

**LEGALISATION PROCESS AND RIGHTS OF
PERSONS OF INDONESIAN DESCENTS (PIDS)
RESIDING IN MINDANAO, PHILIPPINES**

PUTRIE AGUSTI SALEHA

UNIVERSITI SAINS MALAYSIA

2023

**LEGALISATION PROCESS AND RIGHTS OF
PERSONS OF INDONESIAN DESCENTS (PIDS)
RESIDING IN MINDANAO, PHILIPPINES**

by

PUTRIE AGUSTI SALEHA

**Thesis submitted in fulfilment of the requirements
for the degree of
Master of Science**

September 2023

ACKNOWLEDGEMENT

Alhamdulillah, Alhamdulillah, alhamdulillah rabill 'alamin. All the praises to almighty ALLAH SWT for his endless blessings who has given me this opportunity to pursue my master's degree and to have given me the health throughout the process. I would like to thank my parents, ibu and ayah, for their support and their trust in me in finishing this degree. Both of you have been my support system and my rock. You have always believed in me and pushed me to reach my full potential even when I doubted myself. I would have quit so many times without their prayers and supports. To my supervisor, Dr. Benny The Cheng Guan, I would like to extend my sincere appreciation for your guidance and support throughout my academic journey. Your expertise, encouragement, and patience have been invaluable in helping me navigate the challenges of my research. I am truly grateful for the opportunities you have provided me and for the trust you have placed in me. I also would like to acknowledge and thank the staffs of School of Social Sciences and IPS for the support and understanding in finishing my degree.

To my interviewees, ibu Endah, Bapak Majid dan Bapak Galih, thank you for the time in answering my questions to complete my data collection. To the RINs in Mindanao, this thesis would not be complete without your help in interview sessions. I would like to thank my little brother, Andia Imam Setiawan Putra, for his love and support. I extend my sincere gratitude to my fellow friends in MPD BFPP for the mental support and late night discussions throughout this journey. To my fellow Indonesian friends in Penang, Intan Chalizah Mazlin, Rahma Tri Wahyuni, Shinta Hakim, Yogia Anggraini and Mbak Dara Amalia Pratiwi, thank you for being with me in this journey. I won't be this mentally strong without your support and late night drives and talks. I believe

we all will achieve everything. To my all other friends who have been with me in this Master's degree journey, I owe everyone a lot. Thank you for the encouragements, supports and time. I would like to extend my special gratitude to Zaid Qahtan Tayyeh Al-Nuaimi for all of his care, love, time, supports, encouragements and patience during finishing my study. You are one of the reason why I keep going and I am really grateful to Allah for your existence in my life. I wish Allah SWT will ease your PhD journey. Aamiin.

This thesis would not be complete without the support of everyone who knows my struggles. I dedicate this thesis to all of the people who have believed in me that I am able to be at this point. Indeed, if it meant for you, it will come to you at the rightest time.

TABLE OF CONTENTS

ACKNOWLEDGEMENT	ii
TABLE OF CONTENTS	iv
LIST OF TABLES	vi
LIST OF ABBREVIATIONS	vii
ABSTRAK	viii
ABSTRACT	x
CHAPTER 1 INTRODUCTION	1
1.1 A Study on the Legalisation Process and Rights of Persons of Indonesian Descents (PIDs) Residing in Mindanao, Philippines	1
1.2 Historical Background of Person of Indonesian Descents (PIDs) in Mindanao	2
1.2.1 Tabukan Kingdom	4
1.2.2 Sriwijaya Kingdom Arrival in Mindanao	5
1.2.3 The Condition of PIDs after the Independence of Indonesia and the Philippines.....	6
1.3 Problem Statement	9
1.4 Research Questions	10
1.5 Research Objectives	10
1.6 Research Significances	11
1.7 Research Scope and Limitation	11
CHAPTER 2 POLICIES AND SOLUTIONS ON STATELESS PERSONS IN SOUTHEAST ASIAN COUNTRIES	13
2.1 Child Risk Stateless and Other Group of Stateless Persons in Sabah,..... Malaysia.....	13
2.2 Thailand’s Policy in Managing the Stateless Persons of Various Ethnic Tribes	16
2.3 The Struggles of Rohingya Refugees Seeking a Refuge in Thailand, Malaysia, and Indonesia.....	18
2.4 The Identity Construction of Persons of Indonesian Descents in Mindanao	23
2.5 Theoretical Framework	27
2.5.1 Legalization Concept	27
2.5.2 Push and Pull Factors Theory	30
CHAPTER 3 RESEARCH METHODOLOGY	37
3.1 Problems, Approaches and Strategies of Research	37

3.2	Problems in Methodological Planning.....	37
3.3	Methods of Data Collection	38
3.3.1	Documentation Collection	42
3.3.2	Data Analysis Method.....	42
CHAPTER 4 RESULTS AND DISCUSSION.....		45
4.1	Legalisation Process of Persons of Indonesian Descents (PIDs) in Mindanao	45
4.1.1	Registration Process of Nationality Awarding for Persons of Indonesian Descents (PIDs).....	53
4.2	Registered Indonesian Nationalities (RINs) Living in Mindanao.....	57
4.2.1	The Reasons of Registered Indonesian Nationalities (RINs) to ... Remain Living in Mindanao	58
4.3	Supporting Data Concerning the Indonesian Descents in Mindanao.....	62
CHAPTER 5 CONCLUSION		71
5.1	From Persons of Indonesian Descents (PIDs) to Registered Indonesian Nationals (RINs)	71
5.2	Discussion, findings and contribution.....	73
5.3	Conclusion	79
REFERENCES		81

LIST OF TABLES

	Page
Table 2.1	Push and Pull factors of PIDs migrating to Mindanao 32
Table 2.2	Current Push and Pull factors of PIDs migrating to Mindanao 33
Table 4.3	The Actions and Efforts to End the Statelessness Status of PIDs in Mindanao 46
Table 4.4	Registration of Persons of Indonesian Descent (PIDs) by Region 55
Table 4.5	The Number of PIDs' Nationality by Self-Declaration 56
Table 4.6	Questions Included in the Questionnaire as Supporting Data 63

