parties

There are three main reasons why the Chinese decide to join inclusive non-Chinese parties. First, the Chinese party is not the right or proper party in

Indonesia. Kwik Kian Gie, an Indonesian well known economist and also member of the Partai Demokrasi Indonesia Perjuangan (PDIP-Indonesian Democratic Party-Struggle) may be one of the Chinese who believe in this reason. Kwik once said in Media Indonesia newspaper that the formation of a Chinese party was a setback for Indonesian's nation-building. The majority of Indonesian ethnic Chinese were already integrated into the mainstream society and to revive the idea of an ethnic party would have a negative impact on the nation building. Therefore, such a party would not bring benefit to Chinese Indonesians⁹.

Second, the Chinese party failed to be a participant in the general election. This happened especially in 2003 – 2004 when all of the Chinese parties failed to become participant in the 2004 general election. Singkawang, one of the most populated Chinese communities was previously the basis of PBI. Soon after PBI failed to be participant in the election, many Chinese politicians joined Partai Perhimpunan Indonesia Baru (PPIB – New Indonesia Alliance Party) and other political parties in order to participate in the election and run for the local parliament seat.

Third, the Chinese join inclusive party because of shared ideology, regardless of its ethnic orientation. Hendry Kwok joined the Partai Rakyat Demokratik (PRD – Democratic People's Party), a minor left-wing party formed in 1996 that was banned by the government but allowed to operate again after Soeharto's fall.

Some Chinese as a matter of fact had already join political parties during Soeharto era. For example, Saptono Mustakim, a member of Partai Perhimpunan Indonesia Baru (PPIB) and now Bupati of Kabupaten Lingga, was previously a member of Golkar, the biggest political party in Soeharto era. So was Kwik Kian Gie, he was already a member of the Partai Demokrasi Indonesia (PDI-Indonesian Democratic Party), one amongst the three political parties at that time. Unfortunately, there are only a very small numbers of Chinese who could play a central part in the party dynamics. Many of them could only play small part in the party's activity and is sometimes used by the party to show-off to the people that their party is not racist and open for everyone wanting to be involved. The only significant role that the Chinese could play in a political party (even until now) was by becoming a donator for the party, considering their power in economic.

The Chinese participation in politics through inclusive parties is not always smooth and are at times full of obstacles. One of the biggest problems as said by Haripinto Tanuwidjaya - a parliament member of the Kepulauan Riau Province from PPIB - is that they have to follow the agendas that have been

⁹ *Partai Tionghoa dianggap sebagai langkah mundur*, Media Indonesia, June 8, 1998.

set up by the party. Since the party is an inclusive party, anti-discrimination agenda is just one amongst many other agendas. The consequences then become obvious. They have to follow the party's agenda, and at the same time they also have to fight for their own agenda, which is fighting against ethnic discrimination¹⁰.

Another big problem that the Chinese politicians have to deal with is facing the political constellation inside political parties. In order to assure seats in the parliament, many Chinese decided to join small political parties. By joining the small parties, many of them have the opportunity to reach first position in the legislative candidate list. In Indonesia, especially since the 2004 election, voters have to vote for 3 levels – national level, provincial level, and district level. In every level, voters have to vote twice, first vote for the political party, and the second vote for the candidates of the member of the parliament. Every vote for parliament member candidate goes to the number one of the list which is then accumulated to get a seat in the parliament. The rest of the vote goes to the number two of the list, and so on. Candidates with lower votes can not claim the votes they earn unless they succeed to have enough votes to get a seat in the parliament. This is called *bilangan pembagi pemilih* (voters divided number). In other word, the higher position of the list they have, the more possibility they have to get a seat in the parliament. If they decide to join big parties, they have to compete with party cadres who already join the party for years in order to get number one of the list. In many cases, many candidates have to pay a lot of money to the party in order to get to the top of the list. That is why many Chinese decide to join small parties because the competition to get to the top of the list is not as hard as in big parties.

On the other hand, the decision to join small parties is also followed by big consequences. Most political parties are small simply because they are new parties, and therefore relatively unpopular among the voters. So, during the campaign the Chinese have to advertise not only themselves, but also advertise the party, because no matter how many vote they have, it will be useless if the voters do not vote for the party.

The other problem is that most Chinese politicians are relatively new in the political field. Many regulations made by the Soeharto regime which did not allow the Chinese to be involved in politics for over 30 years made the Chinese inexperienced to the dynamics of the politics in Indonesia. Many of them are active in politics based on trial and error, and of course it would be difficult for them to react properly against maneuvers that are made by their political opponents who are already have enough experience in politics. This

¹⁰ Interview with Haripinto Tanuwidjaya, parliament member of Kepulauan Riau Province.

problem occurs both inside the political parties they enter, and also in the parliament where they work after they are elected.

3.3. Dilemma of Movements Through Political Party

Political euphoria caused by the fall of Soeharto has made significant changes in Indonesia, including in its political system. No more restrictions in establishing new political party have resulted in the establishment of 148 new political parties in less than a year before the 1999 general election, and more and more parties were established in years after. It is actually good to see the enthusiasm of the Indonesians to participate in politics through their political party. But on the other hand, it would be very difficult in the technical level if all those 148 parties participate in the election. Many possible difficulties can be mentioned easily, such difficulties on preparing and handling the election logistics, voters may get confuse looking at so many political party logos on the election ballot, possible conflict between parties during campaign, and also the huge amount of budget the government have to spare for the election. Remember that Indonesia had just started to climb out of its deep economic crisis in 1997.

From here the dilemma begins. The government has to choose either letting all 148 parties become participants in the 1999 general election and facing the possible problems that I mentioned before, or make some restrictions to reduce the number of election participants as low as possible. And it seems that the government chose the second option. It is a dilemma because the restrictions that are originally used to simplify the election mechanism in a technical way became restrictions not only for the Chinese but also for many other minority groups to participate in politics through political party. It also means that channels for the Chinese to resist the discriminations directly through political party are also relatively closed.

Why is it? According to the Ministry of Home Affair, there are 33 provinces, 440 districts, and 5,263 sub-district atau localities in Indonesia now¹¹. If we look at Law no. 2/2008, every political party has to have approximately 20 branches in the provincial level, 220 branches in district level, and 1,316 branches in sub-district level. This figure is only used for the party just to be legitimated by Ministry of Justice and Human Rights. The next step to become a participant in the general election is even more difficult. Every party has to have approximately 22 branches in the provincial level, and 295 branches in district level. Some parties try to choose smaller provinces to have less requirements on the district level and subdistrict level, but it does not change much of the situation.

¹¹ Data Wilayah, <http://www.depdagri.go.id/konten.php?nama=DataWilayah>

It is true that the Chinese population is spread out in every province in Indonesia. But the problem is their numbers are relatively small. Besides, series of discrimination policies since colonial era to Soeharto era that force Chinese to live in pointed areas (mostly in urban areas) make most of them now live in urban areas. It is then very difficult for the Chinese parties to have branches in the sub-district level since more than half of the sub-districts are in rural areas.

