

# VERITY

Jurnal Hubungan Internasional

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Fakultas Ilmu Sosial dan Ilmu Politik  
Universitas Pelita Harapan

# VERITY

Verity diterbitkan oleh Jurusan Hubungan Internasional, Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Pelita Harapan 2 (dua) kali dalam setahun pada bulan Januari dan Juli. Jurnal ini diterbitkan sebagai sarana pertukaran dan penyebarluasan gagasan-gagasan ilmiah dalam bidang Hubungan Internasional dan bidang-bidang lain yang terkait dengannya.

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## PENGANTAR REDAKSI

Edisi Jurnal Verity paruh pertama tahun 2017 mengangkat lima tulisan yang mendiskusikan beberapa isu terkini Hubungan Internasional. Beberapa isu kontemporer mengenai studi hubungan internasional memperlihatkan adanya pergeseran fokus dari isu militer dan keamanan tradisional menuju isu yang lebih cenderung berada dalam lingkup ranah sosial seperti budaya dan ruang publik. Namun tidak bisa dipungkiri aliran realis masih mendominasi pembahasan akademis terutama mengenai kebijakan luar negeri, perundangan mengenai hukum perdagangan internasional dan ekonomi politik domestik yang mempengaruhi ranah internasional.

Tulisan pertama yang dipenakan oleh Umar Suryadi Bakry membahas mengenai makin besarnya pengaruh kebudayaan dalam teori mengenai hubungan internasional. Pendekatan diplomatis maupun semakin merebaknya pengaruh *soft power* semakin diperhitungkan dalam hubungan antar negara dan aktor-aktor dalam kerjasama internasional. Budaya yang selama ini dianggap sebagai faktor yang kurang diperhitungkan dalam hubungan internasional mendapat porsi yang semakin besar dalam pengkajian bidang ini. Tulisan berikutnya membahas mengenai hubungan antara migrasi dan ruang publik dengan mengambil contoh kota Jakarta sebagai ibu kota negara. Kilim Park menyampaikan pengamatan dari hasil wawancara dengan para pekerja migran dengan pendekatan cerita yang menggambarkan kehidupan dan pengalaman para pekerja migran yang kembali ke tempat asal mereka. Pengamatan ini kemudian disejajarkan dengan pengalaman pekerja migran maupun pelajar internasional yang kembali ke negara asal mereka. Pandangan mereka tentang kota asal dan ide mengenai negara dimana mereka menghabiskan beberapa tahun hidup mereka menjadi sebuah pengamatan untuk pengaruh persepsi dan keterkaitan dengan masyarakat sebagai sebuah komunitas. Tulisan dengan pendekatan cerita jurnalistik ini terkait dengan hubungan antar negara dari pandangan para pekerja migran sebagai bagian dari masyarakat sipil dan aktor hubungan internasional.

Berikutnya adalah tulisan dari Marella Putri dan Anak Agung Banyu Perwita yang menyampaikan analisa mengenai faktor kepemimpinan Xi Jinping dalam pembentukan kebijakan luar negeri Cina terhadap Vietnam dalam kasus Laut Cina Selatan. Selain mempertimbangkan kebijakan Amerika Serikat terhadap negara-negara di kawasan Asia Pasifik dan lingkungan strategis Cina, penulis membahas mengenai kepentingan Cina terkait Laut Cina Selatan dan faktor khusus presiden Cina dalam memutuskan sikap terhadap Vietnam. Kepemimpinan Xi Jinping terlihat sebagai sebuah dobrakan yang berarti untuk meninggalkan jejak sebagaimana yang dilakukan oleh Chairman Mao dan Deng Xiaoping di masa pemerintahan mereka masing-masing. Tulisan keempat oleh Ignatius Ismanto membahas mengenai pe-lembagaan dari kegiatan perburuan rente sejak Indonesia menempuh jalur ekonomi kapitalis. Hal ini terjadi Karena kurangnya peran dari masyarakat sipil/ civil society yang seyogyanya dapat membungkam praktek yang merugikan masyarakat ini. Walaupun berakhirnya masa pemerintahan orde baru diharapkan juga menjadi awal masa demokrasi dan dihentikannya praktek terkait korupsi termasuk perburuan rente, kerjasama erat yang sudah terjalin antara elit politik dan pengusaha terus berkembang dalam sistem ekonomi oligarki. Tulisan yang menutup edisi kali ini mengangkat isu besar terkait perdagangan internasional, terutama tentang parallel impor dimana terjadi perdagangan