LIST OF ABBREVIATIONS

ACR	Alien Certificate of Registration
DOJ-RSPPU	Department of Justice – Refugees and Stateless Persons Unit
PASALI	PASALI is a migrant organization in the Netherlands and Mindanao, Philippines. PASALI Netherlands and PASALI Philippines intertwines the transfer of technology, knowledge, and resources by skilled Filipino migrants for the development of rural areas, the integration of returning migrants and the creation of opportunities for youth.
PIDs	Persons of Indonesian Descents
RINs	Registered Nationals of Indonesia
UNHCR	United Nations of High Commissioner for Refugees

**PROSES PENGESAHAN DAN HAK ORANG KETURUNAN INDONESIA
(PIDS) YANG MENETAP DI MINDANAO, FILIPINA**

ABSTRAK

Kajian penyelidikan ini memfokuskan kepada proses pengesahan dan hak orang keturunan Indonesia (PID) yang menetap di Mindanao, Filipina, menggunakan konsep pengesahan dan teori tolak dan tarik. Kajian itu meneroka cabaran yang dihadapi oleh PID dalam mendapatkan pengiktirafan undang-undang dan perlindungan hak mereka, dan menyiasat faktor yang mempengaruhi keputusan mereka untuk tinggal di Mindanao walaupun selepas memperoleh kewarganegaraan Indonesia. Metodologi kajian yang digunakan untuk kajian ini melibatkan menjalankan sesi temu bual dan mentadbir soal selidik mini untuk mengumpul data primer daripada PID yang telah menjalani proses pengesahan dan memperoleh status Warganegara Indonesia Berdaftar (RIN). Data yang dikumpul dianalisis menggunakan kaedah kualitatif untuk mengenal pasti corak dan tema. Penemuan kajian mendedahkan bahawa proses pengesahan untuk PID di Mindanao, Filipina adalah sukar, melibatkan navigasi melalui prosedur birokrasi, keperluan dokumentasi dan kerumitan undang-undang. PID menghadapi cabaran yang berkaitan dengan halangan bahasa, kekurangan pengetahuan tentang proses undang-undang dan akses terhadap bantuan undang-undang, yang menimbulkan halangan yang ketara kepada proses pengesahan mereka. Walaupun menghadapi cabaran ini, sebilangan besar PID memperoleh kewarganegaraan Indonesia dan menjadi RIN. Walau bagaimanapun, kajian mendapati ramai daripada mereka memilih untuk kekal menetap di Mindanao walaupun selepas memperoleh kewarganegaraan Indonesia. Fenomena ini boleh dikaitkan dengan pelbagai faktor tolakan dan tarikan. Faktor pendorong yang

mempengaruhi keputusan PID untuk tinggal di Mindanao termasuk cabaran ekonomi, kekurangan peluang pekerjaan, kemiskinan dan diskriminasi sosial di Indonesia, yang mungkin tidak menggalakkan mereka pulang ke negara asal. Selain itu, PID telah mewujudkan rangkaian sosial, pertalian budaya dan pertalian keluarga di Mindanao, yang memberikan rasa kekitaan dan keterikatan dengan tempat itu. Sebaliknya, faktor tarikan yang mempengaruhi PID untuk tinggal di Mindanao selepas memperoleh kewarganegaraan Indonesia termasuk kebiasaan dengan persekitaran tempatan, ketersediaan peluang mata pencarian, dan keinginan untuk kestabilan dan keselamatan. Kesimpulannya, kajian penyelidikan ini memberi penerangan tentang proses pengesahan dan hak PID yang menetap di Mindanao, Filipina, menggunakan konsep pengesahan dan teori tolak dan tarik. Penemuan ini menyerlahkan cabaran yang dihadapi oleh PID dalam mendapatkan pengiktirafan undang-undang dan perlindungan hak mereka, dan faktor yang mempengaruhi keputusan mereka untuk tinggal di Mindanao walaupun selepas memperoleh kewarganegaraan Indonesia. Kajian ini memberikan pandangan tentang dinamik kompleks penghijrahan, pengesahan dan identiti di kalangan PID, dan mencadangkan keperluan untuk penyelidikan dan usaha dasar untuk menangani situasi unik mereka.

LEGALISATION PROCESS AND RIGHTS OF PERSONS OF INDONESIAN DESCENTS (PIDS) RESIDING IN MINDANAO, PHILIPPINES

ABSTRACT

This research study focuses on the legalisation process and rights of persons of Indonesian descent (PIDs) residing in Mindanao, Philippines, using the concepts of legalisation and push and pull theory. The study explores the challenges faced by PIDs in obtaining legal recognition and protection of their rights, and investigates the factors that influence their decision to stay in Mindanao even after obtaining Indonesian nationality. The research methodology utilized for this study involved conducting interview sessions and administering mini-questionnaires to collect primary data from PIDs who have undergone the legalisation process and obtained the status of Registered Indonesian Nationals (RINs). The collected data were analyzed using qualitative methods to identify patterns and themes. The findings of the study reveal that the legalisation process for PIDs in Mindanao, Philippines is arduous, involving navigating through bureaucratic procedures, documentation requirements, and legal complexities. PIDs face challenges related to language barriers, lack of knowledge about legal processes, and limited access to legal assistance, which pose significant barriers to their legalisation process. Despite these challenges, a significant number of PIDs obtain Indonesian nationality and become RINs. However, the study finds that many of them choose to remain residing in Mindanao even after obtaining Indonesian nationality. This phenomenon can be attributed to various push and pull factors. The push factors influencing the decision of PIDs to stay in Mindanao include economic challenges, lack of job opportunities, poverty, and social discrimination in Indonesia, which may discourage them from returning to their home country. Additionally, PIDs

have established social networks, cultural affinity, and family ties in Mindanao, which provide a sense of belonging and attachment to the place. On the other hand, the pull factors that influence PIDs to stay in Mindanao after obtaining Indonesian nationality include the familiarity with the local environment, availability of livelihood opportunities, and the desire for stability and security. In conclusion, this research study sheds light on the legalisation process and rights of PIDs residing in Mindanao, Philippines, using the concepts of legalisation and push and pull theory. The findings highlight the challenges faced by PIDs in obtaining legal recognition and protection of their rights, and the factors that influence their decision to stay in Mindanao even after obtaining Indonesian nationality. The study provides insights into the complex dynamics of migration, legalisation, and identity among PIDs, and suggests the need for further research and policy efforts to address their unique situation.