The number of Chinese population is also way far from participating in the election. According to a census held in 2000, respondents who describe their ethnic background as ethnic Chinese are less than 1% of the country's 210 million inhabitants. Many sociologists believe this number is underestimated seriously: they believe that somewhere between six million and seven million people of the Chinese descent are now living in Indonesia¹². The estimation made by sociologists may be true, but it is still far from enough.

Requirements made by the government were proven successful in the 1999 and 2004 elections. But unfortunately at the same time those requirements are also blocking the opportunity of minority groups not only Chinese but also many other minority groups to directly participate in the election process with their own flags. This situation will remain the same unless significant changes in political party regulations are made.

A more feasible way to start movements through political party is by joining inclusive political parties. Some political parties already have grassroots that make them easier to pass verifications. Some of them do not have to do verifications because they passed the electoral threshold¹³ in the last election. Electoral threshold is a privilege for political parties to become participant in the next general election without verification if they could get at least 17 seats in the parliament and/or get at least 2.5 percents of the votes.

The only problem is the competition to climb to the top of leadership of the party is high and also to reach the top position of parliament candidates especially at national level is extremely difficult. Many people from many ethnics, religions, and interests try to get the same goal. Not to mention the relatively new experience of Chinese in politics in order to overcome manoeuvres of other contestants also become a problem. There is also the problem of synchronizing agendas between the actors involved and the agendas of political party.

¹² Johnston, Tim, "Chinese Diaspora: Indonesia",
<http://news.bbc.co.uk/1/hi/world/asia-pacific/4312805.stm>.

¹³ Law no. 31/2002.

One thing to remember is that most of the discriminative laws have been amended, but in reality, there are still many regions that still apply those laws simply because of extra income reason for corrupt bureaucrats¹⁴. So, in my opinion, the most effective way for the Chinese to make a movement is not by joining a party at the national level, but through the local level, both in the provincial level and in the district level. It has less competition. Many political parties do not have sufficient cadre system so it would be easier for anyone to get strategic positions, therefore it would be easier for them to get a seat in local parliament. On top of that, the most important thing regarding the problem of discrimination is mostly on the implementation at the local level. So, getting seats in local parliaments would be a strategic movement for the Chinese to make sure there are no more discriminations and abuse of power against the Chinese.

3.4. Conclusion

The fall of Suharto's regime has given the Chinese more opportunity to participate in the Indonesian politics, both through the establishment of Chinese ethnic based political parties or through inclusive parties. It also means that the Chinese has the opportunity to fight against ethnic discrimination directly through the formal political system.

Unfortunately, many obstacles are faced by the Chinese which hinder their movements against discrimination. Obstacles come from inside the Chinese people themselves who find it difficult to get rid of memories of their sad past political experiences. Obstacles also come from Indonesian political system that is so difficult to be implemented by the Chinese considering their objective situation.

Regardless of the obstacles that the Chinese have to deal with, their efforts to actively be involve in the formal politics should not be stop to make sure their voice as a minority group is heard, and to promote the ability of the Chinese to recognise their interest and pursue it in politics.

¹⁴ All Chinese that I interviewed admit that they have to pay more money and go to more tables in order to deal with bureaucracy, like renew their ID card, renew their passport, or processing the business permit no matter the law that support it is no longer applied.

Chapter 4

Movement Through Culture and Civil Society

Despite the freedom of political activity for the Chinese after the fall of Soeharto, not many Chinese have the courage to participate in politics. Long lasting sad history of Chinese who participated in politics years ago are still remembered especially by old generations. Some Chinese that I interviewed admit that in some way their family questioned their decision to be involve in politics. Some advice them to forget about politics and concentrate in other fields, or encourage them to continue the family business, while some others refer to situation that happened since 1965-1966 when Chinese suffered deeply after being accused by Soeharto's regime as supporter of communism simply because China at that time made alliance with Indonesian Communist Party¹⁵.

Although many Chinese decide to be involve in politics, there is no agreement about how to participate. While some choose to participate in politics by forming Chinese party or join inclusive party, some others decide to participate in non political party by establishing ethnic based associations, and by forming non-governmental organizations. There are many reasons why many do not want to join political party. Some felt that political parties were dangerous, some felt that an ethnic party would not be effective, some felt that there is no flexibility because they have to obey the agenda that have been made by the party, and some others felt more comfortable by forming NGOs because of their previous background as activists.

4.1. Movement Through Ethnic Associations

On September 28th, 1998, a non-party, ethnic-Chinese association was established called Paguyuban Sosial Marga Tionghoa Indonesia (PSMTI – Indonesian Chinese Social Clan Association)¹⁶. The founder and the Chairman of PSMTI is Tedy Jusuf, former brigadier general police.

The fact that PSMTI use the word “clan” is quite funny, in the sense that many Chinese in Indonesia are no longer use their Chinese surname. Most of them

¹⁵ Haripinto Tanuwidjaya (parliament member of Kepulauan Riau Province), Isyak Meirobbie (parliament member of Kabupaten Belitung Timur), and Wahyu Effendi (chairman of GANDI) tell similar story about how their family are concern about their decision to involve in politics. They were suggested to leave politics and concentrate in other things, especially in economy.

¹⁶ Guidance book of PSMTI National Meeting in Jakarta, 7-11 November 2006,

change their surname with another names that have more Indonesian soundings. Of course, there are still many who still try to preserve their Chinese name, or are doing more creative and moderate things like modifying their Chinese name into Indonesian names. For example, Chinese name Han become Handoko, Liem become Salim, and so on. Furthermore, most Chinese especially young generations have lost command of the Chinese language and dialects completely.

Internal conflicts between leaders of PSMTI lead to the establishment of Perhimpunan Indonesia Tionghoa (INTI – Indonesian Chinese Association) on February 5th, 1999. The conflicts are mainly focused on the difference of organizational management, vision and mission; e.g. does the organization only focus as social organization or also political organization, and so on¹⁷.

If we look at the constitution of both associations, INTI seems to be more open in its membership compare to PSMTI. In PSMTI's constitution, it is stated explicitly that members of PSMTI are Chinese with Indonesian citizenship. Contrary, In INTI constitution there is no explicit statement that member of INTI must be Chinese¹⁸. Although it brings together particularly the Chinese Indonesian, Perhimpunan INTI claims themselves as an inclusive group. A need is felt, however, that Indonesian community members of Chinese origin must strengthen the unity among them and promote their awareness of their obligations as well as their rights as Indonesian citizens¹⁹.

