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Culture Strategy of Baha'is: Case Study in Pati, Central Java, Indonesia

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Abstract

This article based on research carried out in 2021 among the Baha'i religious community in the village of Cebolek Kidul, District Margoyoso, Pati regency, Central Java. Baha'i is an independent religion although sometime people mistaken as a religious sect. Baha'i was first known in Persia in 1840s and came to Indonesia in 1870 brought by medical experts joint a UN's program and merchants. Data of this article were collected through interviews, observations, documentations and focus group discussion. In Cebolek, there are 25 people of 9 families who observe Baha'i. The contributing factors to the consistency of the Baha'is in Pati (1) understand the meaning of prayer and worship, (2) the Bahai declarator, Mirza Husein, has the title Baha'u'llah who is believed to be a descendant of the saint, (3) Baha'i teachings have no conflict with the principles of humanity, (4) the Baha'i were inspired by the Baha'ullah spirit which was opposed by the religious community which previously existed (Islam) in Persia (Iran) from the beginning he spread his religion. The Bahai people face this opposition as a consequence, (5) the Baha'i people realize that the Baha'i experienced a phase of development through the stages of majhuliyah (unknown period), maqhuriyah (a period of opposition / hindrance), infisoliyah (a period of isolation /separation) with the majority community, istiqlaliyah (period of deliverance), rosmiyah (period of legalization / inauguration), gholabiyah (period of victory), and dzahabiyah (golden period).

INTRODUCTION

Religions in the perspective of scientists (especially the sociology of religion) is divided into two, namely religions originating from heavens (vertical, abrahamic) and religions originating from human culture (cultural religions, wad'i or horizontal). The two parts have fundamental differences: the religions of heaven are Godly, have holy book, and prophets, while cultural religions are also Godly, (not always) have holy book, and do not have prophets. This is one-sided perspective (certain parties are neglected). Whereas the essence of the 'heavenly' religion is unity and the realization of *rahmatan lil alamin* (bless for the whole universe), while the essence of cultural religion is ethics and the realization

of social harmony, which is also part of the teachings of the heavenly religion. Long before being exposed to religions from the Middle East and Europe the Indonesian had already have belief/mysticism with the principles of: *jiwaku jiwo jowo* (my soul is the soul of Java), *kitape tanpo tulis* (the holy book is the unwritten one), *nabine guru sejati* (the prophet is *guru sejati*), *syahadate ucap jujur* (the creed is telling the truth), *syariate tumindak becik* (the teaching is to behave wisely), *kiblate amung Gusti* (the qibla is God only). The basic essence of humans embracing religion is for their inner consumption, so that peace, piety, and concern for their environment is an embodiment of individual religiosity. According to Rosyidi, the essence of religion is devotion (dedication or contentment), each

follower of the religion must devote himself as hard as possible to the religion he embraces¹.

The people of Indonesia have a high concern on religious traditions and are determined to make a modern and democratic country so that the traditions and aspirations of religion is given a special place in the structure of the government of the existence of the ministry of religion. This is a unique characteristic of Indonesia, need to be proud of even though it has been analyzed for academic study because the public understanding of the need to explore. For example how the relationship of religion and the state? Is it true that the state limits the amount of religion? How does the country address the plurality of know and trust flow? Why is the office which oversees the dominance of certain religion only because as the majority, whereas the name of the Office of Religious Affairs (KUA).² In the context of religion in Pancasila country there was no force that all people as individuals should be religion that determined? Pancasila put all religions (any religion) on the main position and constitutions quicker by the scriptures of all religions. Pancasila does not prohibit a person for the liberal-minded (free), a secular atheist, etc. But the mind is not to be applied in the life of nationhood and statehood.

Article 29 (1) states the Constitution of the state based on the deity of the One True God. Article 71 of Act No. 39 The year 1999 about Human Rights the government is obligated to protect religious people. Thus the consequences, Indonesia acknowledge the existence of religion (anything) and facilitate all religion to grow, the same position in front of the law and the state does not interfere with the religious beliefs, but the state protect its citizens are religious anything.

As the son of the nation must understand that Indonesia is not (1) the secular state religion in the jurisdiction of the interests of individual countries, removing the state ideology of the influence and importance of religion, the state is not set up and no intervention of the problem of religion, the state never prohibit or recommend its citizens for religious matters of religion are separated with the problem of the state, (2) the secular republic, the state of the kingdom, atheist state (countries that prohibit when religion was made as a way of living citizens, religions of the synagogue and even religious prohibited countries), (3) countries theocracy (*theocratic state*) or *religious state* (countries using the law of religion as a positive law based on the norms one of religion which came into force in a country), but (4) the state of the Republic of based on

¹M. Rosyidi. 1983. *Filsafat Agama*. Bulan Bintang: Jakarta. hlm.11.

²The decree of the Minister of Religion (KMA) No. 517/2001 about Styling Organization KUA Sub-districts, tasks KUA is carrying out some tasks Kandepag city/districts in the field of Islamic religious affairs in the districts. The function of the KUA organized documentation, correspondence, archives, typing, and household KUA Sub-districts, perform the recording of deed, cf., manage and build the mosque, charity, Endowments, *baitul maal* and acts of worship

in the social development of sakinah family that in accordance with the policy of the Director General of the Bimas Islam. The obligation of the KUA to build harmony between the religious people. Now the task of the office of civilian population counties/city under the auspices of the local government of whom is the recording of the deed of marriage and divorce for non-Islam. Thus religious others (religion that is explicitly written in the legislation and how the country services at the grassroots level?

Pancasila, i.e. the basis of the state that was drawn from nationhood and statehood with melting each views of science and the state of the existing constitutional in mindset in Indonesian culture.

The state of the Republic of based on Pancasila rest on Article 29 (1) The Constitution of the state based on the deity of the One True God. Article 71 of Act No. 39 The year 1999 about Human Rights the government is obligated to protect religious people and explanation article 1 Perpres No 1/PNPS/1965.³ Thus the consequences, Indonesia acknowledge the existence of religion (anything) and facilitate all religion to grow, the same position in front of the law and the state does not interfere with the religious beliefs, but the state protect its citizens are religious anything. However, explanation article 1 Perpres No 1/PNPS/1965 noncompliance by state administrators, let alone citizens who are Bahai considered heretics and not served by cipil rights properly by well. This is a problem for the people Bahai. Even though, Minister of Religious Affairs, Lukman Hakim received a letter from the Minister of Home Affairs, Gamawan Fauzi (No. 450/1581/SJ dated March 27, 2014) and answered him with a letter Number MA/276/2014 dated July 24, 2014

concerning an explanation of the existence of Baha'i in Indonesia. The Minister of Religious Affairs' letter contains (1) Baha'i religion is one of the developing religions in 20 countries, based on the study of the Ministry of Religious Affairs' Research and Development Agency, Baha'is are in 11 cities, with details: Jakarta (100 people), Bandung (50 people), Palopo (80 people), Medan (100 people), Pati (23 people), Bekasi (11 people), Surabaya (98 people), Malang (30 people), and Banyuwangi (220 people), (2) Baha'i is included in the religion protected in articles 29, 28 E, and 281 of the 1945 Constitution, (3) get full guarantee from the state, in the field of population, civil registration, education, law, etc. in accordance with the law. However, the Minister of Home Affairs has not continued the Minister of Religious Affairs' letter to the regional head so that the Baha'i people have not been served as the Minister of Religious Affairs response to the Minister of Home Affairs. Data researcher Indonesian Ministry of Religious Affairs Research and Development, Nuhri M. Nuh in 2014, there are 23 in Pati, 25 Baha'i people in Bandung City, 30 in Bandung Regency, 11 in Bekasi, 50 in Tangerang Regency and South Tangerang.⁴ The civil service rights of the Baha'is in Pati have not yet been realized, even though the written explanation of the

³Elaboration of Article 1 of Presidential Decree Number 1 / PNPS / 1965 (confirmed in Law Number 5 of 1969) "religions embraced by the population of Indonesia include Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism. The six are embraced by almost the entire population of Indonesia, it does not mean that other religions such as Judaism, Zoroastrian, Shintoism, Taoism are prohibited in Indonesia, they are fully guaranteed and they are allowed to exist, as long as they do not violate

the provisions contained in this regulation or other legislation ". This means that it is not only certain religions that citizens can embrace. Thus, the mandate of Perpres Number 1/PNPS/1965 provides a broad arena for citizens in choosing a variety of religions, not just six religions. The question that arises is whether the religion of a citizen (other than the religion explicitly stated) is against the law.

⁴In Central Java, the Baha'i is in Pati, Magelang, and Klaten while in DIY is in Sleman and Bantul.

Secretary General of the Ministry of Religious Affairs, Bahrul Hayat, Number SJ/B.VII/1/HM.00/675/2014 dated February 24, 2014 to the Director General of Civil Affairs of the Ministry of Home Affairs. Letter content (1) Baha'i is a religion. Therefore, according to Article 29, Article 28E, and Article 28I of the 1945 Constitution, Baha'i religious people have the right to live and worship according to their teachings, (2) Baha'is receive full guarantees from the state and are allowed, as long as they do not violate the provisions of the applicable laws, (3) in terms of population services, in accordance with Law No. 23/2006 jo with Law No. 24/2013 concerning Population Administration, Baha'is have the right to obtain population and civil registration services. However, the Ministry of Home Affairs has not yet issued a letter to the regional head so that the civil rights of the Baha'is have not all been served by the state, such as applications for marriage certificates.

Baha'i as a religion is protected by the constitution according to Article 28 E and 29 1945. According to Penpres Number 1/PNPS/1965 religion Baha'i besides six religions guaranteed by the state and left the existence along not violate the legislation. The president was accompanied holds the Baha'i as Indonesian citizens entitled to the ministry of population, law, etc. from the government. On the same day at 22:55 president was accompanied to clarify the news recognition Baha'i as the new religion. He questioned the obligation of the state recognize a faith as a religion or not

religion. The president was accompanied twitter account asserts, he does not mention the Baha'i as the new religion. But, Ministry of Religion examines and explores the role of the government. The context of statehood, what the government is entitled to recognize or not recognize a belief that religion or not religion. The state is not entitled to recognize or not recognize a religion which was adopted its citizens because of religion is in the heart of every individual that must be protected by the state for the reinstatement of whatever religion. In addition to the factors twitter president was accompanied be the cause of the exile the name Baha'i due to writing books about Baha'i, both written by the institutions Baha'i and non-Baha'i and become public reading. The distribution of the books about Baha'i long before the President was accompanied twit, as that obtained the author. It is easier to know the name of the Baha'i when social media has become a routine menu in public access news and science.⁵

This problems research Baha'i religious community in the village of Cebolek Kidul, District Margoyoso, Pati regency, Central Java 2021, how a culture strategy community Bahai trying to maintain until now ?

METHODS

This research conducted 2021 in the village of Cebolek Kidul, Pati, Central Java. The describes social interaction between Baha'i people in Pati, Central Java and *muslim pesisir* (nahdliyin). The technique of

⁵Moh Rosyid. *Agama Baha'i dalam Lintasan Sejarah di Jawa Tengah*, Pustaka Pelajar: Yogyakarta. 2015.

collecting data from the field was done through in-depth interviews, participant observation, documentary studies, and focus group discussion. Interviewed informants were religion groups and people as actors. This research uses qualitative approach.

LITERATURE REVIEW

Religious Rights

The pluralistic wind came from the Minister of Religion Lukman Hakim Saifuddin who planned to inventory local religions other than those explicitly stated in the legislation (Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism). Next it will be examined to see the possibility of being developed into a separate directorate general. Thus adherents of minority religions and local religions can proportionally get services.⁶ Such effort is a wise step that must be realized by the government,⁷ with the following arguments:

First, religion is one of personal rights. Treaties: the International Covenant on Civil and Political Rights and the International Covenant on Civil and Political Rights (ICCPR) are international human rights treaties: passed in 1966 and

start to apply 1976. ICCPR and ratified in Act No. 11/2005 on Ratification of International Civil and Political Rights. In it contains two key words (1) *derogable rights* that can be reduced/limited assured by the state for citizens include the free together peacefully; the rights of organizing including forming and to become a member of the labor unions; and the right to free holds/expression including free to seek, receive and give information and ideas of all kinds regardless of the limit (orally or writing). The country can be turned over the obligation to fulfill the rights when threatens the life and not discriminatory. This is for the sake of national security, public order, health, general morality and respect the freedom of others, (2) *non-derogable rights* (absolute right) should not be reduced assured by the state despite the emergency situation in the form of basic rights: *rights to life; rights to be free from torture; rights to be free from slavery*; free from the detention for failing to fulfill the Covenant (debt); free from retroactive punishment; as the subject of the law; and the right to freedom of thought, confidence and religious. Religious freedom is one of the rights which are called

⁶*Kompas*, 17th September 2014.

⁷ However, we should learn from the petition for the formation of an official of the Directorate General of Confucius Community Guidance within the Ministry of Religion (Article 475 of the Echelon I organizational structure of the Ministry of Religion), which has not been realized due to constraints from the Ministry of Administrative and Bureaucratic Reform. Provisions require the number and population of Confucianism nationally and the government wants to streamline the work unit, not to expand. This came to light when the visit of the Indonesian Confucian High Council (Matakin) on May 28, 2015 at the Ministry of Religion of the Republic of Indonesia. The formation of the Director General of Confucianism was a

promise during President SBY, when he attended the Chinese New Year celebration. On the other hand, Presidential Decree No. 14 of 2015 concerning the Ministry of Education and Culture's organizational structure, followed up by Minister of Education and Culture Regulations No. 11 of 2015 concerning the Organization and Work Procedures of the Ministry of Education and Culture formed the directorate of family education development (as a new directorate). In 2016 (later) the Ministry of Transportation is planning the formation of the Director General of Sea and Coast Guard in accordance with Law Number 17 of 2008 Article 276 on Shipping. Thus, there is no downsizing, the realization of the formation of the directorate is fully dependent on the government's good will.

as universal *inaliabile, inviolable, and nonderogable human rights*. When the state violates denounced as human rights offenders (*gross violation of human rights*). Act No. 23 Year 2014 about local government is expected to be able to prevent human rights abuses by the local government because there are sanctions for local government that violate human rights.

Second, before great religion (number of reinstatement of many) exist in this land the people of Indonesia have local religion, just mentioned religion Talotong in Central Sulawesi, Sunda Wiwitan in Sundanese, Parmalin tatar in North Sumatera, religion Adam for Samin people, etc. The local religion is discriminated by the state with an excuse in between local religion 'rogue'. The suspicion that has been handed down by the regime of the past can be curtailed slowly whereas religious minorities and religion facilitated local country as rivalry facility majority religion. Bridging the desire of the citizens who are still staying religion that has not been written explicitly in the legislation and local religion, wise steps that must be understood the government is treating him in the form of a directorate under the Ministry of religion. During this, Kemenag are not able to maintain a distance (closeness) that same between great religion (majority) with minorities. It is time for the government to carry out the legislation namely to respect, to protect, and fulfill the rights the religion of its citizens especially unknown to the general public because it is not a referral widely. Third, a contemporary trend in the field of religion is in a framework that limits the plurality. The plurality of half-hearted Policy by the government from time to time could

not contrast the growth of new religious movements.

Baha'i Institution

Baha'i religion in its existence is handled by institutions, not individual leaders. The highest institution, the World Justice Center, is handled by nine members based in Israel. In the Bahai religion all humans are equal, no one has the right to interpret the Baha'ullah teachings and writings. Authority is only given to Abdul Baha by Baha'ullah himself. After Abdul Baha, the right to interpret Bahai's teachings was only on Shoghi Effendi. After Shoghi's death, the right to interpret Bahai's teachings was at the World Justice Center. The dismissal of individual leadership is feared to cause divisions among the Baha'is. Baha'ullah abolished the clergy and clergy so that no one could abuse religion for personal and worldly interests so that a spiritual board (*Majelis Rokhani*) was formed in each city dealing with: spirituality, marriage, burial, spiritual meetings, receiving funds, solving the problems of his people, etc. Each assembly consists of 9 people who are elected by the Baha'i every year. There is an institution under the auspices of the BKS namely an international delivery center from 1963 to the present, an advisory body to the Continent from 1968 to the present, a Supporting Body, and an Assistant Supporting Body. The internal efforts of Baha'i are (1) National Spiritual Board/MRN institutions (overshadowing the Baha'i at country level) do construction with routine visits on the Baha'i in the area (Local Spiritual Board) and (2) the Porch of Judgment Day (International Level Board) always give attention to each MRN.