CHAPTER 1

INTRODUCTION

1.1 A Study on the Legalisation Process and Rights of Persons of Indonesian Descents (PIDs) Residing in Mindanao, Philippines

The issue of statelessness persists in modern times. In various regions of the world, many people still struggle to obtain their nationality in order to exercise their rights as citizens. This issue has been recognised as a significant obstacle for the international community (Michelle Foster, 2016). Referring to *The World's Stateless* book, stateless is “*Someone who is not considered as a national by any state under the operation of its law*” (Inclusion, 2014). People having stateless status were unable to obtain or enjoy any rights, responsibilities, or protection from a particular state, and they were regularly exploited by some groups for their own purposes. The majority of stateless people face prejudice, human rights violations, and even persecution. The majority of stateless individuals will eventually become IDPs, asylum seekers, or refugees (Inclusion, 2014). The war in their former country is one of the factors contributing to the emergence of statelessness. The majority of them subsequently boarded boats or risked their lives to gain asylum in wealthier nations. Countries such as Palestine, Syria, Myanmar (Rohingya), and other troubled nations experienced this condition. They seek protection from the closest states or nations that can provide a brighter future. However, it is conceivable to lose one's citizenship in the country in which they were born and have lived their entire lives. This predicament is exemplified by the Indonesian diaspora in Mindanao, the southernmost region of the Philippines. They were referred to as People of Indonesian Descent (PIDs). Regarding a book written by Erwin Sjamsawir S. Alam, there are varying viewpoints on how Persons of Indonesian

Descent arrived in Mindanao. These sorts were classified based on the historical context and the tales of PID predecessors passed down to younger generations.

1.2 Historical Background of Person of Indonesian Descents (PIDs) in Mindanao

PIDs are those that are a part of the Indonesian diaspora but currently make their homes in the southern Philippines. Because these individuals lacked the necessary official documents to authenticate their nationality, they were at risk of becoming stateless. Regarding the historical background of the PID's existence in Mindanao, there aren't many different perspectives available. Despite this, these people have been living without appropriate documents for four generations, which has made their lives challenging and demanding. In the 1870s, the ancestors of the people who are now known as PIDs started moving from north Sulawesi (primarily Sangir and Marore Island) to a variety of locations in the Philippines, including as Balut Island and Sarangani. They often travelled by boat from Indonesia crossing the ocean to get there (Saleha, 2017). There were other people than the PIDs' ancestors who participated in the migration. Residents of Glan, which is located in Sarangani Province, regularly exhibited the same pattern of behaviour. At first, the primary motivation for the ancestors to migrate from their homeland in Indonesia was so that they might increase their level of financial. They would transport items from Mindanao back to their homeland after selling them there. Previously, they sold goods from their hometown to Mindanao. The Filipinos from Mindanao who travelled to North Sulawesi and performed in similar activities to those done by locals there were a contributing factor to the cultural exchange that took place there (Saleha, 2017).

Agus Abdul Majid, who served as the immigration attaché at the Indonesian Consulate in Davao City for previous years, pointed out that migration between

Indonesia and the Philippines was common at the time because of the proximity of the two countries' borders to one another. In the southern region of Mindanao, there are presently members of four different generations of PIDs living there (Personal communication, 2016). In the book *Menyibak Tabir WNI*, which was published by the Indonesian Consulate in Davao City, the circumstances for the creation of each PIDs were described in full. The first generation was born and raised in the Philippines, a country in which residents are often uneducated and unskilled and who rely heavily on the armed forces. Agriculture and fishing continue to provide the majority of their income, which allows them to maintain their standard of living. People in Mindanao with a second generation of Indonesian ancestry have seen an improvement in the quality of their social lives as the economy has improved. Despite this, the problem of education is still not given enough attention.

The vast majority of them are illiterate and cannot speak Indonesian above a basic level. Their means of subsistence are not, as of now, particularly focused toward looking out for their well-being. Because of this, they have begun to rely less on the results of their job in order to successfully manage and resolve the issues they face on a daily basis. The third generation is living in better socioeconomic and educational conditions than the previous generation. This development is the result of the palm plant being their primary source of cash, which enables them to satisfy their day-to-day needs and pay for their children's continued education. Their level of life is still far lower than what is considered acceptable, and since they make their livelihood as coconut farmers, factory employees, and traditional fisherman, the outcomes of palm plantations cannot be utilised to designate them as having sufficient income. The individual and his or her family may stand to gain from the completion of higher education. Despite the fact that they are illegal immigrants, they are making an effort

to improve their standard of living by finding better employment opportunities. As individuals move from one region to another in pursuit of a pay sufficient to support their families, this generation is considered to be the "transition generation" for the fourth and future generations (Alam, 2006).

1.2.1. Tabukan Kingdom

There were a few kingdoms located on Sangir Island when the history of the arrival of Indonesian citizens in the Philippines was uncovered in the 13th century. One of these is the Tabukan Kingdom, the realm of which encompasses both the whole island of Sangir and the East. One of the kings' names is Buleghan, and he is the father of a boy who goes by the name Pandiang. At one point in time, Pandiang, accompanied by a number of his employees, travelled to the Rainis/Talaud Islands in order to fish in the ocean. They were supposed to go to Rainis Island, but on their way there, there was a severe windstorm that led them astray. The boat that was supposed to take them there washed away, and as a result, they found themselves on Balut Island instead. They arrived on Balut Island, namely at a location known as Tube (near Tinina). Upon arriving at the island, one of their first priorities was to locate any source of nourishment; hence, they planned to round Balut Island. At that point in time, the island of Balut had never been home to any human inhabitants. They could see that the island's natural beauty made it inappropriate for human habitation. They travelled returned to Sangihe, which is located in Talaud, after the weather on the island settled down. When they finally reach their country, they begin telling the people there about the adventures they had on their boat while it was at sea. They were getting near to an inhabited island when one of the locals informed them that the island had retained a lot of its natural character. They aim to return to Balut Island a month after their trip to Tabukan, this time taking their family and friends along with them. While they are

there, they will also acquire several varieties of plants, including as potatoes, corn, and others, in order to plant them on Balut Island. This was the beginning of the migration of Indonesian people from the islands of Sangihe and Talaud to the island of Balut, which they traditionally referred to as "Marulung," which literally translates to "the mainland." (Alam, 2006).