Both PSMTI and INTI have the common goal to promote solidarity between ethnic Chinese and indigenous Indonesians and contribute to the country's developments. These are represented by doing series of social activities that also involve and give benefits for indigenous Indonesians. During natural disasters, PSMTI, INTI, and many other Chinese associations are also actively involved by collecting donations and also giving free medication service. One of the biggest social activity was done by INTI on March 2nd in Tegal, Central Java, by giving free medical treatment to 11,138 poor people in 7 hours. This event was then recorded as a new record by Museum Rekor Indonesia (MURI – Indonesian Record Museum).

PSMTI and INTI have also problems both internally in terms of movements. The biggest problem they have to deal is the financial problems. Most of the board of committee members are professionals and workers, not entrepreneurs. They have donators to finance the association, but only in small

¹⁷ Interview with Wahyu Effendi, Chairman of Gerakan Perjuangan Anti Diskriminasi (GANDI – Anti-Discrimination Struggle Movements)

¹⁸ Anggaran Dasar dan Anggaran Rumah Tangga PSMTI (Constitution of PSMTI), Guidance book of PSMTI National Meeting in Jakarta, 7-11 November 2006.

¹⁹ Perhimpunan INTI Website, <http://en.inti.or.id/profile/1/>

numbers. They also depend on contributions from their members. This situation occurs because many Chinese entrepreneurs do not think that joining the Chinese association is important. Many of them prefer to join another organization in national or international level like Lions Club, Rotary Club, while some others prefer religious organizations like Christian, Catholic, Buddha, or even Islamic organizations.

The other problem regarding movement against discriminations especially in PSMTI is that according to PSMTI constitution, the members and especially the members board of committee are not allowed to join political parties or any other organizations that are affiliated to political parties. Furthermore, all members are not allowed to do political activity on behalf of the association. This means that these associations from the very beginning are formed only to act in social and cultural field, not in politics.

But although it is stated clearly that members of PSMTI are not allowed to be actively involved in politics, there are signs of a shift in its orientation. In my interview with Eddy Jusuf, the Chairman of PSMTI, he said that every members of PSMTI are endorsed to be more active in politics, and not only to be busy with their economic activity²⁰. Anda Hakim, head of Legal Division at PSMTI is also chairman of Partai PIB (New Indonesian Struggle Party) in Jakarta branch and now candidate for the legislative member at the provincial level in Jakarta for 2009 election²¹.

4.2. Movement through NGOs

There is something special with the movement through NGOs. It is because most of the Chinese who prefer to do the movement through NGOs are mostly from the younger generations. Most of them were born during Soeharto's regime era. That is why many of them did not realize that there were discriminations because they did not know the different situation between before Soeharto era and during Soeharto era.

Another characteristic from this movement is most of the Chinese who are involved in anti discrimination NGOs have previous experience as activists. For example, Christopher Nugroho (Chinese name Ngo Heng Liang), an activist in Gerakan Perjuangan Anti Diskriminasi (GANDI – Anti-Discrimination Struggle Movements), was previously an activist in Perhimpunan Mahasiswa Katolik Republik Indonesia (PMKRI - The Union of Catholic University Students of the Republic of Indonesia) and Forum Kebangsaan Pemuda Indonesia (FKPI – Indonesian Youth Nationalistic

²⁰ Interview with Edy Jusuf, Chairman of PSMTI.

²¹ Interview with Muhammad Sufiatna, Researcher for Partai PIB.

Forum) which is a group of 10 youth organizations (PMKRI, PMII, GMNI, GMKI, KMHDI, IPNU, IPPNU, Pemuda Demokrat, Gemabudhi, and GMKI). Ester Indahyani Jusuf (Sim Ai Ling), the chairman of Solidaritas Nusa Bangsa (SNB – Homeland Solidarity), was previously an activist in Lembaga Bantuan Hukum (LBH – Legal Aid Institution). Meilisa Husein (Tjong Li Sa), an activist in SNB, was previously an activist in Atma Jaya University by becoming a coordinator in the moot court activity. Surya Tjandra (Oey Tjoeng Tat) was an activist in Solidaritas Pemuda-Pemudi Tionghoa Indonesia (SIMPATIK – Indonesian Chinese Youth Solidarity) and also an activist in LBH and founder of Pusat Studi dan Advokasi Hak-Hak Serikat Buruh (TURC – Trade Union Rights Centre). There is also Wahyu Effendi (Tjoa Jiu Tie), the chairman of Gerakan Perjuangan Anti Diskriminasi (GANDI – Anti-Discrimination Struggle Movements) was previously active as a member of the student senate in Tarumanegara University. He is also known as a member of Konsorsium Catatan Sipil (consortium of civil registration), a consortium of NGOs with government offices and UNICEF which have the responsibility to formulate new civil registration law. Those are activists among many others who are now involve in movements against Chinese discriminations.

The establishment of GANDI may be a good example of how these NGOs are formed²². When the 1998 Riot occurred, many GANDI activists have already worked in various fields, like in banking industry, lawyer, accountant, and so on. After the 1998 Riot, some of them then conducted several informal meetings and discussed the current social and political situation. The meeting itself was initially initiated by older Chinese generations but then more serious meetings continued by the younger generations themselves. The idea of forming a new organization then grew up especially after the involvement of some senior non Chinese politicians such as Gus Dur (chairman of Nahdlatul Ulama (NU), later became President of Republic of Indonesia), Matori Abdul Djilil, and Said Agil Siradj.

There was a common understanding that there were serious discrimination problems in Indonesia and something had to be done. Older generations realized that young people was needed to run organization. So the Chinese younger generations came forward with support from some young non-Chinese activists such as Muaimin Iskandar, Saifullah Yusuf, and some others. After some preparations GANDI was established in 1998.

The main focus of GANDI and many other anti-discrimination NGOs is to push for amendments in discriminative laws in Indonesia. They started by listing discriminative laws. Together with other NGOs they came with a series of actions to push the amendment of discriminative laws. For example, 10

²² Summarized from interview with Wahyu Effendi, chairman of GANDI, July 30th, 2008.

NGOs made a coalition that is called Koalisi Kewarganegaraan Republik Indonesia (Citizenship Coalition of Republic of Indonesia) to participate in formulating the citizenship law. Some of the activists were also involved in Gugus Tugas Anti Diskriminasi (Anti Discrimination Unit Work) formed by Komisi Nasional Hak Asasi Manusia (National Commission for Human Rights). NGOs are also involved in Konsorsium Catatan Sipil (Civil Registration Consortium) together with the Ministry of Home Affairs, the Ministry for Women Empowerment, National Commission for Human Rights, UNICEF, and Plan International to formulate a new draft of civil registration law.

In order to campaign the anti-discrimination idea, the NGOs are also active in many other actions such as publishing some publications e.g books, booklets and also websites. Besides that, some of the NGO activists are also active as speakers in many forums and seminars both in national or international level. Ester Jusuf, chairman of SNB is one of the activists who is active in the anti discrimination campaign throughout the world. She was a speaker in the World Council Churches (WCC) meeting which presented “Women and the Struggles against Racism”, in Bangalore, India, 1999. She was also specially invited by the Congress of United States in “Torture and Racial Discrimination in Indonesia” forum, also in 1999. In 2000 and 2001, United Nations used Ester’s testimony about racialism and religion as an official report I Geneva (Wibowo, 2008). Those are just some examples among many other campaigns that are done by NGO activists in order to gather support from everywhere and to keep the idea alive.