In the context of world institutions, Baha'i's relations with the United Nations are very close. The Bahá'í people have supported the United Nations (UN) from the beginning as the Bahá'í International Community (Bahá'í International Community), a body under the direction of the World Justice Center, has the status of the right to consult with organizations The United Nations namely United Nations Economic and Social Council (ECOSOC), United Nations Children's Fund (UNICEF), World Health Organization (WHO), United Nations Development Fund for Women (UNIFEM), dan United Nations Environment Program (UNEP). Bahá'í International Community has an office at the United Nations in New York dan Geneva, also representatives in regional UN commissions and other offices in Addis Ababa, Bangkok, Nairobi, Rome, Santiago dan Viena. The Office of the Environment and Office for the Advancement of Women was established as part of the United Nations Bahá'í International Community Office. The Bahá'í religion also cooperates in developing programs with various other UN agencies.

Baha'i Principle Teachings

The religion of Baha'i is independent religion. The declarator is Sayyid 'Ali Muhammad from Shiraz Persia / Iran (titled Baha'ullah). On May 23, 1844 AH / 1260 AD in Iran, when he was 25 years old, he announced himself as a new messenger from God destined to change the spiritual life of mankind worldwide. The announcement of his mission in Ridwan Park in the Persian

country (now Iran) aims to create unity and harmony among religions.

As a religion, Baha'i have 19 principles teachings (1) believe in an almighty god, (2) believe in the apostle as a messenger, (3) believe in the afterlife, (4) basic all religions is one, (5) unity of humanity, (6) free truth investigation, (7) religion match with knowledge/science, (8) equal rights man and woman, (9) purity and purity are very important, (10) all prejudice must be abolished, (11) education mandatory for all children, (12) world peace, (13) world language, (14) deliberate for all, (15) must work to earn a living, (16) economic solution by spiritual, (17) alleviate poverty and hiper and excessive wealth, (18) not political, (19) loyalty for government.⁸ For the Baha'is, the nine teachings are a unity, like the unity of humanity will not be realized if the other components do not materialize. However, the 19 principles do not yet have complete guidance from the highest Bahai institutions. The reason is that the Bahai teachings consider the dynamics of human life in the world, even many Bahaulah scriptures are still written in Persian and have not been translated into various world languages.

The Religion of Baha'i in Indonesia

The religion of Baha'i came to Indonesia in Makassar around 1878 carried by the merchants of Persia and Turkey namely Jamal Effendi and Mustafa Rumi. It was part of efforts of Baha'i believers to spread Baha'i all over the world. According to Sasmita, on

⁸Majelis Rohani Nasional Bahai Indonesia. *Doa*: Jakarta, Maret 2008:207.

1955 Iranian citizens from among the doctors came to Indonesia are placed in remote areas. Through them, religion Baha'i developed until now. The name Baha'i was foreign for some people because they heard only once or never.⁹ Baha'i as a religion is protected by the constitution according to Article 28 E and 29 1945. According to Penpres Number 1/PNPS/1965 religion Baha'i besides six religion (Islam, Kristen, Katolik, Buddha, Hindu, dan Konghucu) guaranteed by the state and left the existence along not violate the legislation. The president was accompanied holds the Baha'i as Indonesian citizens entitled to the ministry of population, law, etc. from the government.¹⁰ On the same day at 22:55 president was accompanied to clarify the news recognition Baha'i as the new religion. He questioned the obligation of the state recognize a faith as a religion or not religion. The president was accompanied twitter account asserts, he does not mention the Baha'i as the new religion. But, Ministry of Religion examines and explores the role of the government. The context of statehood, what the government is entitled to recognize or not recognize a belief that religion or not religion. The state is not entitled to recognize or not recognize a religion which was adopted its citizens because of religion is in the heart of every individual that must be protected by the state for the reinstatement of whatever religion.

In addition to the factors twitter president was accompanied be the cause of the exile the name Baha'i due to writing books about Baha'i, both written by the institutions Baha'i and non-Baha'i and become public reading. The distribution of the books about Baha'i long before the President was accompanied twit, as that obtained the author. It is easier to know the name of the Baha'i when social media has become a routine menu in public access news and science.¹¹

The religion of exists in various countries that aimed at uniting all races and nations in one universal teaching. The Baha'i is the followers of Baha'ullah (means that the glory of the Lord which have found as the figure who promised all ages. The promise is the Baha'i have arrived with the existence of raw'ullah.¹² The existence of religion Baha'i described allusion seems to be the existence of the succession of spring, cold, and harvest. The rising of the sun illuminates the nature, when the sun sets the earth covered the darkness. The sun rises again the next day. The dark ages have vanished because of the new age. In a moment the rules of ordinary human beings will cover the truth of every religion. The farther away from the purity of the teaching of the Lord, is diseased more spiritual life. In the past the sun of righteousness is shining through Krishna, of Buddha, Christ, Muhammad, and so on. At the time of the dark this is the Sun of righteousness arise again to illuminate the darkness, namely through Baha'ullah.¹³

⁹Ira Sasmita. *Baha'i Faith: the oneness of God, unity of religions and the unity of Mankind*. Interfidei Newsletter No.9/IV April-Juli 2010, p.30.23.

¹⁰ *Republika.co.id*, 24 July 2014.

¹¹Moh Rosyid. 2015. *Agama Baha'i dalam Lintasan Sejarah di Jawa Tengah*. Pustaka Pelajar: Yogyakarta.

¹²National Spiritual Assembly, Jakarta, February 2008.

¹³Hushmand Fathea'zam. *The New Garden* diterjemahkan oleh tim yang ditunjuk MRN dengan judul *Taman Baru*. September 2009, hlm.11.

Among Holydays of Baha'i are Naw-Ruz (March 21st), Ridvan (April 21st, April 29th, May 2nd), the Chapter's declaration of his mission (May 23rd).¹⁴

Predicted, believers in Indonesia were between 3 thousands soul, the amount of certain undetected because of a column of religion in his KTP written width (according to the Act on Adminduk), distribution in 130 s city, in 28 provinces between the other three of the Island of Java, Bali, Sumatra, Riau, Papua, Sulawesi except in Bengkulu, Southeast Sulawesi, North Maluku and North Kalimantan. Baha'i people in Cebolek in July 2016 there are 9 households with 27 people.¹⁵

The religion of Baha'i for the public has not yet other than this as a result of the Decision of President Sukarno 264 Number 1962 on the Prohibition of 7 organizations, including Baha'i, though Kepres revoked President Gus Dur with Kepres Number 69 Year 2000. Gus Dur Pasca-Kepres, believers not get civil rights as a whole. This result (1) the understanding of local government forces against Penetapan Presiden RI Number 1/PNPS/1965 just yet. The explanation of Article 1 paragraph (1) that the country does not limit the number of religion. All religions are entitled to live in Indonesia. Public ignorance due to inherit in their generations on the basis of the 'endengar'ds local government officials understand without effort to explore the explanation of Article 1 Penpres Number 1/PNPS/1965. Both of these as markers, academics must provide the enlightenment on the public through the

research result in order for the government to serve, respect and fulfill the rights of religious anything religion.

Actions of Baha'i People in Pati Central Java

During the Old Order, Baha'i as an organization was banned by Presidential Decision No 264 of 1962 about Banned Organization Liga Demokrasi, Rotary Club, Divine Life Society, Vrijmetselaren-Loge (Loge Agung Indonesia), Moral Rearmament Movement, Ancient Mystical Organization Of Rosi Crucians (AMORC) dan Organisasi Baha'i. President Gus Dur lifted this ban with Presidential Decree Number 69 of 2000 dated May 23, 2000 concerning Revocation of Presidential Decree Number 264 of 1962. This was due to the political conditions of President Soekarno's era which at that time were in an unstable condition. Consideration of Abdurrahman's revocation of Presidential Decree Number 264 is deemed no longer in line with democratic principles; although Presidential Decree No. 264 of 1962 is no longer effective. However, in order to provide legal certainty, it is necessary to expressly revoke Presidential Decree No. 264 of 1962. However, the existence of the Bahai religion emerged again in the public sphere during the Reformation era. The fresh air of Presidential Decree Number 69 of 2000 has not had a broad positive impact on the Baha'i people.

The religion of Baha'i came to spark in Indonesia on 24 July 2014. Minister of Religious Affairs, Lukman Hakim

¹⁴Moojan Momen. *The Baha'i Faith A Short Introduction*. Oneworld Publication: England. 1999, hlm.74.

¹⁵National Spiritual Assembly, Jakarta, February 2008.

Saifuddin, wrote in his Twitter account that he was studying religion Baha'i, whether it may be accepted as the new religion in Indonesia or not. The study was done after the Minister of Domestic Affairs (Gamawan Fauzi) sent a letter to the president asking on Baha'i matters related to civil administration. @lukmansaifuddin Twit on 24 July 2014 at 19:55 briefly "Indonesian government add a list of the new religion that was officially recognized, after Islam and Christianity, Catholics, Hindus, Buddhists, and Khonghucu. The government said that the Baha'i is a religion whose existence recognized by the constitution". The reason for recognition as a religion was explained in 10 serial twit. After received a letter from the Minister of Domestic Affairs, President answer: "Baha'i is the religion of the many religions that developed in 20 countries. Baha'i is a religion, not a heretical movement of other religion. There are 22 Baha'i people in Banyuwangi, 100 in Jakarta, 100 in Medan, 98 in Surabaya, 80 in Palopo, 50 in Bandung, 30 people in Malang.

ANALYSIS

Baha'i's Survival in Cebolek during the Old and New Order eras

Baha'i religious community in the village of Cebolek Kidul, District Margoyoso, Pati regency, Central Java trying to maintain the community. This situation has been faced by Baha'i people since the Old Order era. During the Old Order, Baha'i as an organization was banned by Presidential Decision No 264 of 1962. During the New Order era, Baha'i people suffer from the government policy which suppressed them

even more. Some of government officials were threatened of fire for declaring as Baha'i people, some of them were sent to jail accused of religious blasphemy and some others were under surveillance of the Army. This policy has forced some Baha'i people to convert to other religion such as Islam. However, some others remain as Baha'i believers and asking protection such as from the Directorate of Faith of Ministry of Education and Culture, Vice President of Indonesia Sudharmono, the leader of NU Abdurrahman Wahid, Human Rights activists, the Chief of Indonesian National Police and also President Soeharto. This attempt was a failure. Rather, Baha'i people were accused of putting Muslim community in Cebolek in conflict with the government. The regulation was then annulled by President Abdurrahman Wahid with Presidential Decision No 69 of 2000. After the Reformation, Baha'i people struggle to gain public attentions in several ways: 1) distributing information on Baha'i through public meetings; 2) initiating informal religious class for Baha'i people and people of other religions; 3) inviting neighbors and friends during Baha'i religious celebration. Afraid of those actions, some Muslims leaders react in two ways: 1) intensifying religious meetings to strengthen Muslims' faith while keep referring Baha'i as a non recognized religion; 2) supporting the Village government when the later is feeling cornered by NGO supporting Baha'i people. However, Baha'i attempts have also received

positive responses from their surrounding community.¹⁶

Effort failed because the response of officials at the central level was not always carried out by officials at the regional level, such as the right of Baha'i religious education for Baha'i children in formal schools, the issuance of marriage certificates by the population and civil registration office after the Bahai were married under Baha'i rules, even their funeral was isolated in a public grave (Muslim) in the village of Cebolek, Margoyoso, Pati. The civil rights that have not yet been fulfilled by the government are responded by the Bahai people so that they can survive by giving the public an open understanding of Baha'i teachings so that they are no longer exclusive. Anything about Bahai can be accessed at www.bahai.org; www.bahaiindonesia.org; Office for Coordination of External Relations E-mail: info@bahaiindonesia.org, telepon (021) 3451509; mobile 081318448889; Baha'i International Community Southeast Asia Office Po Box, Jakarta Pusat (JKP) 10032; Jakarta@bic.org, www.bic.org; In the web contained the Baha'i teachings.

In addition to these efforts, the Baha'is distributed the Baha'i books to the public in a meeting forum to find out the existence of the Baha'i teachings. Among the books distributed was Baha'i Religion Book published by the National Spiritual Assembly. The aim was as an introduction media to the public. Fourth, organizing non-

formal education in Baha'i style in the interfaith community. Education was called the Ruhi Institute whose learning material is about the ethics of life (taught by each religion). Until the writing of this article, the implementation had been running since the beginning of 2016, where the participants are local Muslim residents. There were 10 children coming every week to the house of a Muslim neighbor in the village of Cebolek. The host was pleased because of emotional closeness.

In order not to be suspected of being, the Bahai people invited their neighbors (Muslims) to celebrate their big day. Nauruz is a worldwide holiday for the Baha'is, which is celebrated in a ceremonial form. When the author attended it in April 2016 at Cebolek Pati, the event was attended by non-Bahai neighbors and students doing research on Baha'i. On Sunday, October 22, 2017 the writer also attended the twentieth anniversary of the birth of Baha'ullah in Cebolek by showing a film titled *Light to The World* which tells the birth of the Baha'ullah. The writer came with members of the *Komunitas Lintas Agama dan Kepercayaan Pantura (Tali Akrap)*, a Societal Organization engaged in the field of interfaith social interaction. Baha'is in Cebolek were active as members of *Tali Akrap*

In addition to efforts on the bureaucratic path during the New Order era, the Baha'is acculturated the local Muslim culture, namely the traditions of the village / village /

¹⁶Moh Rosyid. *Resolusi Konflik Umat Agama Baha'i dengan Muslim: Studi Kasus di Pati Jawa Tengah*. Jurnal Harmoni Badan Litbang Kemenag RI, Vol.18, No.1, Januari-Juni 2019.

coastal community. Bahai people live in coastal areas (farmers) in Margoyoso District, Pati. This tradition is more focused on social interactions such as visiting sick people in the hospital or at the home of the sick person, takziah (visiting the family of the deceased), visiting the birth of a baby, attending a marriage/circumcision invitation, adopting a nahdliyin post-death prayer tradition i.e. post-death salvation on the 7th and 40th days only (for nahdliyin post-death salvation is usually carried out on days 7, 40, 100, 1000 after the day of death). Baha'is invite their Muslim neighbors to pray in Islam, and Muslims attend. As for the Baha'i at the same time and the forum is praying Baha'i.

Through this acculturation, the Bahai people responded positively by Muslims with tolerant treatment, such as if there were Baha'is who died, then Muslims mourn, dig graves, and pray for them in Islam. As a result of acculturation by the Bahai people and positive responses from Muslims, the existence of the Bahai people as a minority has become sustainable in Cebolek Village until now. Even the Bahai are no longer treated discriminatively by local Muslims.

The Contributing factors to the consistency of the Baha'i in Pati

There are six factors that cause the consistency of the Bahai (believers) to hold fast to the Bahai teachings. First, they understood the meaning of prayer and knew the meaning of worship which was performed because it was spoken in the local

language where the Bahai lived. In the MRS record, in 2015 the Baha'i teachings were translated into 802 world languages.¹⁷ Second, Baha'i teachings were written and distributed to each of its members by MRN through MRS for free. This was coordinated by the External Relations section, an institution under the auspices of the MRN. Thus, the Bahai could understand Bahai's teachings and easily gain knowledge. Likewise, the teaching of bahai can be accessed by the public through its website. Third, the Baha'i religion was declared in Iran on May 23, 1844 (some say 1892) by Sayyid Ali Muhammad. The term Baha'i is taken from the name of the declarator, Mirza Husein (Son of Mirza Abbas Bazrak, a Persian official who died in 1309 AH) with the title Baha'u'llah (meaning the glory of God) following the Babiyah movement founded by Mirza Ali Muhammad, calling it Al-Bab (the door) means the door of the Baha'u'llah. Baha'i means followers of Baha'u'llah. Mirza Hussein Ali was born in Tehran, Persia in 1817, he claimed to have received a revelation from God, he declared himself as the messenger of God (prophet) on April 21, 1863. The identity of the Bahá'ullah is shown in the following genealogy, and the Baha'is believed that the Bahá'ullah are descended from saints.

Fourth, the Bahai teachings do not conflict with the principles of humanity so that the Bahai people believe the truth of their teachings. The Bahai must trust God Almighty, the creator of nature, trusting all the Prophets and Apostles who first came to

¹⁷ Majelis Rohani Nasional Baha'i Indonesia. *Agama Baha'i*. Oktober 2015.

earth (before the Chapter). Freely seek truth, seek unity and love, harmony between knowledge and science, dispel prejudice, support equal rights of life, equality for men and women, equal rights for each person in legislation, universal peace, prohibition to mix religion with politics, the power of the holy spirit, solving economic problems spiritually.

Fifth, the Baha'i people uphold the teachings of their religion because it is inspired by the spirit of the Baha'ullah who from the beginning of spreading his religion has been opposed by the religious community that first existed (Islam) in Persia (Iran). When he announced the religion of God, his life was in exile and imprisoned in an underground prison in Tehran, Iran. Subsequently he was exiled and moved in four countries until finally imprisoned in the Akka City of Israel in the era of the Islamic Ottoman Empire. He remained consistent in revealing God's word for more than 40 years until his death. It was this suffering that pumped the spirit of the Baha'i believers because it was inspired by the struggle of the Baha'ullah, the struggle against the efforts of the authorities against the teachings of the Baha'ullah which had been carried out since long ago.