1.2.2. Sriwijaya Kingdom Arrival in Mindanao

As the historical context for Indonesian citizens' arrival in Mindanao, it is most likely a symptom of the power attraction or "magnet" of Indonesian marine (sailors and fishermen) ancestors' footprints from a century ago. Indonesian fishermen had sailed the oceans and explored Indonesia from the north side until they reached the Philippine archipelago and landed in Mindanao and nearby areas before the arrival of sailors from Spain, Portugal, England, and the Netherlands. This occurred long before the area was settled by people from those countries. The area of the Visayas, which is comprised of the islands of Cebu, Leyte, and Bohol, was the first location that Indonesian ancestors settled on when they arrived in the Central Philippine Archipelago. They originated in Palembang, which is located in South Sumatra, and were subjects of the Sriwijaya kingdom. It is likely that the goals and objectives of the kingdom include expanding economic links outside the boundaries of the Indonesian archipelago as well as searching for friendly relationships. The local Filipino population welcomed the people from Indonesia because of the warmth and friendliness that the Indonesians brought with them. This relationship had an effect on the marital interactions between the young people of Indonesia and the local Filipinos, which ultimately led to intermarriage between the two groups. After then, they established a family and had a large number of children all of whom eventually became persons of Indonesian descent. When referring to this descent, it has been difficult to find them down in modern times since they were born of the ancient Indonesian

ancestry, which has since been established in the Philippines, and they have become equivalent to citizens of the Philippines (Alam, 2006).

1.2.3. The Condition of PIDs after the Independence of Indonesia and the Philippines

Since long before Indonesia and the Philippines achieved their independence, people of the Sangers ethnic group have been migrating around the region. These individuals did not hold any doubts over their nationality due to the fact that both nations were under colonial rule at the time. Unfortunately, the problem of statelessness for the Sangers began during 1945 and 1946, when Indonesia gained independence from Japan and the Philippines gained independence from the United States. This is because both countries needed to make some adjustments for their countries, including the Sangers, after gaining their respective independence. These individuals need to make a decision on their nationality, either Indonesian or Filipino. On the other hand, according to the citizenship law of the Republic of Indonesia from 1958 (number 62), which was renewed by the law of 2006 (number 12), it stated that any person who wanted to register as an Indonesian citizen or descendant needed to stay for at least five years in sequence or ten years non-sequentially in the country. This law was in effect until 2006. On the other hand, the Sangers and other descendants of Indonesians did not appear to be eager to go back to Indonesia and remain there for such a protracted amount of time, which made this rule appear to be problematic for these people. In addition to this, a significant portion of them are illiterate in Bahasa Indonesia.

The problem is not solely caused by Indonesia; after achieving independence, the Philippines also implemented the Jus Soli concept, which states that a person is granted citizenship depending on their place of birth. This is one of the factors that contributes

to the problem (born in the Philippines). In the meanwhile, there are Sangers family members who did not originate from the Philippines. They were born in their hometown when they were in Indonesia. They have Indonesian parents. One of the factors that leads to their lack of citizenship is the fact that the Philippine government does not adequately tell its residents on how to register for citizenship. Jus Sanguinis is an additional citizenship concept that is utilised by the government of the Philippines. This principle refers to the citizenship status that is obtained from a person's biological parents. However, their birth parents do not have a legal status of citizenship because neither Indonesia nor the Philippines had a legal status of citizenship when they earned their independence. This means that their birth parents were born into a country that has no legal status of citizenship.

The first Indonesian–Philippine Joint Commission was established in 1995, while the second Philippine–Indonesian Joint Commission was conducted in 1998. Both commissions were initiated by the respective governments of Indonesia and the Philippines. As part of the agreement reached between the two governments and the Joint Commission, it was determined that these PIDs will each be issued an Alien Certificate of Registration (ACR), which will act as their form of identification. PIDs must pay around 410 Philippine Pesos for those above the age of 14, 210 Philippine Pesos for those younger than 14 years old, and an additional 160 Philippine Pesos for the yearly extending cost in order to obtain the ACR (Erwin Sjamsawir S, 2006).

The benefit of having this ACR for these PIDs such as, they gain the residence permit to stay in the Philippines legally, they can travel freely, they can legalize their work contract for those who worked in the companies or factories, and they can easily manage the permissions for their business license to the local government offices, pursuing studies and application for travel documents (Alam, 2006). However, some

PIDs could still not get the ACR and live with illegal status because they lived under poverty that they cannot afford to pay for the ACR registration and the transport to come to the immigration office. With such conditions, the PIDs force to work as cheap labor in fishery factories, coconut plantations, or house assistants to support their families. For those who lived near General Santos city, most of them working in the fishery factories using their ACR as their only legal document. However, these workers sometimes were used by the owner of factories to catch the fishes near Indonesia's sea border. When the armed Indonesian Navy arrests them for illegal fishing, the factory owner will not take any responsibility in this case. When the writer visits Davao City, many similar stories are told regarding this thing.

Looking at the matter has been faced by these people, the United Nations High Commissioner for Refugees (UNHCR) held a meeting with the Indonesian Government and Philippines government to find a solution for the PIDs and end the statelessness status. Since 2011, these three actors have been working to end Mindanao's statelessness, especially for the Indonesian descendants who lived without supporting documents their entire life. After the joint meeting, they came out with a solution, a pilot project to award the PIDs with the nationality they desired to have, whether it will be Indonesian or Filipino. The Philippines' Department of Justice – Refugees and Stateless Persons Unit (DOJ-RSPPU) took the lead during the project and the Bureau of Immigration, Public Attorney's Office, Indonesian Consulate, and UNHCR Philippines. Each agency has its specific roles and jobs to support Persons of Indonesian Descent (Tanggol, 2017a). This process will be discussed and in-depth research further by the writer in the following chapters.