4.3. Looking Beyond Discriminative Laws

Talking about Chinese discrimination is not only talking about discriminative laws. It is also not only talking about discrimination policies. Further than that, it is also talking about building understanding and harmony among Indonesians, both Chinese and non-Chinese.

It is important to point out that lack of interaction between the Chinese and non-Chinese community often leads to suspicion, and then end up to hatred. Conflicts may happen very easily because of simple things. Riot 1998 may be the best example how Chinese become victims of such misunderstanding. Further than that, it is sometimes used by opportunist politicians to take advantage of the situation.

Apart from the Chinese tradition of hard work in running their business, Chinese power in economy nowadays is partly because of the government’s policy during the New Order era that restrict them from participating in many other aspects outside economy. Chinese way of living together in certain area which resulted to lack of communication and understanding with outside non-Chinese communities is partly caused by the government’s policy since colonial

era to localize Chinese in order to control them more easily. There are many other things which are unfortunately missing, many often from discussions about Chinese discriminations.

As organizations which have dozens of branches in many provinces in Indonesia and have thousands of members, PSMTI and Perhimpunan INTI are in a strategic position to promote understanding and solidarity between the Chinese and non-Chinese community. Series of social and cultural activities done by them can spread signal to non-Chinese communities that they exist as part of Indonesian community. Many activities such as donation and medical service especially after natural disasters can also spread signal to others that they do have sympathy and empathy with the suffering of others and therefore should be appreciated. Those activities do not only give benefits for non-Chinese communities but also create more interaction between Chinese and non-Chinese communities. These efforts of course are not enough and may be too instant to stimulate solidarity and understanding between communities, but at least it can be appreciated as a good start. These can be a stepping stone to move on to more fundamental activities in strengthening solidarity between the Chinese and non-Chinese communities. For the Chinese, these efforts can endorse them to interact with non-Chinese community and give them new understanding so they do not feel excluded and consider themselves as 'outsiders' but become part of Indonesian society.

4.4. Discrimination as Common Issue

An interesting thing about movement through NGO is that most of the activists are Chinese from younger generation. Many of them are under 40 years old, and therefore did not experience or did not remember the situation before 1966 when Soeharto had not assumed his power. As a result of the "Indonesianization" policy made by Soeharto regime, many of them have already lost command of the Chinese language and consider themselves more as part of Indonesia rather than China. The facts that they identify themselves as Indonesian lead them to act as Indonesian who is looking for equality as citizen rather than outsider who is looking for respect.

Before being involved in anti discrimination NGOs, many of them have already become activists and have experience in NGO activities. This fact of course gives significant benefit for Chinese NGOs in the sense that they know the role of NGOs and how to run organization. Most importantly, they already have network with other NGO activists that makes easier to have common understanding among NGO activists. As many of them familiar with latest information technology, it would not be difficult for them to use it to communicate to each other and share information related to various issues.

One thing that is lacking in the discussion on discrimination: It seems the Chinese are the only one who face the discrimination problem while non-

Chinese do not have similar problem, and therefore they are excluded from the movement. Well it is not. Many problems related to discrimination are actually also part of problem of Indonesian as a whole.

One of the biggest tasks that the NGOs should deal with is to build understanding among themselves and also among the Indonesian people in general is that discrimination issue is not only the problem of the Chinese, but also the problem of Indonesia as a nation. Discrimination is a common problem both for Chinese and non-Chinese. Discrimination is not only seen as violence against Chinese. It is a violation against human rights. It is also a violation against civil rights. Chinese movement against discrimination should be seen as Indonesian citizen movement against civil rights violations and therefore must be supported by other people. Citizens regardless of their ethnic, religion, political view, are supposed to be treated equally before law, and therefore their rights are supposed to be protected. Minority groups should to have the same opportunity to participate as part of Indonesian citizens. Discrimination is no longer seen only as problem of the Chinese per se, but in broader sense, it is a citizenship problem. Discrimination may happen to any other minority groups in any forms, and therefore discrimination can become common concern. By looking at discrimination as common issue, it is then easier for the Chinese NGOs to gather support from other elements outside the Chinese circle.

4.5. Conclusion

Chinese discrimination can not only be done through political system. There are many reasons why many Chinese decided not to be involved in a movement through political parties. Some of them do not choose it because of psychological and historical reasons, and some others think that it can be done through associations or NGOs.

Movement through Chinese associations is different compared to movement through political system. This movement is more cultural rather than political, because the main goals of this movement is to build more intensive interaction between the Chinese and non-Chinese, to promote mutual understanding between the Chinese and non-Chinese community, and also at the same time to preserve the Chinese culture.

This kind of movement becomes important because Chinese discrimination is not simply only about discriminative laws. It is also about cultural discrimination as a result of long periods of Indonesian history that were systematically made since Dutch colonial era to Suharto's era that put Chinese as a bumper to limit the interaction between the Chinese and non Chinese and which resulted in suspicion and even hatred among them.

Movement through NGOs is another form of movement that particularly play the role as pressure groups to make sure Indonesian authorities amend discriminative laws. NGOs also have strategic position to promote the Chinese discrimination issue in broader sense by looking at it not only as problem of the Chinese but also as problem of Indonesian as a whole. It can be done by bringing the discrimination issue as a violation against Chinese rights but also violation against human rights. Chinese movement against discrimination should be seen as Indonesian citizen movement against civil rights violations and therefore must be supported by other elements in Indonesia. Citizens regardless of their ethnic, religion, political view, or whatever are supposed to be treated equally before law, and therefore their rights are supposed to be protected.

Chapter 5

Conclusion

The political discrimination faced by the Chinese Indonesian has a long history and has existed since the Dutch colonial era. It started from the Dutch colonial era by limiting mobility to Chinese and also by giving Chinese economy concessions that resulted in the lack of interaction between Chinese and indigenous Indonesian and also produced wealth gap between Chinese and indigenous Indonesian. This policy was then followed by Indonesian government primarily by the Suharto's regime from 1966 to 1998 for only two reasons: political and economic benefit.

Chinese discrimination is not only about political problem. It is also social and cultural problem. There are discriminative laws, but at the same time there are also interaction problems between Chinese and indigenous Indonesian that resulted to suspicion and even hatred between them. The Chinese also want to preserve their own culture and they want their culture recognized as unique culture and have same status as other ethnic groups in Indonesia.

Therefore, solving discriminations problem can not simply be done by amending discriminative laws. There are discriminative laws that have to deal with, but at the same time building understanding and communication between Chinese and indigenous Indonesian are also important to be done.