However, the truth cannot be quelled, the stronger the authorities throw it away, the greater the number of people who are interested in his teachings.

The interest is now proven, based on 2015 MRN records, the number of Bahai in the world is in 191 countries and 46 territorial

territories, there are 182 MRN scattered in Asia there are 5,489, America has 4,050, Africa has 4,309, Europe has 998, Australia has 952 followers, the MRNs are spread in 127,381 countries with 2,112 ethnicities, races and ethnic groups.¹⁸

Sixth, the Bahai people realize that the Bahai religion experiences phases and dynamics in its development. They have a belief that the development of God's religion always goes through stages of *majhuliyah* (unknown period), *maqhuriyah* (a period of opposition/hindrance), *infisoliyah* (a period of isolation/separation) with the majority community, *istiqlaliyah* (period of deliverance), *rosmiyah* (period of legalization/inauguration), *gholabiyah* (period of victory), and *dzahabiyah* (golden period). This is reinforced by the phrase: if the sun rises and immediately radiates heat to the earth as the heat when the sun shines at 12 o'clock, of course what happens is the scorching life on the surface of the earth. But, the sun rises and shines with a gradual beam of light (not preceded by heat and then becomes hot, but gradually heat) and feeds the life of the inhabitants of the earth. Likewise, the nature and stages of the rise of the Baha'i religion as the sun of divine truth. Each region/region has different stages. This is based on government policy and the dynamics of the environment when responding to Baha'i believers. To find out what phase it is at the moment, research is part of finding an answer. In the prophetic context, the Baha'i teachings emphasize that

¹⁸National Spiritual Assembly. *Agama Baha'i*. Oktober 2015, p.28.

a prophet will come after the Prophet Muhammad PBUH.

The bearer of the treatise could have brought a treatise that is different from the previous one, so the treatise does not end, only prophecy ends. However, the Bahai's realized that with such enthusiasm the majority would be opposed. Bahai has the principle that all religions are true, my religion is for me, your religion is for you, your religion is right in my opinion (the Bahai people) because the prophet who was present in the midst of the people before the prophecy of the Bahai was considered true to their prescribed teachings.

Seventh, the Bahai people are obsessed with establishing a Bahá'í house of worship. Its position reflects the basic goal of the Bahá'í religion which encourages the unity of humanity and reflects the belief in the oneness of God. The house of worship will be offered to God Almighty and as a place of praise to God as a contribution of the Bahá'í community to all mankind including all adherents of different religions. Abdul Baha advised, that humanity can find a place to gather and that the proclamation of the unity of mankind radiates from his open sacred palace ... "The house of worship is a place to pray and meditate for individuals and communities, not limited to the Bahá'í only. Bahá'u'lláh teaches that prayer and prayer are spiritual conversations between humans and their creators and do not have to be held in special houses of worship. At present, Bahá'í houses of worship already exist in New Delhi India, Apia Western Samoa, Kampala Uganda, Sydney Australia, Panama City Panama, Wilmette Illinois United States, Frankfurt Germany, Chile Latin America,

and Papua New Guinea. The Bahá'í House of Worship was built with funds only from donations from Bahá'ís from all over the world. The Bahá'í house of worship is free to have its own design and follow a single-themed architectural pattern, which must have nine sides and a dome in the middle. Visitors can enter the house of worship from any side, but they are united under one dome. The worship program consists of reading the Bahá'í Scriptures and Scriptures from various religions, and there are no sermons, rituals, or prayer leaders. Bahá'u'lláh said that the Bahá'í house of worship functions as a focal point for the community's spiritual life.

Around interfaith, there are institutions which are engaged in other fields of science, education, social-humanitarianism such as hospitals and nursing homes, and administration of the Bahá'í community. Thus, the Bahá'í house of worship embodies the concept of a combination of worship and devotion in accordance with the teachings of the Bahá'u'lláh.

Culture Strategy of the Baha'i in Pati, Central Java

Efforts made by the Bahai so that they still exist until now, First, the Baha'i social behavior in Cebolek Kidul Village adapts and adopts the traditions of the local Muslim nahdliyin. This tradition is commonly practiced by rural people, such as paying homage to men, visiting neighboring homes that are grieving women with something (usually rice), visiting sick people to hospitals or home after returning from hospitals, visiting when neighbors give birth

to babies, visiting people after returning from the pilgrimage, fulfilling the *selametan* invitation (praying for salvation) (i) the cycle of life, that is, from the bride or circumcision, to the delivery of the baby, to the post-death *slametan* on a daily basis, that is, post 7 days, 40, 100 and 1000 days, (ii) Thanksgiving (*syukuran*), for example after being spared from disaster, getting a gift, passing a school exam, etc. Tradition is carried out because of two religious communities (Islam and Baha'i) who are fellow Javanese who preserve Javanese traditions acculturated by Muslim *nahdliyin*. Positive interactions are bound by friendship, neighbors, brotherhood, and work partners. This has a positive effect on the behavior received by Baha'is from local Muslims.

Second, mingling with Muslims, by residing in the midst of local Muslims and participating in activities carried out by residents, (1) meeting of the Neighborhood Association for fathers once in a month at the local mosque, while for the mothers it is carried out once a week at one of the residents. Even though there is a series of Islamic prayers, the Bahai people pray in their hearts in the Bahai way, (2) visiting Muslim neighbors who are sick, either in the hospital or at their home after they returns from the hospital, (3) visiting Muslims returning from Islamic pilgrimage (*al hajj*), (4) come to the house of the resident who gave birth, (4) mourn the death, (5) attend the post-funeral death prayer at the Muslim house for seven nights for fathers and seven days in the afternoon for mothers, (5) attend wedding ceremony, (6) attending life cycle *slametan* such as birth, marriage, death and thanksgiving.

Third, they no longer voiced their aspirations and rights which were not fulfilled by the regional government to the central government and NGOs.

Fourth, actively carrying out Bahai's regular meetings namely *ziafat* (nineteen day *slametan*) in which there are joint prayer activities open to people of all religions, where prayers are read from the scriptures of various religions.

Fifth, attend the forum organized by MRN.

Sixth, the worship is not widely publicized so it does not ignite a reaction. The perpetual worship is daily prayer. Seventh, obey the Bahá'í law based on *Kitáb-i-Aqdas* which will be applied in stages according to the condition of the Bahai people. Some of the Bahá'í laws that have been generally applied are the obligatory Bahá'í prayers which are done individually, read the scriptures daily, carry out Bahá'í fasting every year, avoid the forbiddens such as gossiping and slandering, drinking alcoholic beverages and consuming drugs (except for medical treatment), having sexual relations outside of marriage, homosexuality, and gambling. In the Bahá'í teachings, separating from the world is not permitted, instead humans must work. Doing useful work is considered worship.

Eighth, protect themselves so that conflicts do not arise because there are teachings that are considered similar to the teachings of Islam, therefore the *Aqdas* Scriptures are not published publicly and should not be lent. Other holy books are allowed to be loaned or given away free of charge such as books about the Bahai Religion, Prayers in the

Bahai, Hidden Sentences, New Garden, and the Ruhi Institute Handbook.

Ninth, organized the Ruhi Institute (IR). The evidence that the Baha'i teachings are not closed (not exclusive) is that in their implementation as universal Baha'i education, there are IR students who are the children of local Muslims. Why is that? Baha'i teachings were born in the world by the word of God through Baha'ullah followed by Abdul Baha 'and subsequently by his son Abdul Baha' namely Soghi Effendi because his teachings were for the unlimited public. Bahai people carry out their program, IR, which is a forum for learning in Baha'i religion, an educational institution under the auspices of the Baha'i National Spiritual Council of Colombia. Ruhi Institute (IR) is a series of courses on various spiritual themes sourced from the writings of Baha'ullah. The word Ruhi in Persian means spiritual. The aim is to create a culture of learning in spiritual matters and character development. In 1970 this program was developed in Colombia and became a nonprofit organization in 1992. IR's obsession is part of the contribution of the Bahai in the spiritual field to humanity regardless of religion. The basic principle is that all God's prophets strive to realize human unity and serve humanity. The practice of learning, students must convey ideas accompanied by a tutor (animator), IR does not use a grading system (passed or not passed) and does not memorize the material. The priority is understanding of teaching materials through discussion.

IR declares itself as a medium for human resource development to develop the spiritual, social, and cultural Baha'i

community and the public. The material in the IR emphasizes the interpretation of the bahah'ullah, prayer in the Bahá'í, life and death.

The main themes are spiritual life, the principle of unity and social progress, the importance of education for children, religion as a process of human education, the special role of youth in society, and the process of spiritual transformation. The learning is carried out in the form of study groups, accompanied by a tutor or facilitator who helps participants in the learning process. The material content is associated with everyday life.

The existence of IR since 1992 which was developed into various worlds where the Bahai people exist. The learning process is not only Baha'i, but for all religious people. The strategy developed is based on the philosophy of social change, development, and education that teaches universal values about truth. The learning process is sorted into small groups, divided into seven lessons.

In book 1 it reflects the life of the spirit which contains three components, namely the introduction of the Baha'i scriptures, prayer, about life and death. Book 2 contains services, teachings, a deepening of God's manifestations and Baha'i teachings. Book 3 teaches children and adolescents how to awaken the positive potential of children and adolescents from the aspects of education, psychology, and culture, morality, tolerance, and spiritual attitudes. Book 4 contains manifestations of the Chapter and Baha'ullah in universal study. Book 5 explores the potential of young people. Book 6 provides a

spiritual-based teaching method. Book 7 reviews how to become a spiritual mentor, a spiritual path, and develop the art of devotion.

In reality, the implementation of the learning still gets suspicion of non-Baha'i residents, as experienced by believers in Lampung and in Pati. The existence of IR rests on efforts to answer the question, "what does it mean to be a Bahai?". The Bahai declaration answered, being a Baha'i means loving and serving the world humanity, working for world peace and universal brotherhood. "In line with His Teachings which aim to achieve the unity of mankind, the Baha'i community is open to all groups people from all religious, racial and ethnic backgrounds. Basically Baha'i activities include a series of spiritual and educational activities for every level of age.

In 2000 the Bahai people in Cebolek invited Bahai's neighboring mothers (Muslim *nahdliyin*) who have compulsory school age children to be introduced to the IR program, which is a moral education material with a guide book from IR in volume 1. In Bahai there is a principle that children are like mines who can bring out the jewels of virtue and become strong capital of religion (whatever their religion). The IR program runs once a week on Friday afternoons (because Islamic religious education institutions, the Koran Education Park are off on Fridays) at the Bahai people's homes, so children can join the IR. IR is followed by 5-15 Muslim children (Bahai neighbors) and after getting IR material, IR tutors help these children if they get an assignment from their school. IR learning is also interspersed with game activities in accordance with the

material in IR. The number of IR participants grew to between 15-20 children so that the event was held in second place at the Bahai house. The second place (using IR book volume 2) is a new house (the tutor) who previously had a family with his biological mother (who used the first IR program). IR experiences development because the behavior of parents whose children join IR gradually improves by understanding the teachings in IR material. IR activities are also interspersed with art performance activities that invite students' parents and give gifts for MRS facilitation. IR was further developed in the place of Muslims, a close friend of IR tutors who replaced the prime place (home of the Bahai elders). In 2015, after going on for six months, three IR learning places received negative responses from local Muslim leaders because IR started the event with a prayer in accordance with their respective religions (Islamic and Bahai prayer). Muslim leaders consider that prayer (in Bahai) is an effort to introduce 'core' teachings in Baha'i teachings, even though the material taught is a teaching that is prevalent in every religion. In fact, the Muslim leader gave a warning that following the IR was the same as understanding the teachings of the Bahai religion, and if not vigilant it would be lured to become a Bahai people and leave Islam (*murtad*). Gradually, this has the effect of reducing the number of Muslim children participating in IR because their parents ask them to resign without giving notice. In fact, before a warning from a Muslim leader, students always ask for permission if they cannot attend IR learning.

The dynamics of life goes on, in 2017 the new Village Head was elected and he had a

closeness with the Baha'is. IR was activated again in the building available at the Cebolek Village Hall. However, after running for three months, the Village Hall guard, an elderly mother, showed an inhospitable attitude towards IR students, so that this had an impact on gradually stopping IR activities. IR no longer ran due to (1) the reaction of local Muslim leaders, (2) one of the IR tutors was caring for her sick husband and another IR tutor actively developing his business, even then he moved and settled in the area of Bandung Regency. Until now, IR activities are no longer running.

These efforts have had a positive impact on the Baha'is. First, the local Muslim community dug up the tomb and attended the funeral when the Baha'i died, even though there were two grave diggers in Cebolek Kidul Village, the first group was not pleased to reverse the tomb under the pretext of different religions, while the second group reversed the tomb under the pretext of humanity. The village government provides grave land (now only used by the Bahai people) and is designated as a public grave based on the Regulation of Desa Cebolek Kidul Number 7 Year 2016. Secondly, praying for the house of Baha'i Islam/NU (read tahlil) after the funeral for five meetings. The Baha'is also attended the post-mortem prayer at the funeral home. Third, the Baha'i funeral is separated from Muslim funerals by local Muslims, with special land provided by the village government. This happens because public cemetery are only inhabited by Muslims, not allowed to bury the Baha'i people. The positive impact is that the tomb for the Baha'i who are on the edge of the community's shrimp ponds looks

broad, not as crowd as the Muslim/public cemetery.

This positive response was initiated by the efforts of Baha'i residents who were happy to make donations for the construction of local Muslim places of worship. The Bahai people who have funds and land provide capital to their Muslim neighbors and wish to raise cows, work on rice fields, or fish farming, using a profit sharing system. A good interaction between the investor and the recipient of capital creates a positive relationship in the neighbor. The positive response was reinforced by the behavior of the Baha'is to blend in with their naturally different religious environments, they did not become criminals and did not violate social norms, they also obeyed the rules agreed upon by Muslims as the majority, such as donating funds for the construction of mosques, road settlements, and others, they also do not publicize their worship widely because they worship in their homes.

People of any religion want to maintain their identity so that their religion still exists. This also applies to the Bahai people, both in Pati and those in Jakarta. According to Adam, his efforts with informal social networks such as kinship, family, friendship, neighbors, coworkers, peers (peer groups) by mobilizing participants organized by residents of Bahai. The network is due to the influence of relations formed as urban communities. Strategy to survive adjusting existing social conditions.

CONCLUSION

The contributing factors to the consistency of the Baha'is in Pati, first, are understanding the meaning of prayer and worship which are spoken according to the language in which the Bahai are. Secondly, the Baha'i religion was declared by Mirza Husein as Baha'u'llah. In 1817 he claimed to have received a revelation from God, and declared himself as the messenger of God (prophet) on April 21, 1863. Bahau'llah is believed to be from the descendants of a saint. Third, the Bahai teachings do not conflict with the principles of humanity so that the Bahai people believe in the truth of their teachings. Fourth, the Baha'is were inspired by the spirit of the Baha'u'llah, who from the beginning he spread his religion had been opposed by the first religious community (Islam) in Persia (Iran). Such opposition was dealt with as a consequence. Fifth, the Bahai people realize that the Bahai is experiencing a phase of development through stages of *majhuliyah* (unknown period), *maqhuriyah* (a period of opposition /hindrance), *infisoliyah* (a period of isolation/separation) with the majority community, *istiqlaliyah* (period of deliverance), *rosmiyah* (period of legalization/inauguration), *gholabiyah* (period of victory), and *dzahabiyah* (golden period).