barang impor yang sama dengan harga berbeda. Praktek ini mendapat payung hukum di beberapa negara mengingat produksi barang yang sama bisa membutuhkan biaya yang sangat berbeda di negara asal dan jenis barang yang masuk kategori kebutuhan penting seperti obat-obatan. Tulisan oleh Reggiannie Natalia memberikan beberapa rekomendasi untuk kebijakan pelaksanaan impor parallel melalui organisasi perdagangan internasional dunia.

➤ *Redaksi*

# Faktor Kebudayaan dalam Teori Hubungan Internasional

Umar Suryadi Bakry

## Abstract

This article tried to explain some thoughts on the importance of cultural factors in the study of International Relations (IR). As it is known that the mainstream theories of international relations since the end of the World War II has ignored the role of cultural factors in world politics. But, after the Cold War era in 1990s, culture began to enter the center of research on international relations. After the Cold War ended, cultural factors become particularly prominent, and began to gain more attention from the scholars of International Relations. There are at least three most prominent theories which are increasingly taking account the role of cultural factors in international, that is, Huntington's "clash of civilization" theory, Nye's "soft power" theory, and constructivism theory. In addition, since the 1990s, many studies conducted by IR scholars on the relationship between culture and foreign policy of a country. The emergence of international culturology as a sub-field of IR studies further confirmed that culture as an important variable in international relations.

Keywords: *cultural factor, international relations, international culturology, theory.*

## Pendahuluan

HAMPIR semua *text-book* Hubungan Internasional (HI) yang terbit pada millennium ketiga pasti memberikan penekanan mengenai terjadinya perubahan fundamental dalam politik global pasca Perang Dingin. Perubahan fundamental tersebut tidak dapat disangkal lagi memiliki pengaruh besar terhadap eksistensi studi HI. Teori-teori baru bermunculan menentang atau sekedar mengkritik teori-teori arus utama (*mainstream theories*). Tema-tema baru mendapatkan perhatian serius dari para sarjana HI menggantikan tema-tema lama yang lebih menekankan pada isu-isu politik dan keamanan tradisional. Salah satu tema baru yang mulai mendapatkan perhatian dari para sarjana dan teoritis HI adalah isu kebudayaan (*culture*). Sebagaimana dikatakan Zu Majie, dalam konfigurasi dunia baru pasca Perang Dingin, faktor kebudayaan menjadi sangat menonjol<sup>1</sup>, dan mulai memperoleh perhatian dari para teoritis HI.

Sebagaimana diketahui, sejak Perang Dunia II Amerika Serikat (AS) telah mendominasi dan mengontrol teori dan penelitian tentang hubungan internasional. Perdebatan antara tiga aliran utama, yaitu realisme, liberalisme, dan strukturalisme telah mewarnai studi HI selama beberapa dekade dan perdebatan mereka selalu berkisar pada

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<sup>1</sup> Zhu Majie. 2002. "Contemporary Culture and International Relations", dalam Yu Xiantian, *Cultural Impact on International Relations*. Washington, DC: The Council for Research in Values and Philosophy, hal. 23-38.

aspek kekuasaan. Dalam perdebatan awal antara idealisme versus realisme, misalnya, fokus penelitian hubungan internasional adalah power, kepentingan, keamanan, strategi, hegemoni, dan tata internasional. Dalam perdebatan antara neorealisme dan neoliberalisme, muncul konsep-konsep baru seperti interdependensi, konflik, dan kerjasama.