The riot in May 1998 was a shocking example how discrimination problem can turn into a very serious situation especially for the Chinese. That tragedy gave the Chinese a good lesson that they can not completely rely on political will from the government. The needs for equality emerged among the Chinese, not only in terms of politics but also in terms of social and cultural matters. That was why soon after the fall of Suharto there was a shift of the Indonesian politics towards more democracy, and Chinese political, social, and cultural organizations established. In less than a year, there are Chinese political parties, Chinese associations, and also NGOs that focused on Chinese discrimination issues.

What is so called Chinese ethnic in Indonesia basically consists of many 'sub-ethnics'. They came from before immigrate to Indonesia. They have different custom, different habit, and even different language. They are all considered as one entity simply because of their physical appearance. Those differences give shapes on how they see things, how they do, and how they react. Therefore it is understandable if they have different ways in looking at the problem in front of them, including discrimination problem. Although the Chinese have same perception about discrimination problem, but there is no such agreement on how they have to deal with it.

The Chinese past experience also take account on how they perceive the discrimination problem. Older generations that experience bad situation in 1960-s tends to avoid activities related to politics. On the other hand, younger generations react more actively in order to fight against discrimination with different and more progressive perspective. Those differences then give shape on forms of movement that they choose.

Each form has its own characteristic, as well as opportunities and obstacles. But regardless of the obstacles that have to be faced by the Chinese in their movements, various forms of movements can be seen as a reflection of plurality among the Chinese in Indonesia. It also can be seen as their efforts to solve discrimination problems since Chinese discrimination is not only about discriminative laws but also about lack of understanding and interaction between the Chinese and indigenious Indonesian as a result of discriminative politics in the past.

In a broader sense, discrimination is not only about a violation against the Chinese. It is a violation against human rights and civil rights. Chinese movement against discrimination should be seen as an Indonesian citizen movement against civil rights violations and therefore must be supported by other elements in Indonesia. Citizens regardless of their ethnic, religion, political view are supposed to be treated equally before law, and therefore their rights are to be protected. Minority groups should to have the same opportunity to participate as part of Indonesian citizens. Discrimination is no longer seen only as problem of the Chinese per se, but in broader sense, it is a citizenship problem. Discrimination may happen to any other minority groups in any forms, and therefore discrimination can become common concern.

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- Isyak Meirobbie, parliament member of Kabupaten Belitung Induk.

Appendix

LIST OF DISCRIMINATIVE POLICIES

Based on Ethnic and Religion

National Commission for Human Rights – Nation Unity Communication Forum – Anti-Discrimination Struggle Movements

NO	POLICY	ABOUT	PROBLEMS	PROBLEMS
1	Presidential Decree No.240, year 1967	Policy Related to Foreign Citizens	<p>Chapter II point 3: Control of foreign citizens through assimilation especially to avoid racial exclusiveness. Assimilation as a matter of fact declined plurality aspects and ethnic identity of citizens.</p> <p>Point 5: For those who are still use Chinese names are adviced to change to change their name into Indonesia soundings name. This policy against identity rights of citizens.</p> <p>This policy conflicts with Indonesian Constitution that ignores aspects of equality and human rights, Law no.39/1999 on Human Rights, and ratified of International Convention on the Elimination of All Forms of Racial Discrimination, and violate civil rights of citizens.</p>	This policy must be abolished, and integration among citizens should be done naturally by the citizens themselves.
2	The Decree of Minister of	Republic of Indonesia	This decree subjects to foreign Indonesian, but	Abolished. Birth certificate, ID,

	Justice No. JB.3/4/12, 14th March 1978	Citizenship Certificate	in reality, this policy implemented only to Chinese Indonesian.	family certificate, or passport is enough to prove citizenship
3	The Decree of Minister of Justice No. M.01-HL.04.02 tgl 25 April 1983	Double Citizenship Agreement Certificate between Republic of Indonesia and Peoples Republic of China and Republic of Indonesia Citizenship Certificate	Republic of Indonesia Citizenship Certificate was not compulsory for Double Citizenship Agreement Certificate holder, but in reality it is still applied to Chinese Indonesian.	Abolished. Birth certificate, ID, family certificate, or passport is enough to prove citizenship
4	The Decree of Minister of Justice No. M.02-HL.04.10 10 July 1992	Indonesian citizenship proof for the Children of Republic of Indonesia Citizenship Certificate holder.	In reality, children of Indonesian Certificate holder were also required to have the same certificate due to requirement from numerous governmental institutions such as Ministry of Education and Culture, Ministry of Religion, Ministry of Trade, and also Ministry of Justice. Citizenship Certificate is required to apply for schools, start business, and also apply for passport, although there was The Decree of Ministry of Justice No. M.02-HL.04.10, 10 July 1992 dan Surat Men.keh kepada Mendagri No. M.UM.01.06-109 about Birth Certificate.	Need broader statement that Birth Certificate, ID, and Family Certificate are LEGITIMATE PROOFS of citizenship
5	Letter from Minister of Justice to Ministry of Internal Affairs No. M.UM.01.06-109, 10 July 1992	Citizenship Certificate for Chinese Indonesian.	In reality, children of Indonesian Certificate holder were also required to have the same certificate due to requirement from numerous governmental institutions such as Ministry of Education and Culture, Ministry of Religion, Ministry of Trade, and also Ministry of Justice. Citizenship Certificate is required to apply for schools, start business, and also apply for	Need broader statement that Birth Certificate, ID, and Family Certificate are LEGITIMATE PROOFS of citizenship

			passport, although there was The Decree of Ministry of Justice No. M.02-HL.04.10, 10 July 1992 dan Surat Men.keh kepada Mendagri No. M.UM.01.06-109 about Birth Certificate.	
6	Directorate General of Law and Policy Instructive No. JHB.3/104/11, 2 January 1980	Administrative solving on Citizenship Certificate applications	Non-indigeous Indonesian who already lived in Indonesia for generations could only show birth certificate as legitimate proof as Indonesian citizens. Citizenship certificate was not required.	This instructive should be strengthen with Presidential Decree or Presidential Directive that non-indigenous Indonesian are Indonesian citizens. Therefore, birth certificate, ID, or family certificate should be legitimate as proof of Indonesian citizenship
7	Circular of Directorate General of Law and Policy No. JHB.3/157/24, 22 November 1980	Citizenship Certificate applications	Citizenship certificate was not required for non-indigenous Indonesian. In reality, citizenship certificate was still required for Chinese Indonesian and their children.	This instructive should be strengthen with Presidential Decree or Presidential Directive that non-indigenous Indonesian are Indonesian citizens. Therefore, birth certificate, ID, or family certificate should be legitimate as proof of Indonesian citizenship
B. CIVIL ADMINISTRATION				
8	Cabinet Presidium Instructive No. 127/U/KEP/12/1966	Requirement for Chinese Indonesian to change their Chinese name to Indonesian soundings name	This was a discriminative policy and violate human rights	Abolished
9	Presidential Decree No. 52 Tahun 1977	Citizenship registration	This policy mentioned the requirement for Chinese Indonesian to have citizenship	Policy about citizenship certificate and ethnic classification must be