Culture strategy of the Baha'i in Pati, first, the Baha'i social behavior in Cebolek Kidul Village adapts and adopts the traditions of the local Muslim nahdliyin. Second, mingling with Muslims, by residing in the midst of local Muslims and participating in activities carried out by residents, (1) meeting of the Neighborhood Association for fathers once in a month at the local mosque, while for the mothers it is carried out once a week at one

of the residents. Even though there is a series of Islamic prayers, the Bahai people pray in their hearts in the Bahai way, (2) visiting Muslim neighbors who are sick, either in the hospital or at their home after they returns from the hospital, (3) visiting Muslims returning from Islamic pilgrimage (al hajj), (4) come to the house of the resident who gave birth, (4) mourn the death, (5) attend the post-funeral death prayer at the Muslim house for seven nights for fathers and seven days in the afternoon for mothers, (5) attend wedding ceremony, (6) attending life cycle slametan such as birth, marriage, death and thanksgiving. Third, they no longer voiced their aspirations and rights which were not fulfilled by the regional government to the central government and NGOs. Fourth, actively carrying out Bahai's regular meetings namely ziafat (nineteen day slametan) in which there are joint prayer activities open to people of all religions, where prayers are read from the scriptures of various religions. Fifth, attend the forum organized by MRN. Sixth, the worship is not widely publicized so it does not ignite a reaction. The perpetual worship is daily prayer. Seventh, obey the Bahá'í law based on Kitáb-i-Aqdas which will be applied in stages according to the condition of the Bahai people. Eighth, in order to prevent conflicts from arising due to the teachings there are those suspected of being similar to the teachings of Islam, the Baha'is do not publish the Aqdas in public. Ninth, organized the Ruhi Institute (IR), which educated local Muslim children as a universal Baha'i education in 2000. The program runs once a week at the Baha'i house. For six months of learning, in 2015 local Muslim leaders

responded negatively to IR because the program began with a prayer in accordance with their respective religions (Islamic and Bahai prayer). Muslim leaders give warnings that following the IR is the same as understanding the teachings of the Bahai religion and if not vigilant it will be attracted to the Bahai people and leave Islam (apostasy). The impact of this is that slowly, Muslim children participating in IRs are asked to resign by their parents.

The variety of efforts (in addition to ruhi institute learning) has a positive impact on Baha'is. First, the local Muslim community dug up the tomb and attended the funeral when the Baha'i was edited, even though there were two graves diggers in Cebolek Kidul Village, the first group was not pleased to reverse the tomb under the pretext of different religions, while the second group reversed the tomb under the pretext of humanity. The village government provides grave land (now only utilized by the Bahai people) and is designated as a public grave based on the Regulation of Desa Cebolek Kidul Number 7 Year 2016. Secondly, praying for the house of Baha'i Islam/NU (read tahlil) after the funeral for five meetings. The Baha'is also attended the post-mortem prayer at the funeral home. Third, the Baha'i funeral is separated from Muslim funerals by local Muslims, with special land provided by the village government. This happens because public cemetery are only inhabited by Muslims, not allowed to bury the Baha'i people. The positive impact is that the tomb for the Baha'i who are on the edge of the community's shrimp ponds looks broad, not as crowd as the Muslim/public cemetery.

The positive response was initiated by the efforts of Baha'i residents who were happy to make donations to build local Muslim places of worship. As for their Muslim neighbors who wish to raise cattle, work on rice fields, or fish farming, Bahai residents who have funds and land, provide them with capital based on a profit sharing system. A good interaction between the financier and the capital raises positive interactions in the neighbor.

Positive responses from Muslims (Baha'i neighbors) are reinforced by the behavior of Baha'is to blend in with their naturally different religious environments, avoiding criminal acts and not violating social norms, obeying rules agreed by Muslims as the majority, such as contributing to development funds. mosque, village road, etc. They also realize that as a minority whose worship system is not widely publicized, they perform their worship in their homes.

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The Role of Indonesian Diplomatic Representatives in Resolving Cases of Persecution of Indonesian Migrant Workers in Malaysia

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Workers

Abstract

To achieve economic improvement and the welfare of its citizens, Indonesia is one of the countries that supports the practice of sending workers abroad or often referred to as Tenaga Kerja Indonesia (TKI). One of the leading destination countries for Indonesian migrant workers is Malaysia due to the geographical proximity and cultural similarities. However, the large number of Indonesian migrant workers in Malaysia is also proportional to the number of human rights violations experienced by Indonesian workers. Violations of rights such as embezzlement of salaries, physical torture, to murder often occur to Indonesian migrant workers in Malaysia. Based on the condition, the writer aims to analyze the role of the Indonesian government in protecting TKI who experience human rights violations in Malaysia through diplomatic representatives.

I. INTRODUCTION

Economic growth can be used to identify the level of financial performance that a country has carried out. Successful economic growth can be seen if there is an increase in income or an increase in the welfare of the people of a country from year to year [1]. Indonesia is one of the countries that is struggling to improve the economy through various steps. About 9.8% of Indonesian are still below the poverty line. This value is far from Malaysia, which has only 0.4% poverty in 2018 [2]. The poverty rate in Indonesia cannot be separated from the Indonesian population number and the lack of available job opportunities. In overcoming this problem, the migration of workers abroad is one solution that the government can offer. The migration of workers abroad, more

commonly known as TKI (Tenaga Kerja Indonesia), has an essential role in economic growth in Indonesia [3]. Besides improving the personal standard of their lives, TKI also contributes to an increase in foreign tax exchange for the state. Legalities of Indonesia Workers is loaded in UU No. 39 of 2004 about the Placement and Protection of Indonesian Migrant Workers [4].

However, many situations must be faced for Indonesian workers when working over the countries. From overstay issues, legalities until the human rights violations issue that often happens to workers committed by the boss. The number of Indonesian Migrant Workers (TKI) who experience various problems abroad reaches 1.8 million people when around 1,250,000 problems occur in

Malaysia, and 588,000 problems occur in Saudi Arabia [5].

There are many cases of Indonesian migrant workers with various problems that arise with the boss. Several factors that support the existence of TKI by employers are miscommunication, low competence, cultural differences, feudal behaviour, bad institutions and differences in the Manpower Act [6]. In the case of problems with Indonesian workers abroad, two main institutions have the authority to protect and provide services related to resolving the issues or disputes. Namely, BP3TKI is the agency responsible for delivering the TKI and the representative institutions of the Indonesian government or Indonesian Embassy that safeguards the interests of Indonesian citizens abroad. The Indonesian Embassy has technical duties that can directly provide legal protection for workers from Indonesia who experience legal problems abroad.

Based on this situation, the writer aims to analyze the role of the Indonesian diplomatic institution (Indonesia Embassy) in protecting Indonesian Migrant Workers (TKI) who experience human rights violations or investigations in Malaysia. The author takes a case study of Indonesian Migrant Workers in Malaysia because there are many cases in Malaysia and tries to deeply analyze what has been done by Indonesian representatives in protecting Indonesian citizens who experience human rights violations. This research has the title **The Role of Indonesian Diplomatic Representatives in Resolving Cases of Persecution of Indonesian Migrant Workers in Malaysia.**

II. CONCEPTUAL FRAMEWORK

The Role Theory

According to Mohtar Masoed in "The Study of International Relations at the Level of Analysis and Theorization", Role Theory is

defined as the behaviour that is expected to be carried out by someone who occupies a position.

"Role theory asserts that political behaviour is behaviour in running a politics. This theory assumes that most political behaviour results from the demands or expectations of roles that happen to be held by political actors.

Formation of Diplomatic Representatives

Relations between countries are considered necessary for the state to achieve their national interest and protect their nationals. Establishing an international relationship between nations is deemed beneficial for each country and deserves to be developed [7]. Based on this statement, Indonesia regulates the legality of international relations in Law No. 37 1999 concerning foreign relations, which defined as:

"International relations or foreign relations are every activity involving regional and international aspects carried out by the government at the central and regional levels and their institutions, state institutions, business entities, political organizations, community organizations, non-governmental organizations or Indonesian citizens."

Based on this legality, we can see that Indonesia has its focus on foreign affairs. Indonesia views relations with other countries as essential for the survival of the country and its citizens. The Indonesian government also issued regulations regarding diplomatic representative institutions as government representatives in other countries through Presidential Decree No. 108 2003 concerning the Organization of Representatives of the Republic of Indonesia abroad. In the Presidential Decree, it is explained that:

"Changes and developments that have occurred at the national and international levels have provided greater opportunities and challenges for the implementation of foreign relations and the implementation of foreign policy so that it is necessary to increase the organizational capacity and readiness of adequate human resources, and also that diplomacy implementers are needed. quality so that the implementation of foreign relations and the implementation of foreign policy is more focused, selective, comprehensive, coordinated, efficient and effective".

According to Article 1 Number 4 of the Decree of the President of the Republic of Indonesia Number 108 of 2003 concerning Organizations of Representatives of the Republic of Indonesia Abroad, Diplomatic Representatives are:

"Embassy of the Republic of Indonesia and Permanent Mission of the Republic of Indonesia that carry out diplomatic activities throughout the territory of the Receiving State and/or in International Organizations to represent and fight for the interests of the Nation, State and Government of the Republic of Indonesia."

Meanwhile, internationally, the right to place diplomatic representatives is regulated in several international conventions such as the 1928 Havana Convention and the 1961 Vienna Convention.

Diplomatic Representative Duties

In the 1961 Vienna Convention article 3 paragraph 1, it is clearly stated that:

"The functions of a diplomatic mission consist, inter alia, in:

(a) Representing the sending State in the receiving State; (b) Protecting in the receiving State the interests of the sending State and of its nationals, within limits permitted by international law; (c) Negotiating with the Government of the receiving State; (d) Ascertaining by all lawful

means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State; (e) Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations".

While in Law no. 37 1999, Article 19 b describes the duties and obligations of representatives of the Republic of Indonesia to provide protection, protection, and legal assistance for Indonesian citizens and legal entities abroad according to statutory regulations and customary international law [8]. Some of the functions of diplomatic representatives more broadly include:

1. Representation

B. Sen explained that the primary function of diplomatic representatives is to represent the citizens of the sending country in the receiving country and act as an official channel of liaison between the two countries' governments. Diplomatic representatives aim to maintain diplomatic relations between countries, and diplomatic officers are tasked with conducting negotiations and conveying the views of their government to the government of the receiving country [9].

2. Negotiation

In negotiations that are often carried out by countries with other countries, a diplomat has the task of being a representative in expressing the attitude of his country of origin to the receiving country regarding the interests of the two countries in the negotiations carried out [10].

3. Reporting

In Article 3 of the 1961 Vienna Convention on Diplomatic Relations, it has been stated that one of the duties of diplomatic representatives is:

"Provide reports to the sending country on the conditions and developments in the receiving country in ways that can be justified by law."

Through this task, diplomatic representatives are tasked with reporting any situation or development in the receiving country in order to develop any policies in origin countries. The report could be a report on the market or any political situation of the receiving state. By the market report, the sending country can use it as a directive of the trading strategy that should be implemented in the future. The political report can be used as the leading step of the origin country to protect the interests of its citizens and how to act in the international political sphere

Through this, it can be interpreted that diplomatic representatives function to protect the interests of the sending country and its citizens in the area where it is accredited within limits permitted by international law [11]. Diplomatic representatives must be able to see profitable opportunities that may be exploited for the development of the sending country while remaining alert to any actions that may threaten the interests of the sending country and citizens [12].

All sovereign countries in the world own the right to place diplomatic representatives because they are considered to have had the *Right of Legation* [13]. The appointment of an ambassador as the head of diplomatic representative can occur after the receiving countries approve the diplomatic delegates' name. Then, the receiving country's government can send a letter of credence as a form of official legality for the implementation of diplomatic missions [14].

III. ANALYSIS

Malaysia is a country that always occupies the first position as the location destination country of the Indonesian Migrant Workers—followed by Taiwan and Hong Kong in second and third place. Until 2008, the Indonesian Embassy noted that around 2 million Indonesian citizens worked legally in

Malaysia. Meanwhile, there are still about 800,000 illegal workers too [15]. Large number of Indonesian migrant workers in Malaysia cannot be separated from the similarities between the religion and the culture of the two countries [16]. In addition, the reason why TKI chooses to work in Malaysia is the close distance and a large number of TKI who are already working in Malaysia. It is not uncommon to find several close relatives who work together as Indonesian migrant workers in Malaysia [17]. These conditions assume that working as a migrant worker in Malaysia is more accessible than in other countries with cultural differences and more complex obstacles. Indonesia regulates the placement of Indonesian Migrant Workers abroad in Law No. 39 of 2004 concerning the Placement of Indonesian Workers Abroad. Article 1 31 of the Law states that every worker has the same rights and opportunities to choose, get, or change jobs and earn a decent income at home or abroad. Unfortunately, this is not an assumption that does not always lead to good results, considering the many cases of law violations and breaches of human rights received by Indonesian workers. From year to year, news about the problems of Indonesian migrant workers in Malaysia always comes to the fore. Starting from abuse by employers, rape, confinement, murder, confiscation of administrative documents, and non-payment of wages for TKI often occur [18]. Some examples of cases of migrant workers in Malaysia include:

1. The case of severe abuse experienced by Bonat within five months of working in Malaysia. Bonat is a TKI from East Nusa Tenggara who was physically abused, which left bruises and burns all over his body. According to her witness, she was persecuted only for accidentally breaking the master's cup and was punished with mistreatment and imprisonment [19].

2. Meriance Kabu's molestation case

Meriance Kabu is a migrant worker from Kupang, East Nusa Tenggara, who was abused in December 2014. Meriance received inhumane treatment such as being told to drink her urine, forced tooth extraction, and physical abuse such as whipping with rattan, electric shocks, and genital stabbing. After working for eight months, Meriance also did not receive his salary entitlement [20].

3. The case of the death of Adelina Lisao
Adelina is a 21-year-old girl from East Nusa Tenggara who died in February 2018 after being abused by her employer. Adelina's case was reported by her employer's neighbors. During the investigation process, Adelina was found with a malnourished condition and had severe injuries all over her body. Adelina was also mistreated by being forced to sleep with her master's dog. A day after being hospitalized, on February 11, 2018, Adelina died because of her complication injury. But unfortunately, after a thorough investigation, Adelina was an illegal TKI, so her status was not strongly recognized. As a result of this condition, the Penang Island Court finally decided that the employer was acquitted of all charges in April 2019 [21].

4. Suyanti Binti Sutrisno's persecution case

Suyanti is an Indonesian Migrant Worker from Medan, North Sumatra, who has just started working as a housemaid in Kuala Lumpur for two weeks. In his short working time, she has received physical abuse and human rights violations. Suyanti is only allowed to eat and bathe once a day and is forbidden to communicate with the outside world. Suyanti's case was revealed after she managed to escape and was found by a Malaysian citizen on the side of the road full of bruises [22]. This case was reported to the

local police for further handling by the Indonesian Embassy to Malaysia.

After seeing the many cases of abuse of Indonesian Migrant Workers in Malaysia, then what is the role of diplomatic representatives in dealing with this problem and carrying out their role as government representatives in the receiving country?

Actually, the concrete steps taken by diplomatic representatives in dealing with a problem dealing with problematic TKI do not have a fixed legal basis. All forms can be carried out as long as they do not violate international law and the sovereignty of the country concerned. In general, the role that diplomatic representatives can play in protecting problematic Indonesian Migrant Workers is by providing assistance, facilitating housing, repatriation, and providing legal assistance to the physical and psychological rehabilitation process. The legality of the duties of diplomatic representatives related to Indonesian Migrant Workers is contained in Article 18 A-D of the Minister of Foreign Affairs of the Republic of Indonesia No. SK.06/OT/2004/01, which states that:

The Diplomatic and Consular Officers, as referred to in Article 18, carry out the functions:

- a. Providing protection, protection, and legal assistance to Indonesian Citizens including Indonesian Migrant Workers and Indonesian Legal Entities in the event of threats and/or legal problems in the receiving country, as opposed with the local law as well as customs, and international law;
- b. Handling of complaints regarding problems faced by Indonesian Migrant Workers with employers and/or with the local government;

- c. Identification of problems faced by Indonesian Migrant Workers and consulting services and information on consular issues;
- d. Providing advice and seeking legal assistance in the event of a labor dispute between employers and Indonesian Migrant Workers, the Indonesian Migrant Worker Service Provider Company and the Foreign Worker Service Provider Company, the local government, as well as fellow between Indonesian Migrant Workers [23].

The implementation of this role is then grouped into several protective measures, namely:

1. Technical Protection

Technical protection is carried out by the Diplomatic Representative of the Republic of Indonesia by providing a safe and comfortable shelter for Indonesian workers who are facing problems. In addition, the Diplomatic Representative through the embassy also obliged as a facilitator in the case that occurred [24].

The task to provide shelter facilities is not contained in Law no. 37 of 1999 concerning Foreign Relations, but this facility can be carried out as a form of protection assistance services for TKI who experience problems in foreign countries. According to Prof. Boschard also argues that the act of providing housing for troubled Indonesian workers is not a legal duty for Diplomatic Representatives but rather a moral duty that representative diplomatic offices can give.

2. Juridical Protection

It is legal aid protection provided by diplomatic and consular representatives to Indonesian Workers who experience problems in foreign countries. In this process, diplomatic representatives can work with lawyers and experts to obtain legal advice regarding the case [25]. The expert will focus on the procedural law and

applicable legal system and how to behave and act according to the law in the recipient country. In this case, diplomatic representatives play a role in assisting and ensuring Indonesian workers' rights and ensuring that the law is fair and does not violate their fundamental rights.

3. Political Protection

This protection is not directly assigned to diplomatic representatives but is under the state's interests. In this function, the state is tasked to arrange an agreement or Memorandum of Understanding (MoU) related to the protection of Indonesian Migrant Workers with the destination country's government. Through these agreements, it is hoped that there will be cooperation between countries to take care of each other and protect every foreign worker while working in their country.