1.3 Problem Statement

Persons of Indonesian descent in the southern part of Mindanao, Philippines, who have completed all nationality-awarding procedures are currently known as Registered Indonesian Nationals (RINs). However, despite their Indonesian nationality, few RINs choose to return to Indonesia, as the majority prefer to remain and reside in Southern Mindanao. During the author's visit to southern Mindanao in 2016, some RINs expressed a wish to return to Indonesia, but they faced challenges due to a lack of legal documentation, such as passports and identification cards, proving their citizenship in either Indonesia or the Philippines.

Legalizing their nationality is crucial for these RINs as it grants them access essential services like education and healthcare while safeguarding their legal rights. Statelessness, on the other hand, exposes them to an elevated risk of persecution, exploitation, and human trafficking. The writer's visit to Davao City in mid-2016 revealed that some political actors attempted to exploit the PIDs for their benefit, as they were unable to participate in any political activities without Philippine citizenship.

To address this issue, an initiative was developed in 2011 by the Indonesian and Philippine governments, along with the UNHCR #IBelong campaign, to grant legal status and nationality to these PIDs, giving them the choice of being either Indonesian or Filipino citizens.

The Indonesian and Philippine governments have taken steps to make it easier for RINs who chose Indonesian citizenship to return to their hometowns, primarily in North Sulawesi. Initiatives like the Roll On Roll Off (RORO) ship for the Bitung-Davao City (General Santos)-Bitung route and the Manado-Davao City-Manado route provided by Garuda Indonesia Airlines offer transportation options for RINs to return to North Sulawesi more conveniently.

Despite their Indonesian citizenship, these individuals continue to reside in Mindanao, and as Indonesian citizens, they should be entitled to the same rights and privileges as any other Indonesian citizen. The Indonesian Consulate in Davao City plays a crucial role in providing facilities and services to support these RINs. The author aims to research why RINs prefer to stay in Mindanao after obtaining Indonesian citizenship and how the Indonesian government grants them equal privileges as other Indonesian citizens.

1.4 Research Questions

Based on the problem statement written above, the writer will address a few questions listed below:

1.4.1. How does the process of legalization affect the PIDs living in Mindanao?

1.4.2. Why are the RINs still living in Mindanao after the citizenship awarding?

1.5 Research Objectives

To complete the research study, there are some critical points that need to be addressed:

1.5.1. To identify how the process of legalization affects the PIDs living in Mindanao.

1.5.2. To investigate the reasons for the RINs to continue staying in Mindanao after the awarding of nationality.

1.6 Research Significances

The research contributes to give a more in-depth understanding of the condition of ending the statelessness in south Mindanao, especially for the PIDs case. This research content also intended to guide the author on understanding the reasons behind the RINs staying in Mindanao even though the citizenship already awarded to them and the legal documents also have been given by the Indonesian government represented by the Indonesian Consulate in Davao City. In addition this research would feature the Indonesian Consulate in Davao City's role in providing the rights of the RINs as they are now as the Indonesian nationality holder and protected under the constitution of Indonesia.

1.7 Research Scope and Limitation

This research was conducted in Mindanao, or the southern part of the Philippines, including the provinces of Davao City, General Santos, and Glan. These regions were regarded as the predominant locations where People of Indonesian Descent resided. The province of Glan was one of the primary entry points for Indonesian migrants to enter the Philippines. The majority of them arrived from the northern portion of Sulawesi, Moluccas, or small islands surrounding Indonesia and the Philippines by traditional boat or power boat.

To accomplish this research, the author collaborated with a variety of groups, communities, individuals, and government elites. These individuals may have originated from the Indonesian Consulate in Davao City, the UNHCR Philippines, the PIDs, the attorneys, and other sources. The research was conducted from 2016 when the legalization process of PIDs started to early 2022 when the passports were distributed to some Registered Indonesian Nationals (RINs). To undertake this research, the author employed an ethnographic research design, describing in detail

the process of getting nationality for PIDs and the pull factor reasons for PIDs to remain in Mindanao rather than return to Indonesia when the nationality awarding process concluded. This research had to be completed through fieldwork observation; however, if any difficulties encountered during this research posed a risk to the researcher, this research was conducted via email, telephone call, and online interview. This study constraint could be stated as the fact that there were still a small number of scholars discussing stateless individuals in the southern Philippines, despite the fact that these individuals had been in Mindanao for more than a century. When discussing stateless individuals, particularly in Southeast Asian nations, the majority of researchers would mention the examples in Malaysia or the Rohingya in Myanmar.

CHAPTER 2

POLICIES AND SOLUTIONS ON STATELESS PERSONS IN SOUTHEAST ASIAN COUNTRIES

The statelessness problem in Southeast Asia is not well-known throughout the world because it is not as prominent as statelessness problems in other regions, such as the Middle East and African nations. Nonetheless, there is a statelessness problem in several Southeast Asian nations. The Rohingya people, who have been forcibly evicted from their homes in Myanmar, are one of the most prominent challenges. In addition, there have been reports of instances in various regions of Southeast Asia. For this thesis, the author will conduct additional study on the topic of statelessness in Mindanao, Philippines. This thesis focuses on persons of Indonesian ancestry (PIDs) in Mindanao, South Philippines, who faced losing their nationality due to a lack of paperwork and their ancestors' migration in the 1800s. In the literature review part, the author collected some facts discussed by other researchers and hunt for diverse perspectives that may provoke criticism or debate on this subject by examining another statelessness issue in Southeast Asian nations.