			certificate for Chinese Indonesian in citizenship registration. This policy still classified citizenship based on ethnic	abolished
10	Minister of Internal Affairs Decree No. 8 th. 1977 Tgl. 10-Dec-1977	Civil registration matters	There was tendency that this decree was camouflage of racialist policy of Minister of Internal Affairs.	Minister of Internal Affairs Decree No. X.01 Th 1977 and all its technical policies must be abolished completely Discriminative policies must not allowed in all regions of Indonesia In long term there should be law about civil administration that cover national scope and must not classify citizenship based on Law No. 3 thn 1946
11	Minister of Internal Affairs Instructive No. X01 10 December 1977	Technical regulations of civil registration	Discriminative service for Chinese Indonesian compared to other Indonesian citizens, such as secret code on ID and requirement of having K-1 form for Chinese Indonesian in Jakarta.	This instructive with all other policies that follows must be abolished completely There must not be discriminative policies to all Indonesian citizens in all regions of Indonesia In long term there should be law about civil administration that cover national scope and must not classify citizenship based on Law No. 3 thn 1946
12	Minister of Internal	Civil registration for	Discriminative treatment on civil registration to	Minister of Internal Affairs Instructive

	Affaair Decree No. 1A 2 January 1995	Management Information System	Chinese Indonesian and other non-indigenous Indonesian citizens like giving code on ID and requirement of having K-1 form for Chinese Indonesian in Jakarta. This discriminative policy was inspired by Minister of Internal Affair Instructive No. X.01 year 1977	No. X.01 Th 1977 and all other policies that folloed must be abolished completely There must not be discriminative policies to all Indonesian citizens.in all regions of Indonesia
13	Minister of Internal Affair Decree No. 1A 30 Januari 1995	Specification of forms/ blanco/ books and all other supportive materials that were used in civil registration	Discriminative treatment on civil registration to Chinese Indonesian and other non-indigenous Indonesian citizens like giving code on ID and requirement of having K-1 form for Chinese Indonesian in Jakarta. This discriminative policy was inspired by Minister of Internal Affair Instructive No. X.01 year 1977	Minister of Internal Affair Instructive No. X.01 Th 1977 and all other policies that folloed must be abolished completely There must not be discriminative policies to all Indonesian citizens.in all regions of Indonesia
C. CIVIL RECORD				
14	Cabinet Presidium Instructive No. 31/U/IN/1966, on 27 December 1966	Civil Record	In reality, this instructive caused discrimination in many aspects due to use of ethnic classification based ordonance system on civil registration	This directive must be abolished with Presidential Decree or President Instructive
15	Presidential Decree No. 12 on 25 February 1983	Management of Civil Registration	Clause 1 point a : Management and issue of birth certificate, death certificate, marriage certificate, and divorce certificate for non moslem Indonesian	This decree must be abolished with another Presidential Decree that is not discriminative
16	Joint Circulars of Ministry of Internal Affair and Ministry of Justice No. Pemudes.51/1/3.J.A.2/2/	Application of Cabinet Presidium Decree No. 127/U/Kep/12/1966 and Cabinet Presidium	Standarization of certificate blanco, but in essence was still classify citizens based on ordonance system	This policy must be abolished due to violent of human rights

	5 on 28 January 1967	Instructive No. 31/U/IN/12/1966		
17	Minister of Internal Affair Decree No. 221A/1975	Registration of marriage and birth	This decree was still classify citizens based on ethnic and religion, and could not revise ordonance as same level as Laws	Regulation about marriage registrations and birth registrations for Indonesian citizen must be managed through ordonance that has the same level as Laws based on hierarchy of Laws. Therefore this decree must be ignored due to the fact that Minister decree could not abolish ordonance
18	Minister of Internal Affair Circular No. 474.2 / 2257 / PUOD on 27 May 1986		Arrest someone on the crime of immigration (illegal immigrants) does not revoke the rights asasinya associated with marriage. Person's right to marry is one of the basic rights. Therefore, this provision violates human rights.	This policy violates human rights, therefore it must be abolished.
19	Minister of Internal Affair Instructive No. 474.1-311	Birth certificate dispensation	Birth certificate dispensation only subjects to indigenus Indonesian citizens.	This policy must be abolished with another policy that gives same treatment to all Indonesian citizens
20	Minister of Internal Affair Circular No. 474 / 1376 / POUD	Reports of death for Chinese Indonesian and European Indonesiaian	Death and birth reports of unmarriage children only subjects to Chinese Indonesians and European Indonesians	This policy must be abolished with another policy that gives same treatment to all Indonesian citizens
21	Minister of Internal Affair Circular No. 474 / 1592 / POUD	Delivery Reports of death for Chinese and European Indonesian	Death report delivery only subjects to Chinese Indonesians and European Indonesians	This policy must be abolished with another policy that gives same treatment to all Indonesian citizens
22	Minister of Internal Affair Circular 893.3 / 1558 / POUD	Follow up of civil registration job training	Follow up of civil registration job training discriminate citizens based on ethnic	This policy must be abolished with another policy that gives same treatment to all Indonesian citizens

23	Minister of Internal Affair Circular No. 474.1/1814/PUOD on 26-5-'90;		Discriminative policy based on ethnic	This policy must be abolished with another policy that gives same treatment to all Indonesian citizens
24	Minister of Internal Affair Circular No. 477/2220/PUOD on 29 May 1989	Birth certificate registration	Discriminative policy that treat Chinese Indonesians as if they are foreign citizens	This policy must be abolished with another policy that gives same treatment to all Indonesian citizens
25	Minister of Internal Affair Decree No. 474.1-785 on 14 Oktober 1989;	Issuance of late birth certificate	Issue of late birth certificate by making dichotomy and only subjects to indigenous Indonesians	This policy must be abolished with another policy that gives same treatment to all Indonesian citizens
26	Minister of Internal Affair Circular No. 474.1 / 809 / PUOD on 1 March 1990	Implementation guidelines of Minister of Internal Affair Decree No. 474-1-785	Discriminative implementation guidelines No. 474.1-785 tgl. 14-10-1989 by making dichotomy and only subjects to indigenous Indonesians	This policy should be abolished with the regulations that provide equal treatment to all Indonesian Citizens without racial or religious classification
27	Minister of Internal Affair Circular No. 474.1 / 1812 / POUD on 28 May 1990;		This policy is still on discriminative Presidential Decree No. 12 year 1983	This policy should be abolished with the regulations that provide equal treatment to all Indonesian Citizens without racial or religious classification
28	Minister of Internal Affair Circular No. 477 / 1977/ POUD on 11 June 1990	Marriage records	Marriage records that still use dichotomy of indigenous Indonesian.	This poicy should be abolished with the regulations that provide equal treatment to all Indonesian Citizens without racial or religious classification
29	Minister of Internal Affair Decree No. 102/1991		This policy still classify citizens on the basis of ethnic and religion	This poicy should be abolished with the regulations that provide equal