In the case study of the persecution of Indonesian Migrant Workers in Malaysia, the roles assigned by the Indonesian Embassy are not far from the technical and juridical protection guidelines as described above. The handling of each case will be adjusted to the case that occurs and still adhering to the principles of technical and juridical protection and legality according to Article 18 A-D of the Minister of Foreign Affairs Decree No. SK.06/OT/2004/01. While political protection is in the form of cooperation with government authorities by forming an MoU and cooperation through international organizations engaged in the field of labor, such as the International Labor Organization (ILO) [26]. The ILO can act as a negotiator and facilitator in the ongoing problems of Indonesian Migrant Workers.

IV. CONCLUSION

To alleviate poverty, Indonesia is one of the countries that supports and facilitates facilities for Indonesian citizens to work abroad or often referred to as Indonesian Migrant Workers (TKI). Malaysia is the main destination country for Indonesian migrant

workers based on the country's geographical proximity, similarities in culture and religion, and the number of predecessors of Indonesian migrant workers who have worked in Malaysia. However, the large number of Indonesian migrant workers in Malaysia is also proportional to the number of human rights violations experienced by Indonesian migrant workers. Every year news about violations of rights ranging from breaches of salary rights, persecution to the murder of Indonesian migrant workers still often surface.

In dealing with this condition, the Indonesian government has provided protection to Indonesian workers who experience legal problems. The Indonesian government is engaged in providing protection through diplomatic representatives who act as state envoys to protect the state's interests and its nationals. In the case of mistreatment of Indonesian

workers, diplomatic representatives play a role by referring to Article 18 A-D of the Minister of Foreign Affairs of the Republic of Indonesia No. SK.06/OT/2004/01 and apply the principles of technical and juridical protection. In terms of technical protection, the diplomatic representative office can provide temporary residence to accommodate Indonesian migrant workers who suffer a problem. The provision of this facility is intended so that TKI can receive comfort and security during the legal process.

Meanwhile, in juridical protection, diplomatic representatives have the authority to provide legal assistance to troubled Indonesian migrant workers. These legal aid diplomatic representatives can work with lawyers to find out the procedural law process and make all legal processes as fair as possible.

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The Impact of the One China Policy on Indonesia's Diplomatic Relations with Taiwan

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Abstract

The One China Policy or commonly referred to as the One China Policy is China's policy which states that no more Chin countries may be recognized other than their own. In this case, another country referred to by China is Taiwan, which also claims to be a country that has original power over mainland China and claims to be an independent country, not under the control of the People's Republic of China. Indonesia is one of the countries that implements the implementation of the One China Policy so that it has a fairly large impact on diplomatic relations or cooperation between Indonesia and Taiwan.

BACKGROUND

Indonesia is a country that has diplomatic relations with many countries in the world. Building diplomatic relations means Indonesia admit full sovereignty of the country. According to Montevideo convention, a country can be said to be a sovereign state if it has fulfilled several requirements, namely, having people, having territory, have sovereign government and has ability for establish relations with other countries [1].

A country must get recognition from the other countries in order to establish diplomatic relations with other countries and official government declared sovereign, namely holding the highest authority so that it can fulfil the four conditions in the Montevideo convention [2].

With recognition from other countries, it also makes it easier for that country to be able to conduct relations in any field in the future. Such as making trade agreements, export-Import transactions of goods as well as labour, tourism, etc. By giving acknowledgment as well, there will be rights and obligations that must be fulfilled as a state that recognizes and is recognized so that a diplomatic relationship will be established between the two parties out recognition from other countries, a country cannot be declared as a sovereign country de jure. Because it is considered unable to establish diplomatic relations with other countries.

One of the rights and obligations that arise is the right of legation or what in Indonesian is called the right representativeness. This right of representation consists of two things that will be owned by a sovereign state. The first is the right to send diplomatic representatives to countries that we have diplomatic relations with it, and the second is the right to receive envoys from other countries who are assigned as their diplomatic representatives to that country. So that it has become the authority of a country to give the authority to represent country diplomatic representatives [3].

By giving recognition to other countries, which means acknowledging that the government of that country has the highest authority. However, this authority will be limited by the territorial area it owns and the territory of other countries bordering the country. So, recognizing the sovereignty of other countries also shows that the authority possessed by one country to another is equal, no one is higher or more powerful. Also, that Sovereign country is an independent territory with the ability to govern its own territory without interference from other countries or other parties who intend to control the government of that country [4].

In carrying out the exchange of diplomatic representatives, according to the Vienna Convention, both parties, in this case, are the exchanging countries messenger diplomatic representatives or consular representatives first make an agreement. Without an acknowledgment

of the sovereignty of each other, this is impossible to do.

Indonesia itself has opened diplomatic relations with one of the most influential countries in Asia and the world economy, namely China. The good relations that Indonesia has with China both from the economic sector through trade agreements, export-import goods, and also other things make Indonesia one of the countries that has good relations with China following one of the policies issued by China, namely One China Policy. One China Policy or which in Indonesian is defined as the one China policy is a policy issued by China which states that there is only one China country [5]. This policy can be said to be sufficient to require countries that have diplomatic relations with China to only recognize the Chinese government and cannot give recognition of state sovereignty to Taiwan [6]. In this policy, China also makes guarantees for countries that want to cut off diplomatic relations or who want not to establish diplomatic relations with Taiwan will be given assistance to support that country in return for the choice to implement policies made in China.

So that Indonesia and other countries cannot recognize the existence of other Chinese countries such as Taiwan. It made Indonesia and Taiwan not having diplomatic or consular relations because Indonesia cannot recognize Taiwan as an independent and sovereign country because Indonesia obey policies issued by China [7].

Taiwan has declared itself as a separate country from China, while China itself still considers Taiwan as part of a province under Chinese control. This was motivated by the end of the Chinese empire due to the Xinhai Revolution in 1911 that cause the change in the Chinese government system, which was originally an empire, became a republic. This then gives rise to pros and cons among the people that make China's political condition unstable. Until then, there was a dispute between mainland China which embraced the Communists which we now know as the People's Republic of China and the democratic nationalist group then moved to another island and established their own government which we now know as Taiwan. Both claim each other to be the true sovereign Chinese government and claim each other's territory [8].

This later became the aftermath of the conflict between China and Taiwan, so China issued the one China policy in order to prevent countries that already have good diplomatic relations with China and recognize the existence of Taiwan as a country. China wants to make itself the only mainland Chinese country that has a sovereign

government and recognized by countries in the world.

One of the countries affected by the One China Policy implemented by China is Indonesia. Indonesia itself cannot open diplomatic relations with Taiwan. Indonesia followed this one-China policy and implemented it because of the Memorandum of Understanding (MoU) on August 8, 1990. This agreement was approved by the Ministers of Foreign Affairs of both countries [9].

However, although Indonesia follows the policies made by countries that have diplomatic relations with it, namely China with its One China Policy, but Indonesia has a foreign policy that has always been firmly adhered to, namely being free-active [10]. So the result is that Indonesia and Taiwan only cooperate in several fields, such as economy or education, without admit Taiwan's status as a country.

This means that Indonesia also does not have the right to send diplomatic representatives such as ambassadors and consulate generals to Taiwan, and vice versa, Indonesia is also not obliged to receive diplomatic representatives from Taiwan and provide services like hosting diplomatic representatives of other countries.

The results obtained by Indonesia through cooperation with Taiwan also bring many positive impacts that can be taken by Indonesia so that the decision to continue to cooperate in several fields of cooperation with Taiwan is the right step for Indonesia.

At first, Indonesia established relations in the economic field first with China, but this cooperative relationship foundered in 1965. As a result, Indonesia had to find new allies to cooperate in this field. Therefore, Indonesia then established relations with Taiwan in 1987 which was called the establishment of a chamber of commerce to improve the country's economy. However, in 1990, Indonesia and China succeeded in re-establishing their tenuous relationship through a Memorandum of Understanding (MoU) on August 8, 1990. In this memorandum, it is also stated that Indonesia will apply the principles of the One China Policy and will not recognize Taiwan as a country, but only establish unofficial cooperative relations with Taiwan.

Then in 1994 the relationship between Indonesia and Taiwan increased. Which in 1994 Indonesia issued Presidential Decree no. 48 of 1994 concerning the Indonesian trade office in Taipei.

This Presidential Decree states that Indonesia already has a non-government office located in

Taiwan as a trading office representing Indonesian economic institutions in Taiwan this facilitate cooperation in the field of trade between the two parties. This office will not be under the authority of the Ministry of Foreign Affairs such as when opening an office in a country that has diplomatic relations with Indonesia but will be under the Indonesian Economic Trade Office or abbreviated as IETO.

CONCEPTUAL FRAMEWORK

The Spirit of Commerce

The spirit of commerce or which in Indonesian means commercial spirit is one of the sub-theories in liberalism which used for analyze the relationship between one country and another and how the state determines its attitude in the political field and the world economy. [11] This theory emphasizes the economy in this modern era more towards cooperation between countries rather than war for commercial advantage. It also conveyed by John Stuart Mill who stated free trade is a solution or a way out to resolve the competition to take advantage through war.

Concepts of Interdependence and Institutionalism

Interdependence means two parties lean on each other. The interdependence that is meant here is how the commercial spirit that we discussed above succeeded in encouraging one country to another to cooperate with each other to gain benefits for the interests of their respective countries. Well, if the cooperation is mutually beneficial, then of course these countries have no desire to end their cooperation between them, which means the cooperating countries will experience a relationship between one another. The relationship with each other that occurs continuously over time will lead to dependence where both will not be able to survive or will not be okay without each other.

In his book *The Rise of the Trading States: Commerce and Conquest in the Modern World* (1986), Richard Rosecrance issue a statement if the desire to attack and control other countries with the aim of controlling natural resources or obtaining benefits from occupying that country will decrease if there is a cooperative relationship between countries that affects each other and creates dependence.

Neoliberal-Institutionalism

Neoliberal-institutionalism see through in international politics there is no world authority

or more commonly referred to as anarchy. Neoliberal-institutionalism also agrees that countries in carrying out politics in the international arena must cooperate with each other. Neoliberal-institutionalism also provides approval on a statement that in order for mutually beneficial cooperation between countries in the world to run smoothly, it is necessary to have stability in international politics.

Neoliberal-institutionalism also does not blame if there is an interest that is owned by a country and the country wants to enter into a cooperation agreement to fulfil that desire, so this is natural and the agreement there should beneficial for both parties [13]. Besides, it argues that with the existence of anarchic world politics, the state remains feel need for cooperate and cooperate in cooperation to get their own interests and benefits.

ANALYSIS

According to the Neoliberal perspective, institutionalism which holds that cooperation between countries also must reflect the national interest of the country and the cooperation agreement must fulfil the country's national interest, this is in accordance with China's objectives in establishing agreements and diplomatic relations with other countries that contain agreements must support its national interest is to become the only Republic of China recognized by the world.

Indonesia alone could implement the one China policy is due to the relationships recovery among Indonesia-China which had drifted apart in 1965 [14]. This relationship began to be restored through Memorandum of Understanding (MoU) on August 8, 1990. Apart from the diplomatic representatives of the two signing parties Memorandum of Understanding (MoU) was also attended by President Soeharto and the Chinese side was represented by Premier Li Peng.

This agreement discusses the implementation of the One China Policy in Indonesia so that Indonesia is not allowed to recognize the sovereignty of Taiwan which is defined by China as "another Chinese country" because the only one that can be declared a China is only China. So that Indonesia is allowed to enter into treaty relations in the economic and trade fields only with Taiwan [15].

Indonesia and China itself already have a strong enough bond so that interdependence arises between them. So that the agreement cannot be violated because both parties need each other.

The existence of interdependence between these two countries can also affect in the political field.

A simple example that we can take is to mention it in the agreement Memorandum of Understanding (MoU) which is more like relationships recovery diplomatic relations in the economic field of the two countries but able to regulate the political steps of a country so as not to recognize the sovereignty of other countries. This proves that the theory that stated existence interdependence reduces the risk of war or disputes between one country and another to be valid because these countries already dependent on each other so that they can influence each other in other fields. And the passion for commercial is also reflected in how Indonesia although it does not have diplomatic relations with Taiwan, it still maintains relations in the economic and trade fields for profit.

In the economic field, there have been many economic agreements that involve Indonesia and Taiwan. One of them is Bilateral Agreements Investment Promotion and Protection in 1990, and Double taxation avoidance in 1995.

The Double taxation avoidance agreement itself begins with a desire to avoid taxes that can be levied twice in the two countries that make the agreement. The tax applies to the ratio of interest, profit, fees, etc. for Taiwanese living in Indonesia. This agreement was approved by both parties represented by their respective ministries of commerce. Taipei Economic Trade and Office (TETO) and Indonesian Economic Trade and Office (IETO) or better known as the Indonesian Chamber of Commerce and Economy (IETO)[16].

In the non-economic field of Indonesia also make a cooperation with Taiwan in the other sector. Although the China Policy stipulates that Indonesia can only enter into agreements with Taiwan in the economic and trade fields, but with the foreign policy principle set by Indonesia, namely being free without pressure from any country to enter into cooperative relations with any party and actively participate in peace. Indonesian food industry has cooperation in non-economic and non-trade fields with Taiwan.

The first is cooperation in the field of law. This time the collaboration is done relation with cooperation trading what these two countries have done before. Cooperation in the field of law has goals to prevent tempted smuggling of goods and human trafficking. This agreement was made between the Indonesian Economic and Trade Office (IETO) Taiwan and The Taipei Economic and Trade Office (TETO). At a meeting on 3-4 August 2015, both parties agreed to an agreement containing immigration, and the

prohibition of its existence smuggling and human trafficking [17].

The second is cooperation in the field of agricultural technology. There is a technical mission carried out by agricultural graduates from Taiwan in Indonesia. Here the research focuses on the fields of agronomy, horticulture, and marketing of products in the field of agricultural technology. And also build The One Village One Product project which is an agribusiness project. As well as entering into agreements in the agricultural sector.

The third is policies in the field of education. Every year there is at least a quota of 25 Indonesian students who can get scholarships to Taiwan. Taiwan University provides many scholarships for Indonesian students who wish to study abroad for free. Students who continue their education in Taiwan also have a student association consisting of students from Indonesia who study in Taiwan itself. This agreement started in 2004. During the next ten years, starting from 2004 to 2014, there were 221 agreements approved by Taiwan and Indonesia related to the agreement [18].

The last is the policy of cooperation in the tourism sector. To increase the number of Indonesian and Taiwanese tourists, this agreement was carried out to increase tourism numbers on both sides of the country. To achieve this, an agreement was made between the two parties with the aim of increasing tourist in both countries. By targeting the exchange of tourists from both sides of the country, it was decided to release the can for both countries so that foreign tourists from both sides can easily visit without having to pay more for the can or the difficulty of processing the can which will later complicate visits between the two parties. This is quite successful make increase tourist visits are quite soaring for both parties [19].

Indonesia's Policy Towards Taiwan

In order to comply with the principles applied by the One China Policy, in carrying out relations with Taiwan, Indonesia must perform certain procedures and attitudes. For example, Taiwan is not allowed to call itself or Indonesia calls Taiwan as "Republic of China". Because this is a wrong thing, because in One China Policy only allowed to recognize or call China the same as the People's Republic of China. In addition, Indonesia at every meeting with Taiwan must also uphold the principle that this visit is not an official visit, there is no need for excessive publication, and ensure that what is done does not conflict with the agreement that has been signed Among Indonesia and China in the past, namely the Memorandum of

Understanding (MoU) on August 8, 1990 which also contained the agreement between Indonesia and China to apply the principles of One China Policy[20].

Taiwan's Policy Towards Indonesia

Taiwan in promoting itself in the Asian scene has the desire to show a new image for Asia. Providing examples and new values for Asia and promoting democracy in its participation in Asia [21]. To establish cooperative relations with Indonesia itself, Taiwan created an institution called the Taiwan Economic Trade Office (TETO). This establishment was based on the creation of the Taiwan economic and trade office in Jakarta. Then later in 2015 also opened a trade and economic office belonging to Taiwan in a city other than Jakarta. This city is located in the province of East Java. That is more precisely the capital city of East Java, Surabaya [22].

Providing Adequate Protection Indonesia Residents in Taiwan

The existence of the Indonesian Economic and Trade Office (IETO) which is funded by the State Budget through the Ministry of Trade in Taiwan has in fact provided many benefits for Indonesia [23]. This office is basically under power The Ministry of Trading. However, in practice this office does not only provide services regarding trade.