2.1. Child Risk Stateless and Other Group of Stateless Persons in Sabah, Malaysia

Malaysia is one of the Southeast Asian nations with the largest population of stateless persons. Because Malaysia has four main groups of persons who are either stateless or at risk of becoming stateless (Allerton, 2017). This notable group comprises of Rohingya immigrants from Myanmar, Malaysians of Indian heritage, members of the traditionally nomadic (boat-dwelling Bajau Laut/Sama Di Laut population, and the children of refugees and migrants in the North Borneo state of Sabah. An estimated 27.81% of the population of the East Malaysian state of Sabah

consists of stateless individuals. These figures were taken from the most recent census (2010). People without legal documents were not counted in the census, therefore the actual number is likely to be far higher (Allerton, 2017). The majority of stateless individuals in Sabah are children of Indonesian migrant workers and Filipino refugees. It began in the 1970s, when Muslim refugees from the civil war in the southern Philippines travelled to Sabah, for the children of refugees. These individuals were compelled to leave their country. Currently, Malaysia lacks a comprehensive policy or legal framework that offers a precise legal delineation for individuals, particularly children, who are stateless within its borders. The identification of stateless individuals, particularly children, poses significant hurdles for civil society organisations, non-governmental organisations (NGOs), and government agencies inside this nation. Consequently, this situation has impeded the government's capacity to adequately and efficiently address the pressing matter of stateless children (Kanageswary, 2022). The UNHCR recognised them as refugees and first obtained special authorisation from Sabah's chief minister to live and operate with them. Then, beginning in the 1980s, a growing number of Indonesian workers migrated to Sabah to work in the palm oil plantation and wood industry. According to Jamie Chai Yun Lew, these industry had a substantial need for foreign labour, making Sabah one of the states in Malaysia with the highest number of foreign labourers (Hai & Iew, n.d.). However, not all workers are skilled; some of them are refugees attempting to continue their lives or simply to survive (Allerton, 2017).

Catherine Allerton noted that the government of Malaysia then produced the IMM13 card to allow these immigrants and refugees to remain in Malaysia. This document must be renewed annually in order for its holder to be considered "legal" (Allerton, 2017). The acknowledgment of Malaysia as one of the nations that has

experienced a noteworthy decrease in the population of stateless individuals inside its borders has been made by the Chairperson of the United Nations Committee on the Rights of the Child. This reduction is attributed to the favourable influence of the United Nations High Commissioner for Refugees' #Ibelong Campaign. Based on the report by the United Nations High Commissioner for Refugees (UNHCR), the efforts undertaken by a non-governmental organisation (NGO) known as the Development of Human Resources in Rural Areas (DHRA) have contributed to a decline in the estimated population of stateless individuals in Malaysia. The number has decreased from 40,000 in 2009 to 12,368 individuals as of September 2017. However, significant hurdles persist in addressing statelessness in Malaysia, including the crucial task of obtaining official acknowledgment for the existence of stateless individuals. Additionally, the intricate process of accurately identifying and documenting the presence of stateless persons, particularly in East Malaysia, further complicates efforts to prevent and resolve statelessness in the country (Razali, 2017).

For the Indonesian immigrant, particularly in the instance of child labour in Sabah, the process is regarded as very smooth, despite the occasional absence of parental documentation. Due to the Indonesian consulate in Kota Kinabalu, the issuance of birth certificates and passports will become less complicated. Nonetheless, as the majority of Indonesian immigrants either on plantations or are located far from Kota Kinabalu, the cost to go to the Indonesian consulate can be an additional barrier. Due to the absence of a Philippine consulate or representative in Sabah or Borneo's island, the situation for Filipinos may be different. Only one Philippine embassy representative is based in Kuala Lumpur (in peninsular Malaysia). In addition, it is becoming increasingly difficult for those who remain in Sabah to obtain legal documents for their children, such as birth certificates and passports, because they must spend more money

to travel to Kuala Lumpur to their embassy, despite the fact that holders of IMM13 cards, also known as "refugee" cards, are not permitted to leave Sabah territory (Allerton, 2017). This condition put the Filipino stateless persons in vulnerable condition which lead them to live without having legal documents in Sabah. After years without permanent solution towards the statelessness in Sabah, government of Malaysia has announced the establishment of new national centre of SDGs in hoping that can end the statelessness issue in Sabah (Ghani, 2022).

2.2. Thailand's Policy in Managing the Stateless Persons of Various Ethnic Tribes

Territorial succession is identified by Ruamsuk as a contributing factor to the occurrence of statelessness. The individuals comprising this particular collective are officially classified as "displaced Thai" in accordance with the provisions outlined in the Nationality Act. The individuals who are displaced from Thailand do not possess a specific nationality. They have migrated to reside in Thailand for a continuous duration and have been officially registered under the Civil Registration Act and other laws set forth by the relevant ministries. This category encompasses those who migrated from Myanmar to Thailand, both prior to and subsequent to March 9, 1976, as well as displaced Thai nationals originating from Cambodia. The term "displaced Thai from Myanmar" pertains to individuals who resided in the vicinity of the Thailand-Myanmar border prior to the year 1908. In the year 1908, a territorial delineation occurred between King Rama V of Thailand and the British administration, leading to a modification of the boundaries separating the two nations. Despite having the opportunity to relocate to Thailand and obtain Thai citizenship, a significant number of displaced individuals in Myanmar made the choice to remain in their own country and engage in various occupations. Subsequently, these cohorts of individuals

relocated to Thailand as a consequence of the Myanmar government's stance towards minority populations and the prevailing economic downturn (Pattranan Ruamsuk, 2020)

In her article titled "Diagnosing Statelessness and Everyday State Illegibility in Northern Thailand," Janepicha Cheva Isarakul explains that statelessness in Thailand is the result of the presence of ethnic minorities in northern Thailand. Isarakul noted in her research that these individuals belong to nine "hill tribes". People who resided in Thailand's north but were not designated as "hill tribes" are a second group that contributes to statelessness. Isarakul referred to them in her paper as highlanders.(Isarakul, 2016). The children of migrants born in Thailand who have no ties to their parents' country of origin are also stateless.