Memang selama Perang Dingin sudah ada beberapa sarjana yang menggunakan istilah-istilah yang mengandung faktor budaya seperti ‘moral’, ‘ideal’, ‘humanity’, dan ‘ideologi’ dalam teori-teori mereka. Namun penggunaan kata-kata ini masih sangat marjinal, serta subordinat terhadap konsep *power* dan *national interest* yang cenderung bersifat material. Hingga 1980-an, teori HI arus utama telah memiliki banyak pencapaian penting dan memiliki jangkauan pengaruh yang luas, tetapi ketidakpedulian terhadap penelitian budaya telah menjadi kelemahannya yang paling fatal. Menurut Jongsuk Chay, dimensi budaya merupakan salah satu topik yang paling ditelantarkan dalam bidang studi HI.<sup>2</sup>

Menurut Yu Xintian, dengan adanya revolusi teknologi dan globalisasi dalam segala bidang, intensitas hubungan antar negara di dunia telah mengalami peningkatan yang tak pernah terjadi sebelumnya. Berakhirnya Perang Dingin juga telah mengakhiri permusuhan antara dua kubu di dunia dan memperkenalkan cara-cara baru dalam hubungan antar negara. Dalam tiga dekade terakhir, studi HI telah menjadi disiplin yang paling cepat berubah, paling maju, dan paling menarik. Teori-teori HI arus utama telah mengalami perubahan cepat, yang semula mengabaikan peran budaya kini memberikan perhatian yang sangat besar pada penelitian-penelitian mengenai budaya dalam politik dunia. Bahkan lebih maju lagi, beberapa teori HI kontemporer telah mengajukan proposisi bahwa budaya membentuk hubungan internasional (*culture constructing international relations*).<sup>3</sup> Artikel ini berusaha memaparkan sejumlah pemikiran tentang pentingnya faktor kebudayaan dalam studi HI.

### **Definisi dan Hakekat Kebudayaan**

Tidak ada definisi yang diterima umum mengenai kebudayaan (*culture*). Stuart Hall bahkan mengatakan, kebudayaan merupakan salah satu konsep yang paling sulit dalam ilmu-ilmu sosial dan humaniora. Berbeda sarjana membuat definisi dan konotasi yang berbeda mengenai kebudayaan. Ahli antropologi dari Inggris Edward Tyler, misalnya, menulis bahwa kebudayaan adalah sesuatu yang kompleks yang mencakup pengetahuan, kepercayaan, seni,

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<sup>2</sup> Jongsuk Chay. 2016. Sebagaimana dikutip Mary Einbinder, “*Cultural Diplomacy: Harmonizing International Relations through Music*”, dalam <http://www.culturaldiplomacy.org/pdf/case-studies/> [Diakses 24 Oktober 2016].

<sup>3</sup> Yu Xintian. 2004. *Cultural Factors in International Relations*. Shanghai: Shanghai Institute of International Studies, hal. 18-19.



hukum, moral, adat, serta setiap kemampuan dan kebiasaan lain yang diperoleh manusia sebagai anggota masyarakat.<sup>4</sup> Sedangkan ahli antropologi terkemuka lainnya, James Spradley mendefinisikan kebudayaan adalah pengetahuan yang diperoleh masyarakat yang digunakan untuk menafsirkan pengalaman dan menghasilkan tingkah laku.<sup>5</sup> Guru besar antropologi Universitas Indonesia, Parsudi Suparlan, memahami kebudayaan sebagai keseluruhan pengetahuan manusia sebagai makhluk sosial yang digunakannya untuk memahami dan menginterpretasikan lingkungan dan pengalamannya, serta menjadi landasan bagi perilakunya.<sup>6</sup>

Stuart Hall berpendapat bahwa kebudayaan adalah “sebuah proses, serangkaian praktik. Kebudayaan terutama berkaitan dengan produksi dan pertukaran makna –saling memberi dan menerima makna antar anggota masyarakat atau kelompok. Jadi kebudayaan tergantung pada bagaimana partisipannya menafsirkan makna apa yang ada di sekitar mereka, dan membuat pemahaman mengenai dunia dengan cara-cara yang sama”.<sup>7</sup> Definisi Hall ini menekankan mengenai pentingnya praktik-praktik sosial yang terkandung dalam konsep kebudayaan. Ia mengacu pada struktur makna budaya (*cultural meanings structure*) dan mengendalikan interaksi sosial di setiap bidang pengalaman, dari yang sangat umum sampai yang sangat pribadi. Hall melihat makna diproduksi dan dipertukarkan dalam berbagai cara, diantaranya: (1) identitas kelompok dan perbedaan kelompok; (2) interaksi personal dan sosial; (3) media massa dan komunikasi-komunikasi global; (4) ritual-ritual dan praktik-praktik kehidupan sehari-hari; (5) narasi-narasi, cerita-cerita, dan fantasi-fantasi; dan (6) aturan-aturan, norma-norma, dan konvensi-konvensi.