Apart from being responsible for economy interest and make cooperation easier with Taiwan. This office also provides protection services for Indonesian Migrant Workers in Taiwan. With various problems faced, such as wages that are not appropriate, work that is not in accordance with the work contract, fraud that turns out to be the workers being sold, and many other cases. But even though it happened, it doesn't mean making this trading office equivalent to diplomatic representative offices in other countries. This trading office does not have the immunity possessed by office diplomatic representatives and also have a different focus of function [24]

CONCLUSION

Based on what we have discussed, it is evident that the impact of the One China Policy is enormous on Indonesia's relations with Taiwan. With Memorandum of Understanding (MoU) on August 8, 1990 which according to Neoliberalism is a natural thing if when we have cooperative relations between countries reveal national interests and strive to achieve them. One of them is that in this case China has a desire that countries with diplomatic relations with it cannot have diplomatic relations with Taiwan or do not recognize Taiwan as a sovereign country.

Countries that have established relationship with China also already has a relationship that causes the emergence of interdependence between them so that China can influence the country's political attitude. In this case the political attitude that can be used as an example is the attitude of a country to recognize the existence or sovereignty of another country. Through agreements between countries that can make a country obedient to apply the principle.

However, with the encouragement of a commercial spirit that encourages the state to continue to cooperate with other foreign political partners in order to gain profits, which is the goal of the it's national interest. This is evidenced by Indonesia which even though based on an agreement with China, Indonesia cannot open diplomatic relations with Taiwan, Indonesia still opens non-formal cooperation with Taiwan in the field of economy and trade, as well as several other fields to get the benefits and things that Indonesia wants. And to fulfil this, cooperation with Taiwan is carried out even though Indonesia does not have diplomatic relations with Indonesia.

At the end, the establishment of the Indonesian Economic and Trade Office and also the Taipei Economic and Trade Office to Indonesia is very beneficial and strengthens relations and helps each other between the two countries even though Indonesia cannot fully recognize Taiwan's sovereignty but only opens cooperation [25].

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From The Lack of Women Representation to the Case of Comfort Women: An Analysis of Gender Issues in Diplomacy and Diplomatic Relations

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Abstract

As time goes by, public awareness of gender issues is reaching an uphill trend, due to the increasing number of activism movements concerning it. The scope of diplomacy is not an aspect that is free from the problem of gender inequality. Starting with analyzing the under-representation of women in diplomatic posts issue, to the case of comfort women that characterizes diplomatic relations between South Korea and Japan, this article aims to provide an illustration that shows the fact of even though there has been better inclusiveness, there is still nevertheless a need for reforms in the world diplomacy system to be more open to the principals of gender equality.

I. Introduction

When talking about diplomatic positions or even the practice of diplomacy itself, it is generally seen and often associated with positions that are reserved for men. After all, diplomatic posts in a country exist as a bridge between the two sending and receiving states, therefore, this position talks a lot about high political issues that historically have not been held in the hands of women. Women's role in diplomacy used to only be as the wives of diplomats. However, as times goes by and with the increasing number of movements of gender equality in society, there has been newfound openness in higher institutions regarding the

participation of women as actors in the practice of diplomacy [1].

Starting from the early 20th century, more precisely in the 1920s, began the idea of giving foreign service responsibilities to female diplomatic actors. Proved in the United States, with the assignment of Lucille Atcherson from Ohio who served in Berne and Panama in 1922, Pattie Field from Colorado who was assigned to Amsterdam in 1925, Frances E. Willis from Illinois who had served in Valparaiso, Santiago, Stockholm, and, Brussels since first commissioned in 1927, Margaret Warner of Massachusetts was assigned to Geneva in 1929, Nelle B. Stogedall who served in Beirut

from 1921, Constance R. Harvey of New York was assigned to Basel and Ottawa in 1930, and Margaret M. Hanna from Michigan who was commissioned in Geneva in 1937 [2].

Until the 1990s, it was undeniable that the development of society and its perception of gender equality and the emergence of movements including the emergence of intergovernmental organizations (IGOs), non-governmental organizations (NGOs), and transnational coalitions served as the driving force that continued to demand the realization of said agenda. Those forces put a strong emphasis on framing the issue of inequality in women's representation in diplomacy to a wider realm with a higher level of seriousness, such as when the United Nations' Security Council (UNSCR) adopted a resolution regarding women's participation in diplomacy called resolution 1325 on Women, Peace, and Security (WPS) in 2000 [3]. Not only that, broadly speaking, this WPS resolution has generated awareness of the movement regarding this issue, as evidenced by the adoption of WPS resolutions in foreign regulations of several states such as Australia, Sweden, Canada, and Norway to continue to support the agenda of equalizing gender representation and women's participation in diplomacy and peace efforts [4][5].

However, even after the practice of placing women in diplomatic posts began to be implemented, even from the very beginning some opinions emerged that were still adamant with the notion that there were many reasons why women should not be involved in the world of diplomatic

services. Looking back at the early era of women in diplomacy, much criticism was expressed by the public in regards to the appointment of Ruth Bryan Owen M, who was the first American woman to serve as a career diplomat and was assigned to Denmark in 1934 [6], as head of the United States diplomatic mission to Norway. The majority of the public questioned the competence of a woman as a head of a diplomatic mission [7].

Many other reasons were expressed by critics of the placement of women in diplomatic posts. The first reason being how the inequality in the treatment of women, in general, will make it difficult for them to carry out their missions, the second was related to the inability of women who incidentally were beginners in the scope of diplomatic missions to be placed in posts that are not comfortable, for example, related to extreme climates and other things, which makes them then placed in more attractive posts, which will then reap protests from the male peers, and finally arguments about how women will eventually be tempted by the prospect of marriage which will be a hindrance to them in carrying out their duties, and will eventually choose to leave their assignments [8].

These criticisms seemed to be typical of their time and may feel less relevant to be applied in the 21st century. However, even a century later, the presence of men still dominates over women in regards to diplomatic positions. In one study it was found that the percentage of men as diplomatic representatives is eighty-five percent [9], and the scale of male negotiators and chief mediators is

also much higher than women in peace negotiations [10]. Differences in the masculinity and femininity of a diplomat can also have a great influence on his ability to advance in his career [11]. Although there have been many developments that have taken place, the fact remains that female and male diplomats are treated differently even today.

In addition, gender relations and diplomacy are not only about inequality in gender representation, but, also related to gender issues which are the subject of diplomacy between two countries that have diplomatic relations, which then become part of their mission. One example of problems related to gender issues that are the subject of diplomatic missions is the issue of comfort women, a conflict between Japan and South Korea wherein the period before and after the Second World War, women throughout Asia, including South Korea were forced by Japanese troops to be made sexual slaves [12].

This paper aims to find out the extent to which developments have occurred regarding the inequality of participation of one gender identity compared to another, whether there is a relationship between the gender identity of a diplomat in carrying out their duties, gender-related issues that are the subject of focus for several diplomatic missions between countries as well as related case studies and whether the greater representation of women in a diplomatic mission will influence both the existence and resolution of these cases.

II. Conceptual Framework

Feminism

In analyzing and explaining various gender issues, most researchers took the feminist approach. Feminism is a theory with the basic view and principle that all women have an equal position with men [13]. There are many branch theories of feminism itself, such as liberal, cultural, materialist or socialist feminism, radical, psychoanalytic, and post-modernist, all of these branches can present their discourses [14]. By applying the theory of feminism and looking at its practice, it can be understood how the practice of diplomacy has shifted over time along with how people's views have changed regarding issues related to gender [15].

Feminism studies also study the concept of masculinity and femininity which then leads to how these two variables produce inequality in treatment in society [16]. By using this concept, we can explore why diplomacy itself then appears to be reserved to the principles of masculinity, and whether there is a space in diplomacy to accommodate the feminine side or whether the two concepts can co-exist. This concept can also be applied to the issue of the comfort women case where there is a juxtaposition of femininity and masculinity between the women who are the subject of war crimes, comfort women, and the Japanese military forces who are the perpetrators of the crime.

In addition, feminist thinkers have also conducted many searches related to the patriarchal system. The patriarchal system itself has a definition as a social system where the role of men is far more dominant than the role of women, both politically and morally, this causes men to have special rights

regarding social control and even property [17]. The patriarchal system can be divided into two types, the first is the private patriarchal system, namely that which occurs in the privacy of the household, for example where women are controlled before they can reach the public sphere directly by individual patriarchs who share the household with them so that women cannot have access to the public sphere at all, the second is the public patriarchal system, where women have access to both spheres in society, namely private and public, but in the public sphere, women have limited capabilities due to the control of patriarchal agents in the community system [18]. The concept of patriarchy can be used in the analysis of why there is an imbalance in the representation of women in the world of diplomacy systemically.

Broadly speaking, both genderization and patriarchal systems can be used as auxiliary tools in analyzing the two topics to be discussed in this paper, namely the inequality in the representation of women in diplomatic missions and the existence of the comfort women case which is the cause of the presence of tensions between South Korea and Japan.

III. Analysis

Women in Diplomatic Positions

Historically, many professions have traditionally been professions that are synonymous with men and masculinity, including those related to politics, because politics is a subject that has the main focus on regulating and gaining power [19], something that is very closely associated with masculinity. Viewed

historically, in the 19th-century diplomacy remained a profession that was dominated by male actors [20]. However, without the invisible roles of women who were in positions as wives, support staff, ambassadors, and others, the diplomatic process will not be able to take place [21][22]. The realm of diplomacy in the hands of women was initially only reduced to the wives of diplomats, who had a role at least in providing advice, gathering information, and spreading rumors and false information which can serve a great use [23].

This was expressed in Linse's writing as a practical and profitable thing to be done by sending states because most diplomats already have a spouse or wife, then the country can get representation in the form of tasks which are then carried out by diplomatic wives without the need to give salaries for the individual wives [24], essentially, these governments can get two representatives by paying only one person. The existence of these restrictions may be one of the reasons why women seem to have invisible barriers in the scope of diplomacy that are difficult to cross. As long as they are still seen as wives by politicians, the media, or other diplomatic actors, it doesn't matter what contribution they have done, the sexist wall will still exist and even stand firmly separating their roles in real diplomacy which will still be firmly held by male actors and the concept of masculinity will continue to be tied around it [25]. Therefore, it can be concluded that the political nature of marriage will play a large role in opening or closing the gates of women in the world of diplomacy.

However, in the 1970s and 1980s, just as the second wave of feminism was taking place, women who married diplomats from Sweden, Canada, Britain, and America founded new organizations and revived old ones, they also expressed some new demands, namely the recognition of the contributions they made to the policies of their husbands' assignments. Some even wanted more than just recognition, they wanted official jobs, pensions, benefits, and more radical ones even demanded salaries [26]. The organizing efforts of these diplomats' wives show how much the governments rely on the control of their marriages to carry out the practice of international relations [27]. According to Beryl Smedley, a wife of a retired senior British diplomat, being the wife of a diplomat is a profession in itself, although it is unrecognized and unpaid [28]. This means that simply by having marital status with a diplomat, a person is automatically required to have certain skills, they then have responsibility for certain things as well, just like a normal job, only without the wages and recognition usually obtained by someone with the official profession.

Lately, although the numbers still can't match the number of their male counterparts, the emergence of female career diplomats seems to be more of a commonplace. However, the emergence of women in diplomatic careers is a fairly new phenomenon. As discussed prior, the United States only allowed the entry of women in the sphere of diplomatic careers in the 1920s, followed by Turkey in 1932 but then Turkey banned it again in 1934 until 1957, the same thing happened in Brazil

where in 1918 Brazil allowed a woman to have a career in diplomacy but then Brazil banned it again in 1938 to 1954, countries such as Canada, Sweden, and Japan only allowed this in 1947, 1948, and 1949 respectively [29][30][31].

Of course, the openness of countries to allowing women to have careers in diplomacy is indeed a significant achievement and is the first step, but the fact is, it is not enough to break down the wall because even after that there was a ban on married women from becoming diplomats by several countries such as Brazil which was not lifted until 1966/1988, the United States in 1971, and Sweden in the 1970s [32][33]. If a woman serving in a diplomatic position wishes to marry before that, they were forced to leave the post.

Currently, where the attitude of the world community and the scope of diplomacy is more friendly towards the presence of female diplomats, in the real world, they are still experiencing several challenges in the current era. In a study conducted by Caroline Linse in which she researched this issue by conducting direct research by interviewing eleven women, who were from Estonia, Germany, Lithuania, South Africa, and the United States. Ten out of eleven were being assigned outside their home countries in the diplomatic professions, and one out of eleven has been assigned but chose to leave to remain in their home country [34].

In this study, two types of aspects were examined, the first was the challenges in the scope of work and the second was the family aspect. In terms of work, it was

found that they were expected to work harder than their male colleagues, both at the secretarial and senior levels, some even said that there were difficulties for advancement in their careers which would not have happened had it not been for their status as women [35]. While in the family aspect, several women who were also mothers said that problems related to the education of their children were a problem that was present, more specifically related to language conflicts that would occur, the second problem was related if their husbands later became 'dependent' parties in the relationship, where the wife has a career outside the household and the husband do not [36]. It is arguably untraditional in a heterosexual marriage which may be a source of tension in the family and household.

It can be concluded that the journey of women to obtain a position in the world of diplomacy is a long journey and even now when it is more open than in previous eras and conditions of society, it is still in a state of underrepresentation when compared to the gender identity of men who still have the power of domination to date. It is also evident that they, women with diplomatic careers, still have special difficulties due to their gender identity.

The Comfort Women Case and South Korea-Japan Diplomatic Relations

Before and during the Second World War, during the Japanese imperialist era, approximately two hundred thousand women, most of them being Korean women, were forced by the Japanese army to be forced into sex work for the

Japanese troops [37]. Protests have been held in front of the Japanese embassy building in Seoul, South Korea once a week since 1992 [38], with a total of 1,488 protest movements occurring over the past twenty-nine years [39]. However, the Japanese side continued to show a defensive attitude [40], this was one of the issues that made diplomatic relations between Japan and South Korea tense.

According to Japan's point of view, this problem has been resolved in the bilateral agreement between Japan and South Korea that occurred in 1965 in regards to diplomatic relations between the two countries. In that agreement, all activities that occurred during the post-war period. However, in that agreement, Japan only offered moral support [41]. Japan refuses to accept legal liability in any form, takes a non-involvement defense in cases of systemic sexual slavery, and rejects government interference in these activities [42], despite evidence of the placement of comfort women at stations under the Japanese Imperial Army [43]. The response to this was sour and accused the Japanese of incompetence in facing the fact that they had committed war crimes [44].

In 2015, to be exact on December 28, it was surprisingly announced that the governments of Japan and South Korea had entered into negotiations regarding the comfort women issue and a solution had been reached 'finally and irreversibly' [45]. In these negotiations, the Japanese government apologized and as part of its apology, promised compensation of as much as one billion yen for the establishment of a reconciliation organization and

others [46], however, many are of the view that Japan's actions were merely apologizing, while still not mentioning the problem specifically and not acknowledging the systemic interference of the Japanese government, and giving no money to the surviving victims or their families, and that this act was not enough [47]. This organization made by Japan was later dissolved by President Moon in 2019 [48]. Victims who were directly involved were also not involved in the negotiations before this agreement [49], the lack of women's involvement in cases involving themselves is one of the problems related to gender issues that are rife in the sphere of diplomacy and peace negotiations in general [50].

Efforts to seek a resolution have involved other countries outside of Japan and South Korea, namely the involvement of the United States in efforts to resolve the problem. The involvement of the United States is enough to provide an interesting development of the case. At first, the United States showed great support for South Korea, from the mayor, city council, and members of the US Congress expressing their support [51]. Hillary Clinton, who used to serve as Secretary of State in the US said in 2012 that 'comfort women' is a misleading term and that these women should use the actual term, namely sex slaves [52]. However, the United States' support for this case still had political indications, both US political parties were indicated to want to secure votes from prospective voters from Asian-American voters, because more than before Asia-Americans served as a 'swing vote' for America [53], this was simply because immigration rates continue to grow

and because Asian-Americans represent a large demographic [54].

However, after the agreement on comfort women in 2015, many developments in cases and new political turmoil have occurred. Victims of sexual slavery by Japan in the form of South Korean women tried again to bring the case before the Seoul district central court, but in January 2021, the Prime Minister of Japan refused to appear in court, citing sovereign immunity, a doctrine of international law whereby a country is immune to the jurisdiction of another country [55]. In April 2021, a new judge was assigned to this case, and in contrast to the attitude of the previous judge who rejected the Japanese side's reason for not being involved in the case, the new judge considered the case cannot be continued because there is the principle of sovereign immunity which was mentioned by the Prime Minister of Japan [56].