Additionally, another group of stateless people in Thailand is from the Shan tribe. These people originated in the Shan state of Myanmar. These people of the tribe reside in Chiang Mai in great numbers. The number of stateless persons in Thailand reached its highest during the 1990s mass movement of workers from neighbouring countries, particularly the Greater Mekong sub-region, complicating the country's registration and identification system for statelessness. The late King Bhumibol of Thailand once stated that those who have lived in Thailand for an extended period of time but are not Thai should be standardised in order to prevent them from being left out, as doing so would compromise national security (Isarakul, 2016).

"There are people who have been living in Thailand for a long time but are not Thai. That is, they are not considered authentic Thai. Although they were born and bred in Thailand, they do not get the benefits of being Thai. This [treatment] has to be

standardized because if people live in Thailand who feels left out and uncared for, this will diminish national security." (King Bhumibol at Klai Kangwon Palace in 2001)

Janepicha Cheva Isarakul also stated that the words mentioned by the King Bhumibol above were written in an official letter issued by the Ministry of Interior on May 12, 2016, reflects the shared perspective of the Thai stakeholders or policymakers that statelessness is not only a problem for the stateless person itself, however, they considered this problem also as the nationality security problem (Isarakul, 2016). In commemoration of the 70th anniversary of his reign, the King's official statement urges all provincial and district officials in Thailand to emphasise the legal status and citizenship issue. The letter highlighted the guidelines for getting Thai nationality for stateless individuals in Thailand, as well as the restrictions and warnings for office personnel involved in the process. Along with the official statement given by the late King Bhumibol, there were eight pages of documents containing a process flowchart, some information regarding the documentary evidence, and a process flowchart for the ideal decision-making scenario. The United Nations High Commissioner for Refugees (UNHCR) selected Thailand as the primary objective for their global effort to eradicate statelessness by 2024, known as #IBELONG. In 2011, more than 23,000 stateless individuals in Thailand were granted citizenship. UNHCR applauded the Thai government for its "progressive nationality approach" in resolving and reducing the number of stateless individuals in Thailand (Isarakul, 2016).

2.3. The Struggles of Rohingya Refugees Seeking a Refuge in Thailand, Malaysia, and Indonesia

Myanmar's Rohingya population is one of the most prevalent examples of stateless people, particularly in Southeast Asian nations. Myanmar's Rohingya are Muslim minority groups that were forced to escape their Rakhine state homeland. It occurred

because the Myanmar government does not recognise the Rohingya and routinely prevents them from adopting the 1982 Burmese Citizenship Law. They were hounded and viewed as threats by both the government and Buddhist monks. These monks urged the government to restrict the Rohingya people's civil and political rights. In two locations, Buthidaung and Maungdaw, certain regulations impose limits on marriage and the "two-child policy" for the Rohingyas (Kipgen, 2015). As a result of these limitations, Rohingya children have become "evidence" of unregistered marriages, for which the Rohingya will be punished with up to ten years in prison.

Regarding the two-child policy, if a family produces more than two children, any subsequent kid considered unregistered will be blacklisted for life, meaning that the children would lose the opportunity to travel, attend school, and even marry legally. The United Nations criticised the two-child policy of the Rohingya people as discriminatory and a violation of human rights (Kipgen, 2015). For the Rohingya, these tight conditions led to inadequate health facilities and hunger, resulting in significant health concerns. Due to these restrictions and acts of brutality, the majority of Rohingya fled to Bangladesh. They stayed in refugee camps located along the Teknaf-Bazar Cox's Highway, which runs next to the Naf River and is also close to the Bangladesh-Myanmar border (Islam, 2019). As a result of the overwhelming number of refugees in their country, the Bangladeshi government began to cease receiving Rohingya immigrants. Since then, the Rohingya have attempted to sail to Thailand, Malaysia, and Indonesia in order to find a place to reside, using boats and crossing the ocean. They are known as "people on boats."

When these Rohingyas arrived in Thailand, the authorities did not give them a warm welcome. According to the article "Stateless and Fleeing Persecution: The Situation of the Rohingya in Thailand" by Amanda Crews Slezak, Thalia Roussos

Singer, and Rupa Ramadurai, Thai officials were forced to drag the Rohingya's boats back to the middle of the sea away from Thailand and let the passengers suffer, with some of them later discovered dead (Slezak, 2015). Worse still, some Rohingyas refused to become victims of human trafficking. According to certain sources, Thai Navy authorities fired and even killed Rohingya refugees in March 2013. When these reports reached the world media, the officials denied their activities toward the Rohingyas (NANUAM, 2013). Immediately thereafter, Thai officials agreed to introduce a new guideline to control the flood of Rohingya refugees. The new law mandates that the Rohingyas receive six months of temporary humanitarian help and protection. The authorities have committed to spend the next six months discussing the management strategy for the growing number of Rohingyas entering Thailand (Slezak, 2015). Unfortunately, when the Thai government attempted to offer a discussion with the Burmese government on the deportation of the Rohingyas, the Burmese government rejected the proposal because they did not believe the Rohingyas to be their responsibility. The Rohingyas were recognised by the Burmese government as illegal immigrants. Due to negative comments from the Burmese government, the Thai government developed a final policy known as "soft deportation" or "informal deportation." These policies function by transporting individuals to the Thai-Burmese border and compelling them to return to Burma by crossing the border lane. Regardless of the policy of the Thai government, it is apparent that the Rohingya are not welcome in Thailand (Slezak, 2015).