				treatment to all Indonesian Citizens without racial or religious classification
30	Minister of Internal Affairs Instructive No. 3/1992;		This caused the discrimination in civil service record against fellow citizens	This policy should be abolished with the regulations that provide equal treatment to all Indonesian Citizens without racial or religious classification
31	Minister of Internal Affairs Circular No. 474.3 / 408 / POUD on 23 January 1991;		This policy still classifies citizens on the basis of ethnic and religion	This policy should be abolished with the regulations that provide equal treatment to all Indonesian Citizens without racial or religious classification
32	Minister of Internal Affairs Decree No. 131/1997		This policy still classifies citizens on the basis of ethnic and religion	This policy should be abolished with the regulations that provide equal treatment to all Indonesian Citizens without racial or religious classification
33	Minister of Internal Affairs Decree No. 132/1997	Blank form and the birth certificate	Forms used in civil records still use <i>staatblad</i> that classifies citizens on the basis of ethnic and religion	This policy should be abolished with the regulations that provide equal treatment to all Indonesian Citizens without racial or religious classification
D. IMMIGRATION				
34	Director General of Immigration Circular No. F-IZ.02.07-1025 on 3 August 1998	Indonesian citizen status doubt	“...note the characteristic of physical, dialect, and fluency of region language” – This circular is racist and discriminative. In reality, this circular only subjects to Chinese	This policy must be abolished with non-discriminative Director General of Immigration Circular or Presidential Decree.

			<p>Indonesians who have typical physical characteristic with citizens of People's Republic of China.</p> <p>This policy conflicts with Indonesian Constitution about human rights equality, Law No. 39 year 1999, UU and ratified of International Convention on the Elimination of All Forms of Racial Discrimination</p> <p>his provision ignores the Birth Certificate, ID, passport even as the country's legal documents, that shows someone's Citizenship</p>	
E. CULTURE AND CUSTOM				
35	Preasident Insructive No. 14 on 6 December 1967 2)	Chinese Religion, beliefs, and custom	<p>Contradiction with human rights, the nature of democracy, and discriminative.</p> <p>This policy uses Cabinet Presidium Instructive No. 37/U/IN/6/1967 as considerant</p>	This policy along with other discriminative considerant must be abolished due to discrimination of cultural activity
36	Ampea Cabinet Presidium Circular No. SE-06/Pres.Kab/6/1967 on 28 June 1967	Chinese Issues	Degrading other nation's status	This regulation with its preamble that are discriminative must be abolished because it is colored by discrimination/ limit cultural activities
37	Minister of Internal Affair Instructive No. 455.2/360 year 1988	Temple arrangements	<p>Conflict with Human Rights and democratic system, and also discriminative (look at point Considering:....all cultural arrangements (China) that are not align with Indonesian personality should be avoided).</p> <p>This regulation is based on Cabinet Presidium Instructive No. 37/U/N/6/1967</p>	This regulation with its preamble that are discriminative must be abolished because it is colored by discrimination/ limit cultural activities

F. RELIGION				
38	Presidential Decree No. 1 year 1965 on 27 January 1965	Prevention in Misuse and / or Disgracing Religion	Conflict with Human Rights and democratic system Conflict with Clause 29 of Indonesian Constitution Excessive intervention / boundaries from the government for religious activities	This regulation must be abolished because religion is the basic rights that cannot be intervene by anyone.
39	Joint Decree of Minister of Religion and Minister of Internal Affair No. 01/BER/MDN-MAG/1969	The implementation of Government task in ensuring orderliness in religious activities and development	Conflict with Human Rights and democratic system Excessive intervention / boundaries from the government for religious activities	This regulation must be ABOLISHED because religion is the basic rights that cannot be intervene by anyone.
40	Joint Decree of Minister of Religion and Minister of Internal Affair No. 1 year 1979	Implementation of religious spreading and foriegn aid for religious organization in Inonesia	Conflict with Human Rights and democratic system Excessive intervention / boundaries from the government for religious activities	This regulation must be ABOLISHED because religion is the basic rights that cannot be intervene by anyone.
41	Minister of Internal Affair Circular No. 477/74054 on 18 November 1978 3)	Instruction on filling the "religion" column in the appendix of Minister of Internal Affair Decree No. 221a year 1975	Conflict with Human Rights and democratic system Excessive intervention / boundaries from the government for religious activities	This regulation must be ABOLISHED because it is Conflict with the explanation of Law No.1/PNPS/1965 and Clause 29 of Indonesian Constitution This regulation must be ABOLISHED because religion is the basic rights that cannot be intervene by anyone.
42	Coordinator Minister of Citizens Welfare's Letter	Policy for the Khong Hu Cu society	Conflict with Human Rights and democratic system	This regulation must be ABOLISHED because it is Conflict

	to Minister of Internal Affair No. 764/MENKO/KESRA/ X/1983 tanggal 15 Oktober 1983		Excessive intervention / boundaries from the government for religious activities	with the explanation of Law No.1/PNPS/1965 and Clause 29 of Indonesian Constitution This regulation must be ABOLISHED because religion is the basic rights that cannot be intervene by anyone.
43	Minister of Internal Affair's Letter to Governor of Central Java No. 477/2535/PUOD on 25 July 1990	Marriage administration for beliefs members	Conflict with Human Rights and democratic system Excessive intervention / boundaries from the government for religious activities	This regulation must be ABOLISHED because it is Conflict with the explanation of Law No.1/PNPS/1965 and Clause 29 of Indonesian Constitution
G. AGRARIAN AFFAIR				
44	Head of Yogyakarta Instructive No. 398/I/A/1975	Equivalence in Policy providing rights of land for non-local Indonesian citizen	Conflict with Human Rights and democratic system There are boundaries (discrimination) in civil rights for Chinese Indonesian citizen ("....The government of the special district of Yogyakarta has not given the ownership rights of land for a non indigenous Indonesian citizen that needed land).	This policy should be ABOLISHED by replacing it with non- discriminative policy.
H. POLITICS AND SECURITY				
45	BAKIN (Indonesian Intelligence) Chairman Decree No. Kpts-031 thn 1973 on 8 June 1973	The establishment of Coordinating Body for Chinese Affairs / Pembentukan Badan	This provision is racialist because it is formed for Tionghoa Indonesian citizen.	This regulation must be ABOLISHED