Alfred Kroeber dan Clyde Kluckhohn sebagaimana dikutip Nancy Adler mengatakan bahwa kebudayaan terdiri dari pola-pola (yang eksplisit maupun implisit) dari dan untuk perilaku yang diperoleh dan ditularkan melalui simbol-simbol, yang merupakan pencapaian tersendiri dari kelompok-kelompok manusia, termasuk perwujudan mereka dalam artefak. Inti penting dari kebudayaan terdiri dari gagasan-gagasan tradisional (yaitu secara historis diturunkan dan diseleksi) dan terutama nilai-nilai yang melekat pada mereka. Sistem kebudayaan di satu sisi dapat dianggap sebagai produk dari tindakan, di sisi lain sebagai unsur-unsur kondisional mengenai tindakan di masa depan.<sup>8</sup>

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<sup>4</sup> Edward B. Tyler. 2013. Sebagaimana dikutip Roy Ellen, Stephen J. Lycett, dan Sarah E. Johns (eds.), *Understanding Cultural Transmission in Anthropology: A Critical Synthesis*. London: Berghahn Books, hal. 80.

<sup>5</sup> James P. Spradley. 2004. *Culture and Cognition: Rules, Maps, and Plans*. San Marcos, PI: Chandler Pub. Co.

<sup>6</sup> Parsudi Suparlan. 2004. *Hubungan Antar Suku-Bangsa*. Jakarta: YPKIP.

<sup>7</sup> Stuart Hall (ed.). 2003. *Representation: Cultural Representations and Signifying Practices*. London: SAGE Publications, hal. 2.

<sup>8</sup> Nancy J. Adler. 2008. *International Dimensions of Organizational Behavior*. USA: Thomson Learning, Inc., hal. 18.



Menurut Zhang Hongyan, konsep kebudayaan dapat diklasifikasikan dalam arti luas (*in a broad sense*) dan dalam arti sempit (*in a narrow sense*). Dalam arti luas, kebudayaan adalah *sepecial way of life* dari eksistensi manusia yang bersifat beragam. Dalam keberagaman itulah manusia hidup. Kebudayaan adalah dasar mengapa manusia menjadi manusia dan kebudayaan membuat manusia lebih sempurna dan semakin sempurna. Dalam arti sempit, kebudayaan merupakan sintesis dari pengetahuan, keyakinan, moral, dan norma. Kebudayaan tidak hanya eksis namun juga muncul dalam bentuk ideologi, temuan akademik, sastra dan seni, serta menyebar melalui berbagai bentuk media.<sup>9</sup>

Helen Spencer-Oatey menyebutkan 12 karakteristik kunci dari kebudayaan, yaitu: (1) Kebudayaan dimanifestasikan pada lapisan-lapisan yang berbeda dari kedalaman; (2) Kebudayaan mempengaruhi perilaku dan interpretasi mengenai perilaku; (3) Kebudayaan dapat dibedakan dari kedua sifat manusia yang universal dan kepribadian individu yang unik; (4) Kebudayaan mempengaruhi proses-proses biologis; (5) Kebudayaan terkait dengan kelompok-kelompok sosial; (6) Kebudayaan merupakan konstruksi individu maupun konstruksi sosial; (7) Kebudayaan secara sosial dan secara psikologis selalu didistribusikan dalam sebuah kelompok, dan penggambaran fitur kebudayaan selalu tidak jelas; (8) Kebudayaan memiliki elemen universal (etik) maupun elemen yang khas (emik); (9) Kebudayaan dipelajari; (10) Kebudayaan tunduk pada perubahan secara bertahap; (11) Berbagai bagian dari kebudayaan saling terkait; dan (12) Kebudayaan merupakan sebuah konsep deskriptif, bukan konsep evaluatif.<sup>10</sup>