Meanwhile, the connection of this case to Japan and South Korea's diplomatic relations lies in the United States' new role in this case. The US is now under the new Biden-Harris government. This new government has one of the main missions. In foreign policy issues, it is to overcome North Korea's nuclear weapons arsenal and also to deal with the antagonistic relations between the US and China. This causes the United States to seek an alliance from Japan and South Korea, thus the US has to form good diplomatic relations between the two countries [57]. But at this time, there has been no further official comment made by the United States government regarding this specific case.

The stopping of the case when the victims themselves immediately demanded justice was a major attack on the struggle for justice and accountability in the comfort women case. Considering that previous agreements were made without the participation of even victims' representatives, and the compensation provided did not show any the sense of accountability shown by the Japanese government towards these former comfort women, since the funds given were not delivered directly to the victims. Up until now, there are still weekly protests held by South Koreans in front of the Japanese Embassy to South Korea which shows that at least from a citizen's point of view, there is still a rejection of the Japanese government's attitude. To a certain extent, this will affect diplomatic relations between the two countries. This case should be resolved through diplomacy such as renegotiation, this time involving the victims to reach a more acceptable resolution, but it seems to be difficult to be conducted at this stage, except perhaps with the help of a third party such as the United States to resolve the conflict.

IV. Conclusion

Currently, the broad scope of diplomacy is not yet a sphere that truly applies gender inclusivity. Starting from the fact that female workers in the field of diplomacy are still very under-represented and female workers who managed to enter also experience different treatment compared to their male colleagues, to the handling of cases involving violence against women that have not been handled perfectly. It seems that there needs to be a system reform that occurs within the scope of the world of

diplomacy which now seems to be still patriarchal, to achieve a situation where openness to gender equality can be more applied, both in the system and in terms of resolving diplomatic conflicts themselves. In this way, these two issues can be broadly resolved.

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Analysis of Indonesia-Netherlands Diplomatic and Consular Relations

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Abstract

In order to improve the quality of international cooperation, the Indonesian nation must be able to improve the quality and performance of foreign officials so that they are able to carry out proactive diplomacy in all fields to build a positive image of Indonesia in the international world. Through this article, the diplomatic relations between Indonesia and the Netherlands will be analyzed specifically, both diplomatic and consular relations. The result, diplomatic relations between the governments of Indonesia and the Netherlands have been in accordance with Law Number 37 of 1999, but in practice it has not been implemented properly in accordance with the applicable laws and regulations, so on this occasion I will discuss further about diplomatic relations between Indonesia and the Netherlands which had temporarily interrupted by several influencing factors including the revocation of the Dutch embassy in Indonesia named Rob Swartbol due to protests against the execution by the Indonesian government against a Dutch citizen named Ang Kim Soe or vice versa the revocation of the Indonesian embassy in the Netherlands because it will be held consultations by their respective countries, both the Netherlands and Indonesia, on their embassies.

Introduction

The State of Indonesia as an independent and sovereign country, after obtaining recognition both de facto and de jure, has the right to determine its own destiny, including in terms of its foreign policies.¹ As a country, the Indonesian people realize that it is impossible for us to fulfill all our needs without the help of other nations or countries. Therefore, to meet the needs of both the political, economic,

and socio-cultural fields, cooperation is needed in the context of meeting the needs of its citizens and achieving national interests.

Relations between nations or countries must be based on the principle of equality. The Indonesian state in conducting international relations applies a free and active foreign policy which is dedicated to the national interest. This is primarily intended for the benefit of

development in all fields as well as participating in implementing national order. This is primarily intended for the benefit of development in all fields as well as participating in carrying out world order based on freedom, eternal peace, and social justice.

In order to improve the quality of international cooperation, the Indonesian nation must be able to improve the quality and performance of foreign officials so that they are able to carry out proactive diplomacy in all fields to build a positive image of Indonesia in the international world.². Therefore, the role of Indonesian diplomats abroad must really be able to provide the widest possible information to the world community about the real Indonesia. The role of the mass media regarding the unfavorable image of the Indonesian state abroad, must slowly be countered with balanced coverage. In addition, diplomats must also be able to provide protection and defense of Indonesian citizens and interests, and take advantage of every positive opportunity for the national interest.

In the interest of wider international relations and cooperation, both from the political and formal legal aspects, the State of Indonesia has become the 60th member of the United Nations on 28 September 1950.³. Like other countries, the State of Indonesia has placed its diplomatic or consular representatives in other countries. In carrying out these international relations, the executive and legislative government bodies are also assisted by diplomatic representatives sent through exchanges between countries. The closer the relationship between a country and another, the diplomatic representative of that country will have an important role. Through this article, the diplomatic relations between Indonesia and the Netherlands will be analyzed specifically, both diplomatic and consular relations.

The problems that formulate in research are “How is the quality of diplomatic and consular relations between Indonesia and the Netherlands?”; “What is the law if in its implementation there are problems in the Indonesia-Netherlands relationship?”

CONCEPTUAL FRAMEWORK

International law

International law is the whole of law which mostly consists of principles and rules of behavior that make the countries concerned feel bound to obey each other's legal rules which include:⁴:

- 1) Legal rules relating to the functions of international organizations or institutions, whether they are relations with individuals, countries, or fellow organizations.
- 2) Certain legal rules relating to individuals and non-state entities insofar as their rights and obligations are important to the majority.

Principles of International Law

The principles of international law relating to issues of territorial jurisdiction adhere to several principles that apply universally, namely:⁵:

- 1) Territorial Principle.
This principle gives the authority to carry out legal actions that take place in the territory of the state, both public and private.
- 2) Nationality Principle
This principle gives the authority to carry out legal actions committed by citizens who are abroad.
- 3) Protective Principle
This principle gives the authority to carry out legal actions for actions that threaten the security of the country.
- 4) Universality Principle Prinsip

This principle gives the authority to carry out legal actions that threaten universal world security.

Diplomatic and Consular

Diplomatic and consular law is essentially a provision of international law that regulates diplomatic relations between countries which are carried out on the basis of mutual agreements as outlined in legal instruments. Both are generally envoys of a particular country, the difference is that diplomatic relations maintain the political interests of the state with central officials who have extraterritorial rights. Meanwhile, the consular post maintains the non-political interests of the state with local officials but does not have extraterritorial rights⁶.

ANALYSIS

Diplomatic and Consular Relations between Indonesia and the Netherlands

In recent years, the Netherlands has participated in assisting in various fields such as maritime, legal, and Indonesian food security⁷. Furthermore, the Netherlands has been helping to improve the business climate in Indonesia and establishing cooperation in the field of science and technology such as conducting university student exchanges. This is intended for all regions in Indonesia, but there are also those targeting special areas

such as Papua and Maluku. Considering that Indonesia has now attained the status of a middle-income country⁸, capital goods and large-scale investments are now independently financed by Indonesia, so the type of cooperation between Indonesia and the Netherlands has the potential to change.

The Government of Indonesia together with the Government of the Netherlands have agreed on a clean development mechanism (CDM) cooperation.⁹ the energy sector as an implementation of the Kyoto Protocol in terms of reducing greenhouse gas (GHG) emissions. The Government of Indonesia together with the Government of the Netherlands has also strengthened cooperation in the agricultural sector through the VegIMPACT program¹⁰ namely the program to increase production and marketing of vegetables as a follow-up to the meeting in The Hague which is a priority for bilateral cooperation.

So far, bilateral relations between Indonesia and the Netherlands have been very good. This is reflected in the Indonesia-Netherlands partnership program which is based on the Joint Declaration on Comprehensive Partnership¹¹ and was ratified in January 2009. In 2010, this bilateral cooperation relationship grew more dynamically seen from the visit of the Indonesian

delegation to the Netherlands which reached more than 4000 people, while in 2009 only 3000 people and Maria van der Hoeven, a Dutch Minister of Economy also attended Indonesia-Netherlands Mixed Commission in March 2010 in Jakarta¹².

Over time, the economic cooperation between Indonesia and the Netherlands in recent years has strengthened concretely, such as increasing investment, development cooperation and various other technical cooperations, so that Indonesia appears to have an increasingly important position as a partner in economic cooperation such as trade and investment. This is in line with Indonesia's position which is starting to be seen as a middle income country¹³. For the Netherlands, Indonesia can be used as a gateway for marketing its products to Asia. On the other hand, the Netherlands is expected to become a gateway for marketing Indonesian commodity products to Europe.

Throughout 2010, a number of agreements in the fields of education, culture, and economy were successfully reached¹⁴. In the field of education, there is an increasing number of students studying in the Netherlands and receiving scholarships from the Netherlands/NESO. In the economic sector, there are several aid schemes such as Private Sector Investment (PSI)¹⁵,

Indonesian Facility (INDF)¹⁶, and Netherlands Financing for Supporting Infrastructure Development (ORIO)¹⁷. The Netherlands also sent experts through the Netherlands Senior Experts. In the trade sector, the Indonesia-Dutch trade balance is always a surplus for Indonesia. This achievement is partly due to the active promotion by the Indonesian Embassy through PMI 2010 and participation in international exhibitions such as IHF, PLMA, etc. Based on BKPM data, the total Dutch investment in Indonesia until 2010 was estimated to reach 5 billion USD, 340 projects were implemented, and 11,331 workers were absorbed.¹⁸ This is why the Netherlands ranks second in the realization of FDI investment in Europe after the UK and seventh in the world after Japan, Singapore, Mauritius, United Kingdom, United States and South Korea.¹⁹

In its implementation, diplomatic relations between Indonesia and the Netherlands have been in accordance with Law No. 37 of 1999 but have not been implemented optimally²⁰. Even the diplomatic relations between Indonesia and the Netherlands were interrupted, the Dutch embassy in Indonesia was revoked.

If we observe, the revocation of the Dutch embassy in Indonesia was caused by several things, among others: the Netherlands did not want to de jure recognize the independence

of the Republic of Indonesia, the Netherlands developed the opinion that Indonesia was degrading human dignity due to the implementation of the execution law for drug crimes, and the Netherlands did not want to apologize for the death of more than 1 million Indonesian citizens committed by the Dutch²¹.

From this explanation, it can be said that diplomatic relations between Indonesia and the Netherlands experienced ups and downs. Therefore, there must be an improvement in relations between the Indonesian government and the Netherlands.

Legal Implications of Indonesian-Dutch Relations Problem

Bearing in mind that the granting of such diplomatic immunity is not for individual interests but to ensure the efficient execution of the duties of diplomatic officials, especially those assigned by the sending country, such immunity must be granted reciprocally so that friendly cooperation between sending and receiving countries is reflected.

Diplomatic immunity starts and ends as stipulated in Article 39 paragraph 1 of the 1961 Vienna Convention. Basically, according to the 1961 Vienna Convention, the immunities and privileges will come into effect or begin to enjoy them from the time the diplomat enters the territory of the

receiving country on his way to assume office or if he is already in the territory recipient country, from the moment of his appointment it is notified to the Ministry of Foreign Affairs or other approved ministries²².

Not only that the receiving government has given approval to him as an ambassador in the country in which the sending country has given him a diplomatic visa to enter the jurisdiction of the receiving country. In addition, the first arrival of diplomats to the receiving country is always notified immediately to the Ministry of Foreign Affairs. These three factors can implicitly be considered as the basis for the government of the receiving country to grant diplomatic immunity and privileges.

Then the immunities and privileges expire usually when he leaves the country, or at the expiration of a reasonable time or opportunity, which is granted to him to leave the receiving country. Such provisions are contained in the Vienna Convention in Article 32 paragraph 2 which confirms that the immunities and privileges remain in effect until the expiration of an appropriate time. This is a guarantee for the diplomatic representative whose term of office or his duties have ended that he continues to enjoy such treatment, in the event of armed conflict. Such immunities and privileges will remain until a

sufficient time after the completion of their duties.

Diplomatic immunities and privileges shall continue until the diplomat has had adequate time before his departure after completing his duties in a receiving country. However, the receiving country can ask the sending country at any time to withdraw its diplomats if he declares *persona non grata*²³.

In brief, it can be stated that diplomatic immunities and privileges can be enjoyed by diplomatic officials from the time the person concerned enters the territory of the receiving country, namely on his way to his post. Or if the receiving government has given approval to him as an Ambassador in that country or also if it has granted him a diplomatic visa to enter the jurisdiction of the receiving country. In addition, the first arrival of diplomats to the receiving country has been notified to the Ministry of Foreign Affairs of the receiving country.

And the immunity will end if the tasks have been completed or can also stop during the period of the representative's duty has not been completed. In the event that his duties have been completed, this immunity will expire when the official leaves his post and returns to his country or after the appropriate time limit for leaving his post has passed. Meanwhile, in the event that the term of office has not been completed, this immunity

can end simultaneously with the recall of the official concerned by the government of his country.

Initially, the regulation and implementation of diplomatic law, especially regarding the implementation and acknowledgment of the granting of diplomatic immunities and diplomatic privileges in Indonesia, was based on standard international practice, which applies in practice between countries in exchange of diplomatic representatives. "International custom" itself as stated in Article 38 of the Statute of the International Court of Justice, is considered a fact of general practice accepted as law.

However, the legal basis of this international custom actually causes a lot of conflict, especially for emerging countries. At the time this matter was discussed at the International Law Commission and at Committee VI of the United Nations General Assembly, especially when formulating the draft Article 24 of the Statute of the International Law Commission.

In the further development of international relations, it is deemed necessary to make an international convention which is the basis of written law that can be used by all countries on a reciprocal basis. This trend eventually resulted in the 1961 Vienna Convention on Diplomatic Relations, which was an international law recognition

of the granting of diplomatic immunities and privileges.

For this reason, the granting of diplomatic immunities, which were originally based on standard international customary law, is reflected in state practices in international relations, especially the provisions of local laws. The written International Convention is the 1961 Vienna Convention, so that the provisions for granting diplomatic immunities and privileges have now been recognized internationally as an international law.

Before Indonesia ratified the 1961 Vienna Convention on diplomatic relations, the granting of diplomatic immunity and privileges legally was still based on customary international law. In the early days, the Government of Indonesia in carrying out its international relations, whether diplomatic, consular, bilateral or multilateral, has adhered to the following arrangements:

1. Diplomatic Code of Conduct and Protocol Code of Conduct.
2. Guidelines for the Consul of the Republic of Indonesia and other arrangements regarding the duties and functions of diplomatic and consular officials.

So, the diplomatic function in a political sense is an effort to defend Indonesia's freedom against imperialism in all its forms and manifestations by implementing world order

based on independence, eternal peace and social justice. Serving the national interest in realizing a just and prosperous society. Creating good friendship between countries in realizing the implementation of the duties of diplomatic representative countries.

Ang Kim Soei alias Kim Ho alias Ance Taher alias Tommy Wijaya who was sentenced to death by the Panel of Judges at the Tangerang District Court, Banten, last Monday, January 13, 2003. Exactly at 00.00 WIB January 18 2015, Ang Kim Soei was executed²⁴. As a result, the Netherlands recalled its ambassador in Jakarta regarding the execution of their citizens who were involved in drug cases. According to the Ministry of Foreign Affairs, the withdrawal of the ambassador does not mean Indonesia's relations are being disrupted. The withdrawal of the ambassador for the nature of the consultation is normal. The Government of the Republic of Indonesia also plans to recall several ambassadors in early February 2015 for consultations.

The Netherlands recalled its ambassador because the Indonesian government had just executed a Dutch citizen for being involved in a drug case. Ang Kim Soei is a Dutch citizen who was executed by the prosecutor's office. The Netherlands considers the execution of the death penalty against one of its citizens in Indonesia because the drug case

is a form of 'cruelty'. The Netherlands says Ang Kim Soei is the first Dutch citizen to be executed abroad and warns the sentence will 'damage' relations with Indonesia²⁵.

Dutch Foreign Minister Bert Koenders assessed that the execution of Dutch citizen Ang Kiem Soe, 62 years old, was a denial of human dignity and integrity. Dutch Foreign Minister Bert Koenders also said he was deeply saddened by the death sentences handed down to the six convicts. The Netherlands has made various efforts to save its citizens. This effort was even carried out by the King of the Netherlands King Willem Alexander and Prime Minister Mark Rutte.

The Netherlands is a country that condemns the execution of two of their citizens, namely Ang Kiem Soe, a Dutch citizen. Ang Kiem Soe was executed after a court in Indonesia found them guilty of drug trafficking. In addition to this person, the government also executed five other people, namely Marco Archer, a Brazilian citizen, Namaona Denis, a Malawian, Daniel Enemu, a Nigerian, Tran Thi Bich Hanh, a Vietnamese citizen, and one Indonesian citizen, Rani Andriani, a woman. from Cianjur²⁶.

Jokowi rejected the request for annulment of the death penalty, even though Jokowi respects every other country's efforts against its

citizens, because the same will be done by Indonesia to protect its citizens. As a result of this refusal, the Netherlands withdrew its ambassador from Jakarta. According to the Ministry of Foreign Affairs, the ambassador's withdrawal does not mean that Indonesia's diplomatic relations are being disrupted. The Ministry of Foreign Affairs itself will continue to strive to build communication and improve bilateral relations with the Netherlands. The Ministry of Foreign Affairs considers that the withdrawal of the ambassador is carried out for consultation by the government of the country concerned and this is a common occurrence.