		Koordinasi Masalah Cina (BKMC)		
46	BAKIN (Indonesian Intelligence) Chairman Decree No. Kpts-032 year 1973 on 8 June 1973	Organization Structure, Procedure, and Implementation of Coordinating Body for China Affairs	This provision is racist because it is formed for Tionghoa Indonesian citizen.	This regulation must be ABOLISHED
I. RELIGION				
47	Minister of Religion Instructive No. 4 year.1978		As excessive intervention/boundaries from the government for religious activities. Besides that, the government has placed religion that are accepted on top of the believer in God	This regulation must be ABOLISHED
48	Coordinator Minister for Citizens Welfare Letter No. B-310/MENKO/KESRA/VI/1980 on 30 June 1980;		That people who belief in God fills the religion column in the identity card by (-);	This regulation must be ABOLISHED
49	Letter from Minister of Religion to Minister of Education and Culture No. A/058/1978 on Religion Education at schools.		Excessive intervention / boundaries from the government for religious activities	This regulation must be ABOLISHED
50	Minister of Religion's Letter No. B/5943/ 78 on beliefs matters		Excessive intervention / boundaries from the government for religious activities	This regulation must be ABOLISHED
51	Minister of Religion's Letter No.		There is a perception that belief in God is one of the national culture and not religion and	This regulation must be

	B.VI/11215/78 on 18 October 1978;		therefore cannot be considered as believer in God in the identity card. Besides that there are also prevention to conduct marriage based on the belief of God which for example happens for the Sapto Darmo believer in Yogyakarta; Minister of Religion Letter No. A/058/1978 tanggal 1 Pebruari 1978, clearly stated that: “Juridically, the government will not accept religion that are developed in Indonesia”;	ABOLISHED
52	Minister of Religion Instructive No. 14 year 1978 on follow up of Minister of Religion Instructive No. 4 year 1978 on policy regarding beliefs.		Over intervention by state on ritual beliefs. Besides this policy put religion status higher than beliefs.	This policy must be abolished.
53	Governor of DKI Jakarta Decree No. 649 th 1979	Regulation of building religious buildings and religious centers in Jakarta area	Manivestation of over internvention by the state on religion and beliefs.	This policy must be abolished.
54	Governor of DKI Jakarta Decree No. 648 tahun 1979	Re-regulation of building religious buildings and religious centers in Jakarta area	Manivestation of over internvention by the state on religion and beliefs.	This policy must be abolished.
55	Minister of Internal Affair Circular No. 477/74054 year 1978		Manivestation of over internvention/restriction by the state on religion and beliefs.	This policy must be abolished.

	J. ECONOMY (BANKING)			
56	Bank of Indonesia Board of Director Circular No: 23/8/BPPP/1991	Additional provisions regarding the establishment of business and ways of reporting changes in ownership, members of the board of directors of the Board of small banks.	The government still treats Indonesian Citizens children of Chinese as the marginalized groups; so that they can not work optimally in government institutions; addition, the government still makes half as the Chinese "second class citizens," with requirement of citizenship certificate issued by Ministry of Justice.	Requirement of citizenship certificate as mentioned in this policy must be abolished.
57	Bank of Indonesia Board of Director Circular No: 23/6/BPPP	The procedure for reporting a change of owner members of the Board of Directors and Board of Commissioners;	Requirement of citizenship certificate for shareholder change report. Change of board of director report also required citizenship certificate.	Requirement of citizenship certificate as mentioned in this policy must be abolished.
	K. EDUCATION			
58	Cabinet Presidium Instructive No. 37/U/IN/6/1967 on 7 June 1967	Policy on Chinese	In reality, Chinese Indonesians are treated as foreign citizens. Term foreign citizens oftenly refers only to Chinese Indonesians	This policy must be abolished.
59	Presidential Memo No. B-12/Pres/I/68 on 17 January 1968 to Minister of Education and Culture and Minsiter of Internal	Education matters, implementation of Clause 7,8,9 Cabinet Presidium Instructive No. 37/U/IN/6/1967, the	In reality, this policy also subjects to children of Chinese Indonesians. Term foreign citizens oftenly also refers to Chinese Indonesians Discrimination also appears in policy that	This policy must be abolished

	Affair	essence is making restrictions of children of foreign citizens to study at Indonesian public and private schools.	mention that seats available for Chinese Indonesians are 40%.	
60	Joint Decree of Minister of Internal Affairs and Minister of Education and Culture No. 54/1975 dan 060a/P/175		Discriminative policy	This policy must be abolished
61	Joint Decree of Minister of Foreign Affairs and Minister of Education and Culture No. SP562/BU/X/76/01 and No. 0263/U/76		Restriction of Indonesian citizen students to study at foreign schools	This policy must be abolished
62	Minister of Education and Culture Decree No. 072/U/1974		Discriminative policy	This policy must be abolished
63	Minister of Education and Culture Decree No. 18 th 1974		Clause 1 on terms of assimilation (Indonesian citizens and foreign citizens); Clause 8 (point 5) on term of schools; Clause 9 on Operative Organization; Clause 10 on construction, supervision, and control;	This policy must be abolished
64	Minister of Education and Culture Instructive No. 18/U/1974 on 23 November 1974	Operational guidelines on assimilation of education in Sumatera and West Kalimantan	Chinese Indonesians were considered as foreign citizens, therefore they must be assimilated. Chinese Indonesian were considered as if they were dangerous, therefore they had to be	This policy must be abolished Government must consistently implement Clause 7 of Law No. 2/1989 on "National Education

			watched by the government	System”
65	Minister of Education and Culture Decree No. 044/P/1975		Discriminative Policy	This policy must be abolished Government must consistently implement Clause 7 of Law No. 2/1989 on “National Education System”
66	Minister of Education and Culture Decree No. 0170/U/1975 on 7 August 1975	Operational guidelines on assimilation on education.	Chinese Indonesians were considered as foreign citizens, therefore they must be assimilated. Chinese Indonesian were considered as if they were dangerous, therefore they had to be watched by the government	This policy must be abolished Government must consistently implement Clause 7 of Law No. 2/1989 on “National Education System”

Source: Gerakan Perjuangan Anti Diskriminasi (GANDI - Anti-Discrimination Struggle Movements)

Note:

1. These lists of discriminative policies along with analyses are made based on race (ethnic) and religion and beliefs and only cover national level, particularly policies related to citizen’s rights. These lists do not include policies that cover local level (regional policies) as consequences of policies above. Exceptions are made to discriminative policies in Yogyakarta due to speciality of the policies.
2. Presidential Instructive No.14/1967 has been abolished by President K.H. Abdurrahman Wahid and replaced with Presidential Decree No.6/2000. Unfortunately the implementations are still not going as expected.

3. Minister of Internal Affairs Circular NO.477/74054 on 18 November 1978 has been abolished by Minister of Internal Affairs, Suryadi Sudirdja, and replaced by Minister of Internal Affairs Circular No.477/805/SJ on 31 March 2000, but unfortunately the implementations are still not going as expected.
4. Several letters from President, Ministers, and Governors were treated as if they were Laws.