Mengenai jenis-jenis kebudayaan (*types of culture*) juga tidak ada kesamaan pandangan di antara para ahli kebudayaan. Ahli sosiologi Perancis, Claude Levi-Strauss, mengidentifikasi dua jenis kebudayaan: kebudayaan “panas” dan kebudayaan “dingin”. Kebudayaan dingin (“*old culture*”) adalah sesuatu yang berfungsi seperti jam tangan mekanis. Di dalamnya ada sebuah kesadaran tradisi sebagai sesuatu yang statis, yang berarti ada kehendak untuk mencegah setiap perubahan. Segala sesuatu berulang tanpa henti. Di lain pihak, kebudayaan panas (“*hot culture*”) berfungsi seperti mesin uap. Menurut prinsip termodinamika, bahwa kebudayaan panas mempertimbangkan perubahan sebagai hal biasa.<sup>11</sup>

Stanley Knick menyebut dua jenis kebudayaan, yaitu kebudayaan tradisional dan kebudayaan modern. Kebudayaan tradisional (*traditional culture*) adalah kebudayaan seperti

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<sup>9</sup> Zhang Hongyan. 1993. *Ethnic and Culture Prejudice: New Views on Comparison between Chinese and Western Cultures*. Liaoning: Liaoning Education Publishing House, hal. 21.

<sup>10</sup> Helen Spencer-Oatey. 2016. “*What is Culture?*”, dalam <https://www2.warwick.ac.uk/globalpadintercultural> [Diakses 4 Oktober 2016].

<sup>11</sup> Claude Levi-Strauss. 2009. Sebagaimana dikutip David Simo, “*Modern and Traditional Cultures*”, dalam Herbert Arlt dan Donald G. Daviau (eds.), *Culture, Civilization, and Human Society*. Oxford: Eolss Publishers Co., Ltd.

yang dinikmati oleh nenek moyang kita, yang diselenggarakan bersama oleh hubungan antara masyarakat manusia (seperti keluarga dekat, keluarga luas, klan, atau suku). Semua orang tinggal di dekatnya. Sementara kebudayaan modern (*modern culture*) berkembang di berbagai tempat di planet bumi karena masyarakat manusia tumbuh semakin besar. Organisasi massal dalam beberapa bentuk, merupakan kekuatan penting yang mengubah kebudayaan tradisional menjadi modern. Pergeseran dari kehidupan perdesaan menuju kehidupan perkotaan merupakan inti dari berkembangnya kebudayaan modern.<sup>12</sup> Menurut David Simo, karakteristik kebudayaan panas dan kebudayaan dingin sebagaimana diidentifikasi oleh Levi-Strauss, persis seperti kebudayaan modern dan kebudayaan tradisional sebagaimana yang dimaksudkan Knick.

Pakar lain membagi kebudayaan menjadi kebudayaan material (*material culture*) dan kebudayaan non-material (*non-material culture*). Kebudayaan material mengacu pada obyek fisik, sumber daya, dan ruang yang digunakan orang untuk mendefinisikan kebudayaan mereka. Ini termasuk rumah, lingkungan, kota, sekolah, gereja, sinagog, kuil, masjid, kantor, pabrik dan tanaman, alat-alat, alat-alat produksi, barang dan produk, toko, dan sebagainya. Semua aspek-aspek fisik dari kebudayaan membantu untuk menentukan perilaku dan persepsi anggotanya. Sedangkan kebudayaan non-material berasal dari hal-hal yang tak berwujud. Kebudayaan non-material termasuk kreasi dan ide-ide abstrak yang tidak diwujudkan dalam benda-benda fisik. Dengan kata lain, setiap produk yang tidak berwujud dibuat dan dibagi diantara anggota suatu budaya dari waktu ke waktu adalah aspek kebudayaan non-material mereka. Contoh kebudayaan non-material adalah keyakinan (*beliefs*), tradisi (*traditions*), dan nilai-nilai (*values*), aturan (*rules*), etika (*ethics*), bahasa (*languages*), moral (*morals*), peran sosial (*social roles*), dan sebagainya.<sup>13</sup>