Malaysia is another country in which the Rohingya have sought asylum. According to a report produced by Hema Letchamanan, the Rohingyas have fled to Malaysia from Myanmar since the 1980s owing to violence and the Burmese government's perception that they lack nationality. A considerable number of

Rohingya children were born in Malaysia after their arrival. Unfortunately, Malaysia does not follow the jus soli concept for acquiring nationality, so the number of stateless individuals in Malaysia may increase as a result (Letchamanan, 2013). In a journal published by Intan Suria Hamzah, she described the entry of Rohingyas to Malaysia in Langkawi Island, Kedah, on or around May 10, 2015 as an example. Approximately 1158 persons had come at that time. There were 486 illegal immigrants from Myanmar and 672 illegal immigrants from Bangladesh. The Malaysian government immediately held a conference to coordinate its response to this abrupt tragedy. The discussion led in an agreement by all Malaysian law enforcement authorities to relocate these individuals to the Immigration Depot in Belantik, Kedah (Hamzah et al., 2016). According to Aizat Khairi and his colleagues, Rohingyas might enter Malaysia in a variety of methods. First, these individuals will take a trip from Bangladesh to Kuala Lumpur, where they will organise a meeting with a passport forger (Khairi et al., 2018). Another option is to cross the land border between Myanmar and Thailand before arriving in Malaysia. Lastly, the most popular method by which Rohingyas migrate to other nations is via boat. The Rohingya may run out of food and water over the two-week trek if they choose to travel by ship. Aizat Khair added that, as of October 2016, Myanmarese refugees are among the countless refugees currently residing in Malaysia. There are 134,475 Myanmar refugees, including 54,856 Rohingyas, 41,420 Chins, 10,928 Myanmar Muslims, 5,221 Rakhines and Arakanese, and other Myanmar ethnicities (Khairi et al., 2018). In Malaysia, the Rohingya and other refugees are barred from working and have no access to free health care or general education. In addition, UNHCR and local non-governmental organisations are attempting to assist them through learning centres. The learning centres were established in areas with a high concentration of Rohingya refugees. The opening of

these learning centres provides the Rohingya, particularly the parents, new hope. It is a living hope that their children will prosper and live a better life than they did. Relevant content must be presented to children in learning centres for them to acquire important skills and long-term learning effectiveness (Letchamanan, 2013).

Indonesia is the next country where Rohingyas will seek sanctuary. Since the majority of Rohingyas are Muslims, they tend to migrate to countries with sizable Muslim populations, such as Malaysia and Indonesia. The majority of the time, these Rohingya came in Aceh province, located in western Indonesia. Since the beginning of 2015, Rohingyas have arrived in Aceh (Sari & Hidayat, 2018). In order to safeguard national security and avoid international infiltration, the Indonesian military refused to allow the Rohingyas to pass the country's maritime border.

Nonetheless, these armed forces attempted to aid and support the Rohingyas by supplying food and water to their boats, which floated for quite some time in the Malacca Straits, the maritime border between Malaysia and Indonesia. Indonesia has not ratified the 1951 UNHCR Convention on Refugees, hence it lacks the jurisdiction to relocate the Rohingya refugees. Then, upon the request of the local government and international organisations in the name of humanity, the Indonesian government consented to allow Rohingyas passage by boat to Indonesia's land and maritime borders. After the government announced the opening of the border for the Rohingyas, local NGOs and transnational organisations arrived in Aceh to provide the Rohingyas with the necessary aid, including medical treatment, primary education, food, water, and housing (Sari & Hidayat, 2018).

According to the most recent source, approximately 94 Rohingyas sailed their boat near the shore of Indonesia near Kuala Tanah Jambo Aye in Seunuddon district, North

Aceh, Aceh province. According to the Jakarta Post, they were rescued by local fisherman and dragged to the coast of Seunuudon. After obtaining the fishermen's findings, the army and police managed their temporary shelters in the former immigration office in Lhokseumawe, Aceh, and supplied them with fast COVID-19 testing. In addition, the local government and the Red Cross equip them with hygiene kits and cleansing supplies before collecting their data. However, these individuals will return to the sea once their boat is restored and they have sufficient food to survive (Septiari, 2020).

2.4. The Identity Construction of Persons of Indonesian Descents in Mindanao

Rolando Talampas, a researcher from the University of the Philippines Diliman, formerly did a study titled Indonesian Diaspora Identity Construction in a Southern Mindanao Border Crossing. In his study, he noted that the Sangers and the Marore migrants have established and lived as the Indonesian diaspora group among the present-day population of Davao del Sur, South Cotabato, and Sarangani Province (Talampas, 2015). These individuals cohabited with locals, which led to the occurrence of mixed marriages. Indonesia and the Philippines were still colonised by other nations during the first generation of immigration. Therefore, the mixed marriage proceeded without legal documentation; the majority of the ceremony was based on religious beliefs. When the children of a couple with a mixed marriage were born, they were stateless. After both nations' independence days, these migrant movements began to cause concern among the PIDs. They were given the option of identifying as Indonesian or Filipino. However, due to a lack of documents and financial difficulties, they are unable to afford to complete their paperwork and hence remain stateless. This also occurred to the Indonesian couple who gave birth to their children in the

Philippines, as the Philippines' citizenship policy is based on the Jus Sanguinis principle. These PIDs maintain themselves in a foreign country by working as fishers, factory workers, shopkeepers, and farmers, among other occupations (Talampas, 2015).

Agus Abdul Majid, the former immigration attaché at the Indonesian Consulate in Davao City, stated the following: However, despite working to maintain their families, these PIDs earned below-average income (Saleha, 2017). Their nationality is one reason why they earn less than other local employees. The nationality of fishermen is occasionally used by their employers to gain access to illicit fishing in Indonesian waters. These fishermen were putting their lives at danger for a pitiful pay from their employers. Some of those apprehended by the Indonesian Navy will be imprisoned for a few months or years, but their superiors will not be concerned. In addition, these individuals were occasionally utilised for political goals, such as getting more votes for candidates. During the 2016 election, while the author was visiting a village in Sarangani Province, the PIDs told Agus Abdul Majid that members of a political party had visited them and asked for their vote, despite the fact that these PIDs were not registered as Filipino residents (Saleha, 2017). When Joko Widodo was elected President of the Republic of Indonesia, he appointed Susi Pujiastuti as Indonesia's first Minister of Maritime and Fisheries. One of Susi's most well-known policies was to drown or bomb all illegal fishermen's vessels. This was of the most challenging PIDs, particularly for fisherman. The majority of them lost their employment because their factory supervisors determined that, due to this policy, they would be ineffective. During that time, the fisherman stayed at home and relied on their wives to support the family by opening little businesses or food chains in front of their homes; some of the ladies even served as housekeepers for the inhabitants. This has been one of the most