The Ambassador of the Kingdom of the Netherlands to the Republic of Indonesia, Rob Swartbol, is scheduled to return to The Hague soon after being withdrawn by his government as a form of protest over the execution of Ang Kim Soei on Sunday, January 18 2015 at 00.00 WIB. Spokesman for the Dutch Embassy in Jakarta, Nicolaas Schemers, confirmed this.

CONCLUSION

Diplomatic relations between the governments of Indonesia and the Netherlands have been in accordance with Law Number 37 of 1999, but in practice it has not been implemented properly in accordance with the applicable laws and regulations, so on this occasion I will discuss further

about diplomatic relations between Indonesia and the Netherlands which had temporarily interrupted by several influencing factors including the revocation of the Dutch embassy in Indonesia named Rob Swartbol due to protests against the execution by the Indonesian government against a Dutch citizen named Ang Kim Soe or vice versa the revocation of the Indonesian embassy in the Netherlands because it will be held consultations by their respective countries, both the Netherlands and Indonesia, on their embassies.

The legal implications of diplomatic relations between Indonesia and the Netherlands have been in trouble since the withdrawal of the Ambassador of the Kingdom of the Netherlands to the Republic of Indonesia, Rob Swartbol, who is scheduled to return to The Hague soon after being withdrawn by his government as a form of protest over the execution of Ang Kim Soei on Sunday, January 18 2015 this morning at 00.00 WIB. The Netherlands is a country that condemns the execution of two of their citizens, namely Ang Kiem Soe, a Dutch citizen. Ang Kiem Soe was executed after a court in Indonesia found them guilty of drug trafficking. Dutch Foreign Minister Bert Koenders assessed that the execution of Dutch citizen Ang Kiem Soe, 52, was a denial of human dignity and integrity. Dutch Foreign

Minister Bert Koenders also said he was deeply saddened by the death sentences handed down to the six convicts. The Netherlands has made various efforts to save its citizens. This effort was even carried out by the King of the Netherlands King Willem Alexander and Prime Minister Mark Rutte.

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Indonesian Government's Efforts to Cooperate with Malaysia's Government in Protecting Educational Rights of Indonesian Migrant Workers Children (Case Study: Children of Indonesian Migrant Workers in Sabah)

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Abstract

Indonesia and Malaysia are geographically close countries. That is one of the reason why many Indonesian Migrant Workers come to Malaysia to look for a job. Although Malaysian Immigration Agency has banned migrants from bringing their families with them, there are still 50.000 Indonesian children in Sabah who work with their parents. But these children do not get a proper education. This study aims to examine how Indonesian Government response and effort to fulfill the protection of the education rights of Indonesian migrant children in Sabah, Malaysia. Using the concept of Soft Power Diplomacy and Legal Protection for Children, this study concludes that the Indonesian government has sought legal protection and education for Indonesian children in Sabah from discrimination by establishing diplomatic relations with Malaysia, NGO Humana Child Aid Society, Kota Kinabalu Indonesian School, and the Community Learning Center.

I. INTRODUCTION

Indonesia is ranked fourth for its largest population in the world. Based on 2015 Inter-Census Population Survey (SUPAS) issued by Indonesian Central Statistic Agency, it was found that the total population of Indonesian people in 2019 was 267 million people. [1] With population growth and a large number of its productive people, in fact, Indonesia has not been able to provide sufficient employment opportunities for its people.

That makes some Indonesian people have to look for opportunities to fulfill their economy as Indonesian Migrant Workers. [2]

Data from the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI) explains that of the 34 provinces in Indonesia, the highest percentage of Indonesian citizen who become Indonesian Migrant Workers comes from East Java Province with its total 16.009 citizen on

2019, the second province is Central Java with 13.651 citizen, West java with 13.651 citizen. The total of Indonesian Migrant Workers on 2019 was 64.062 people. [3] Meanwhile, if it analyzed by the district or city, the first place is Indramayu with 5.266 people work as migrants, East Lombok with 2.989 people, and Cirebon 2.799 people.

From many countries that become destination for Indonesian Migrant Workers to fulfill their economy needs, Malaysia is ranked one as migrant destination and it increased year by year for the migrant arrival from Indonesia. [4] Malaysia was chosen by Indonesian Migrant Workers because it has similar language, culture, and geographically close to Indonesia. Thus will accelerate the adaption process for migrant from Indonesia. [5] In 2017 the number of Indonesian Migrant Workers seeking for a job in Malaysia was 7.943 people, increased in 2018 to 88.171 people, and jumped up in 2019 to 19.695 people. Beside Malaysia, the destination chosen by Indonesian Migrant Workers are Hongkong, Taiwan, Singapore, Brunei Darussalam, and Saudi Arabia. [6] The data does not include the large number of Indonesian

Migrant Workers without legal documents or categorized as unlicensed foreign migrants.

Malaysia as a country with highest number of Indonesian Migrant Workers actually had issued regulations on the arrival of Migrant and Foreign Workers. According to Malaysian Immigration regulations, they prohibit foreign workers bring their families to live in their employer's house. [7]

Although Malaysia has their own regulation, in fact, many children of Indonesian Migrant Workers live in Malaysia. It is known more than 50.000 unidentified children of Indonesian Migrant Workers live with their parents who work in Sabah. [8]

Sabah is one from 13 states in Malaysia. Sabah is known as the second largest state after Sarawak. The capital city of Sabah is Kinabalu. With the source of income from oil palm plantations, the majority of Indonesian Migrant Workers work in oil palm plantations in Sabah to fulfill their economy needs. [9] In Sabah, they offer high wages higher than Indonesia worker's wages. So, it makes a lot of Indonesian Migrant Workers choose Sabah as their destination to fulfill their economy needs. The number of Indonesian Workers in Sabah followed by the

number of children living in Sabah to follow their parent's work. [10]

Those children who follow their parents live in Sabah do not have access for good education. In 2001, the Malaysian Government began to restrict Indonesian Migrant Worker's children rights to get proper education without complete documents. This makes Indonesian Migrant Worker's Children can not attend school due to administrative things. The restriction has forced the children to help their parents to work in oil palm field and help their parents to fulfill their daily basic needs. [12]

Children are a gold generation for the nation. Therefore, to produce a golden generation, a good education is needed including children in Indonesia. Indonesia also one of country that has ratified *Convention on the Rights of the Child (CRC)* that guarantee the protection of children's right in economy, social, culture, civil, and political fields. Indonesia has ratified the *Convention on the Rights of the Child* to Presidential Decree Number 36 1990 where Indonesian Government has obligation to maximize their effort to protect Indonesian children's rights. [13] In addition to the CRC, other international human rights law that regulate

children's rights to access education are Article 26 of the 1948 Universal Declaration of Human Rights which states that "*everyone has the rights to education*" it means that all Indonesian children is also rightful to received their education rights. Law number 35 2014 as a replacement from Law number 32 2002 also regulated the child protection includes all forms of protection so that they can grow, develop, and participate in society optimally, and receive protection from violence and discrimination. [14]

The problem of the limited fulfillment of children's migrant workers in Sabah is a concern for the author to write this paper. Based on the problem that have been described, then the author wants to examine how Indonesian Government's efforts in cooperating with Malaysian Government to protect Indonesian Children's Migrant workers in Sabah, Malaysia.

II. CONCEPTUAL THEORY

In responding to the effort of Indonesian Government to cooperate with Malaysian Government in protecting the educational rights of Indonesian Migrant Workers Children's in Sabah, Malaysia,

several concepts were used to analyzing the problems:

a. Soft Power Diplomacy

Soft Power Diplomacy Concept based on Joseph Nye (2008) *Soft Power Diplomacy* is 'ability to affect others to obtain the outcomes one wants through attraction rather than coercion or payment' he argues that soft power diplomacy enables a change of behaviour in others without conflict by using persuasion and attraction. [15] Joseph Nye pointed that *Soft Power* consists elements of culture, value system, and regulation / policies. Soft power can only be used if the other actor recognizes the effort, has the same expectations in its implementation, and strengthens the determination to achieve the goals. [16]

In this case, the Indonesian Government uses cooperation and negotiation method without any coercion in dealing with Malaysian Government for educational diplomacy mission related to fulfillment children's rights for Indonesian Children living in Malaysia.

b. Legal Protection for Children

According to Arif Gosita, it is said that the law of child protection is a written or

unwritten law and guarantees that children can carry out their rights and obligations. Child protection concerns various aspects of life and livelihood so that children can really grow and develop properly in accordance with their human rights. [17]

In this case, the efforts made by the Indonesian government in cooperating with Malaysian Government are considered as an effort to protect children's rights.

III. ANALYSIS

According to Hosti, International Cooperation begins because there were several problems in national, regional, or globally so it needs more attention from a country. Then, each government makes an approach by bringing proposal to overcome problems, bargaining, or discussing the problems, and conclude negotiations with an agreement or mutual understanding that satisfies all parties. [18]

The relations between Indonesia and Malaysia tied because the countries has similar common goal to be achieved, to fulfill the rights of Indonesian children residing in Sabah, Malaysia. This bilateral relations tied to

obtain the rights to proper education without discrimination in accordance with the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

a. Children of Indonesian Migrant Workers that residing in Sabah Data

In 2018 Data from Ministry of Education and Culture Indonesia recorded a total 553.757 Indonesian children living in Sabah. 30.373 of the total children still have not had an access to school or proper education. Meanwhile 24.700 children have received their rights to attend school at the Kota Kinabalu Indonesian School. And another 14.000 children received educational services through Community Learning Center in Sabah. [8] Indonesian children residing in Sabah have difficulty accessing formal education provided by Malaysian Government due to legal document as a legal requirement for attending formal school. [19]

b. Indonesia Education Diplomacy towards Malaysia

In conducting diplomatic relations, a country needs to send diplomat with missions that have handed over to

them to be delivered at recipient country so that it can be new agreement and mutually beneficial for both countries.

The government's effort to protect the education rights of Indonesian Migrant Worker's children began in 2006 when the president of Indonesia conferred with the prime minister of Malaysia in Bukit Tinggi to discuss the problems of Indonesian workers in Malaysia, including the rights of Indonesian Migrant's children that residing in Malaysia. Then they signed MoU as a new chapter of Indonesian Government efforts to guarantee the rights of migrant workers and their children in Malaysia. This negotiation and agreement is one of Indonesia's soft power diplomacy in education field because in its implementation, there is no coercion to the Malaysian Government. [20]

In 2008, Soesilo Bambang Yudhoyono as President of Indonesia, reaffirmed the agreement between Indonesia – Malaysia regarding the fulfillment of Indonesian Migrant Worker's children rights in education by establishing the Kota Kinabalu Indonesian School

which received permission from the Malaysian Ministry of Education and several institutions in Sabah on 20088 Annual Consultation agenda. Kota Kinabalu itself is a capital city of Sabah. The Kota Kinabalu Indonesian School established based on Indonesian value and the mission of the school was built to create Indonesian Children with spirit of nationalism and produce good quality human beings. [21]

The Kota Kinabalu Indonesian School is registered as an expatriate school, but in its implementation, all children from Indonesia including worker's or migrant's children can attend the school as long as they have formal document, for example birth certificate.

But many of Indonesian Migrant Worker's Children did not have birth certificate as a legal document to register and attend the school. So, Indonesian Government initiate to build a non formal school called *Community Learning Center (CLC)* that has been legalized by Malaysian Government and Indonesian Government.

c. Delegation of Indonesian Representative for the Community Learning Center (CLC) Establishment

In carrying out diplomatic mission abroad, Indonesia has its own regulation as stated in article 2 regarding the division of Indonesian Government Representatives, which includes the Embassy of the Republic of Indonesia (KBRI) and consular representatives, which include the Consulate Republic of Indonesia (KRI) and the Consulate General of the Republic of Indonesia (KJRI). [22] the duties and the function of those diplomats are *representing* or as a representatives of the country in pursuing the interests of their country, *protecting* or as a protector of their country's interest and to protect citizen that residing abroad, *negotiation* function that means a diplomat has obligation to negotiate their country's interests to recipient country to make a new agreement, *reporting* function that means a diplomat has to report all of their works to the home based country, and *promoting* or maintain the cooperation between their home based country and the recipient country. [21]

To initiate the establishment of *Community Learning Center (CLC)*, the government has appointed the Indonesian Consulate General in Kota Kinabalu as Indonesia's representative in Sabah to carry out its diplomatic mission regarding establishment of Community Learning Center for Indonesian Migrant Worker's children that residing in Sabah. The Consulate General in Kota Kinabalu is in charge on managing all permits and operational applications for the Sabah Community Learning Center in order to protect the rights of Indonesian children that residing in Sabah and did not have proper education. In this case, The Consulate General in Kota Kinabalu working on protecting mission. Beside protecting, The Consulate General in Kota Kinabalu also working to negotiate with domestic stakeholder like Sabah State Safety Council (MKN), corps in Sabah, Oil Palm Company, Sabah District Education Office, and Sabah Provincial Education Office to take care all licensing, administrative, and legal document regarding Community Learning Center in Sabah that initiated by Indonesian Government.

Community Learning Center (CLC) then developed into a legal school that recorded on State Education Office of Sabah. *Community Learning Center (CLC)* is a free charge school that established in several place around Sabah. [23] To survive and develop their quality, Community Learning Center in Sabah affiliate with Kota Kinabalu Indonesian School to received a support for its learning system and financial support. Until end of 2019, it recorded that there are 232 CLC was established with total student 14.213 and 294 teacher from Ministry Education and Culture of Indonesia also 429 teacher assistance to help learning activities. [24] Beside negotiating and protecting mission, the Consulate General in Kota Kinabalu also working as a representation of Indonesian Government to attend meeting with Malaysian Government, attend invitation to commemorate big events in Sabah, and beside that, the Consulate General in Kota Kinabalu is also representative of Indonesian citizen that residing in Sabah. The Consulate General in Kota Kinabalu is also a representative for Ministry of Education and Culture to help Indonesian

citizen's administration that will residing in Sabah.

d. The Relations between Indonesia and NGO Humana Child Aid Society

Humana Child Aid Society is a non governmental organization that was established in Malaysia on 1991. Humana Child Aid Society as a non governmental organization aims to provide and facilitate learning centers for children living in palm oil plantations around Sabah who do not have legal document. [25]

Humana Child Aid Society adheres to the Universal Declaration of Human Rights and the Convention on the Rights of the Child which guarantees education for every human being without exception. Based on that spirit value, Humana Child Aid Society provides educational services for children in Sabah Oil Palm Plantations, both those who have legal documents and those who do not have legal documents. [26]

The cooperation between Humana Child Aid Society, Government of Indonesia, and Government of Malaysia began with a dialogue and meeting that lead to cooperation in education

services for the children of Indonesian Migrant Workers in Sabah. [27] After *Annual Consultation* 2004, the dialogue between Indonesian Government and Humana Child Aid Society was build. [28] Then in 2006, Government of Indonesia actively provided teaching assistance and educational assistance for Humana Child Aid Society. Humana is take a part to teach the children of Indonesian Migrant Workers from kindergarten to 6th grade of elementary school. Meanwhile for junior high school level and senior high school level will be handed to Kota Kinabalu Indonesian School or *Community Learning Center (CLC)*.

IV. CONCLUSION

The large number of Indonesian population that is not followed by the sufficient job opportunities makes some people look for opportunities to work as Indonesian Migrant Workers. Malaysia as a country that very close to Indonesia is being most destination for Indonesian Migrant Workers look for opportunities. Beside that geographically factor, Malaysia also offer high rate salary than Indonesia.

Sabah was chosen as a destination for many Indonesian Migrant Workers to look for a job. Malaysia through Immigration Office had prohibited migrant to bring their family residing in Malaysia. But that regulation was disobeyed by Indonesian Migrant Workers that brings their family to live in Malaysia, mostly in Sabah. As a consequences, the children who are supposed to be nation's assets do not get proper education services due to administration problem regarding legal documents to attend formal school. So that, Indonesian Government cooperate with Malaysian Government and NGO Humana Child Aid Society in Malaysia to make a formal school and learning center in Sabah. That was Indonesian Government's initiative to fulfill Indonesian children's rights in education. Indonesian Government through The Consulate General in Kota Kinabalu negotiate and affiliate with local stakeholders to established Kota Kinabalu Indonesian School and Community Learning Center for Indonesian Migrant Worker's children. As a result, in 2019 there were

232 Community Learning Center with total 14.213 students and 294 teachers and 429 assistance teachers. This conclude that through soft power diplomacy, Indonesian Government has sought legal protection and education for children in Sabah from threat and discrimination.

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