Selain kebudayaan material dan non-material, ada jenis kebudayaan yang kurang dominan, yang disebut dengan subkultur (*subculture*) dan kebudayaan tandingan (*counterculture*). Subkultur mengacu pada sekelompok orang yang memegang keyakinan yang berbeda atau berperilaku berbeda daripada mayoritas orang di komunitas mereka. Anggota subkultur juga sering membuat bahasa yang berbeda dari mayoritas. Akibatnya, masyarakat kecil ini membentuk budaya yang dapat mengucilkan mereka dari keseluruhan masyarakat. Kebudayaan tandingan adalah gerakan untuk secara aktif menentang satu atau lebih aspek budaya yang dominan. Contoh kelompok tandingan meliputi Ku Klux Klan,

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<sup>12</sup> Stanley Knick. 2016. "Traditional Culture and Modern Culture: Man's Fall From Grace", dalam [http://www.huffingtonpost.com/stanley-knick/traditional-culture-and-m\\_b\\_655992.html](http://www.huffingtonpost.com/stanley-knick/traditional-culture-and-m_b_655992.html) [Diakses 5 Oktober 2016].

<sup>13</sup> David M. Newman. 2010. *Sociology: Exploring the Architecture of Everyday Life*. Thousand Oaks, CA: Pine Forge Press, hal. 45.

anggota gerakan hippie dan kelompok-kelompok militan yang memprotes kontrol pemerintah.<sup>14</sup>

### **Kebudayaan dan Hubungan Internasional**

Setelah 1980-an, teori kritis (*critical theory*), termasuk postmodernisme, feminisme, dan konstruktivisme, hadir di lingkungan studi HI dan terutama setelah 1990-an keberadaan teori-teori tersebut semakin berkembang. Sejak saat itu konsep ‘kebudayaan’ mulai memasuki dunia penelitian hubungan internasional. Sedari awal teori kritis mengarahkan tombaknya pada inti dari teori-teori tradisional, yaitu keseluruhan pemikiran Barat yang didasarkan pada konsep-konsep pokok. Teori kritis bertugas untuk membebaskan isu-isu yang sejak awal dilupakan dan dibatasi. Teori-teori tradisional hampir semua ilmu pengetahuan (termasuk studi HI) meyakini bahwa pengetahuan bebas dari pengaruh power (*knowledge was free from the influence of power*). Namun postmodernisme menunjukkan bahwa power menciptakan pengetahuan (*power created knowledge*), ada interkoneksi antara ‘mereka’ dengan ‘pengetahuan’.<sup>15</sup> Teori kritis hadir memecahkan cara berfikir baku dari teori-teori arus utama dan memperkenalkan konsideransi baru dengan membawa cahaya terhadap ilmu pengetahuan yang mengabaikan faktor-faktor sosial dan budaya.

Dengan adanya serangan dari teori kritis dan terutama adanya tantangan dari perubahan-perubahan drastis dalam realitas hubungan internasional pasca Perang Dingin, teori-teori hubungan internasional arus utama mulai memalingkan perhatiannya pada aspek-aspek peradaban dan kebudayaan. Sedikitnya ada tiga teori yang paling menonjol yang memberikan perhatian yang memadai terhadap aspek-aspek peradaban dan kebudayaan, yaitu teori benturan peradaban (*clash of civilization theory*), teori *soft power* (*soft power theory*), dan teori konstruktivisme (*constructivism theory*).

Teori benturan peradaban diperkenalkan oleh Samuel Huntington melalui bukunya yang berjudul *The Clash of Civilizations and the Remaking of World Order* (1996). Teori ini banyak memperoleh komentar dari berbagai sarjana di seluruh dunia dan menimbulkan kontroversi yang berlangsung hingga hari ini. Inti dari teori benturan peradaban Huntington adalah: *Pertama*, ia meyakini bahwa dalam dunia pasca Perang Dingin, hubungan internasional telah menjadi multi-polar dan multi-budaya untuk pertama kalinya dalam sejarah. Peradaban Barat memang unik, namun tidak universal. Dunia dengan pluralisme budaya tidak dapat dihindarkan, karena tidak mungkin membangun sebuah imperium global.

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<sup>14</sup> Joan Ferrante. 2008. *Sociology: A Global Perspectives*. USA: Thomson Wadsworth, hal. 79.

<sup>15</sup> Yu Xintian. 2004. “Combining Research on Cultural Theory and International Relations”, dalam Yu Xiantian (ed.), *Cultural Factors in International Relations*. Washington, DC: Cardinal Station, hal. 10.

Menjaga keamanan dunia memerlukan penerimaan terhadap diversitas budaya global. *Kedua*, negara-bangsa adalah (dan akan) menjadi faktor paling penting dalam masalah-masalah dunia, namun kepentingan, aliansi, dan konflik di antara mereka semakin dipengaruhi oleh faktor-faktor peradaban dan kebudayaan.<sup>16</sup>

Meskipun menunjukkan adanya pengakuan mengenai pentingnya faktor kebudayaan dalam hubungan internasional, tetapi pada dasarnya cara berfikir Huntington belum terbebas dari mentalitas Perang Dingin. Dalam terminologi Huntington, politik regional adalah politik rasial, politik global adalah politik peradaban, dan benturan peradaban menggantikan persaingan antara super power. Pada esensinya, menurut Huntington, benturan peradaban merupakan pergulatan antara peradaban Barat yang seragam dengan peradaban-peradaban lain. Kendati masih menimbulkan kontroversi, teori benturan peradaban Huntington tetap penting karena telah mengakui keragaman budaya dunia dan peran yang luar biasa dari faktor kebudayaan dalam teori hubungan internasional.

Teori "*soft power*" dari Joseph Nye juga membangkitkan minat para sarjana HI mengenai pentingnya faktor kebudayaan dan peradaban. Nye menetapkan standar nilai, ekonomi pasar, dan peradaban Barat sebagai faktor-faktor dari "*soft power*" sehingga menjadi relatif terhadap "*hard power*" kekuatan militer. *Pertama*, ia menegaskan bahwa faktor budaya dan ekonomi memainkan peran yang semakin besar dalam hubungan internasional dan hakikat "*soft power*" tidak dapat dijelaskan dan dinilai secara geopolitik. *Kedua*, "*soft power*" menjadi faktor yang tak dapat dihindari, membuat semua negara mengikuti dengan sepenuh hati atau terpaksa mengikuti. Sampai batas tertentu, efektivitas "*soft power*" lebih dari "*hard power*".<sup>17</sup> Pada akhirnya "*soft power*" dan "*hard power*" lebih bersifat komplementer daripada bertentangan.

Lebih dari itu, teori "*soft power*" telah memperkenalkan pemahaman mengenai peranan budaya dan menjadi titik pertumbuhan baru dalam penelitian tentang hubungan internasional. Menurut Zhu Majie, "*soft power*" merupakan komponen penting terkait dengan kompetisi antar negara dan memainkan peran yang terus meningkat dalam evolusi hubungan internasional. Kebudayaan sebagai salah satu jenis dari "*soft power*" bahkan memiliki dampak yang lebih signifikan terhadap hubungan internasional. Sebab itu, sekarang

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<sup>16</sup> Samuel P. Huntington. 1997. *The Clash of Civilizations and the Remaking of World Order*. New Delhi: Penguin Books.

<sup>17</sup> Joseph Nye. 1992. *Bound to Lead: The Changing Nature of American Power*. New York: Military Transition Press, hal. 25.

ini hal yang lumrah bagi sebagian besar negara memfokuskan diri pada kekuatan kebudayaan (*the power of culture*) dalam kompetisi internasional di berbagai bidang.<sup>18</sup>

Teori lainnya dalam studi HI yang menaruh perhatian terhadap isu kebudayaan adalah konstruktivisme. Alexander Wendt dalam karyanya *Social Theory of International Politics* (1999) mengemukakan empat proposisi mengenai hubungan antara kebudayaan dan hubungan internasional.<sup>19</sup> *Pertama*, bahwa negara, sistem negara, dan struktur-struktur sosial lainnya secara obyektif sebagai sesuatu yang eksis dan merupakan fenomena sosial kolektif, di mana individu-individu yang ada di dalamnya tidak dapat mengubahnya menjadi konsep subyektif. Namun masyarakat dan dunia dibangun melalui praktik-praktik para individu. *Kedua*, konsep-konsep sosial membangun struktur dari sistem internasional dan dipercaya sebagai kekuatan yang mengendalikan (*driving force*) struktur tersebut. Neorealisme dan neoliberalisme menekankan bahwa *power* dan *interest* merupakan kekuatan yang mengendalikan politik internasional, sedangkan konsep-konsep bersama (*common concepts*) kurang begitu penting. Tetapi Wendt meyakini bahwa peran paling penting dari konsep-konsep bersama terhadap politik internasional lebih bersifat konstruksional daripada kausal, struktur internasional lebih merupakan fenomena sosial daripada material.

*Ketiga*, Wendt tidak sepatutnya dengan proposisi realisme yang mengatakan bahwa negara-negara adalah bentuk dari penyelamatan diri (*self-help*) dan bersaing satu sama lain. Wendt merujuk pada tiga kebudayaan anarkhis (*anarchic cultures*), yakni kebudayaan Hobbesian, kebudayaan Lockean, dan kebudayaan Kantian. Dalam kebudayaan Hobbesian (*Hobbesian culture*), orientasi timbal balik antar negara adalah musuh. Dalam kebudayaan Lockean (*Lockean culture*), orientasi timbal balik antar negara merupakan pesaing. Sedangkan dalam kebudayaan Kantian (*Kantian culture*), orientasi timbal balik antar negara justru sebagai teman. Menurut Wendt, konsep bersama dan kebudayaan yang berbeda dapat mengkonstruksi jenis anarkhi yang berbeda. *Keempat*, meskipun perubahan konsep-konsep bersama dapat menyebabkan hubungan internasional yang berbeda, tidak berarti bahwa perubahan itu mudah, karena tidak mudah bagi suatu negara atau bahkan beberapa negara mengubah sistem kebudayaannya. Negara-negara besar memiliki kekuatan dan sulit dibatasi oleh lingkungan yang dibakukan (*standardized environment*), sehingga mereka mempunyai kemampuan menginovasi kebudayaan.

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<sup>18</sup> Zhu Majie. 2002. "The Role of Soft Power in International Relations", dalam Yu Xintian, *Cultural Impact on International Relations*. Washington, DC: The Council for Research in Values and Philosophy, hal. 41.

<sup>19</sup> Alexander Wendt. 1999. *Social Theory of International Politics*. Cambridge: Cambridge University Press.

Menurut Thomas Diez (*et al*), argumen-argumen utama konstruktivisme dalam Hubungan Internasional dapat diringkas sebagai berikut: *Pertama*, struktur dan agen internasional adalah saling membentuk. *Kedua*, norma-norma dan institusi-institusi merupakan hal penting dalam hubungan internasional. *Ketiga*, identitas dan kebudayaan merupakan faktor penting dalam memahami kebijakan. *Keempat*, kepentingan perlu dipahami dalam kaitannya dengan faktor-faktor lain.<sup>20</sup>

Dalam pandangan kaum konstruktivis, identitas dan kebudayaan merupakan kategori-kategori yang sangat relevan (*highly relevant*) untuk memahami hubungan internasional kontemporer, khususnya hubungan internasional pasca berakhirnya Perang Dingin. Terutama jika dikaitkan dengan argumen pertama (struktur dan agen yang saling membentuk), kebudayaan dan identitas merupakan bagian dari konteks di mana para aktor berada. Di sisi ini berarti bahwa kebudayaan dan identitas (*culture and identity*) menjadi faktor inti dalam memahami hubungan-hubungan dan kebijakan-kebijakan dalam level internasional. Di sisi lain, setiap kerjasama dalam sebuah level internasional perlu memperhitungkan pemahaman dan rasionalitas yang berbeda-beda. Dalam pandangan konstruktivisme, kebudayaan dan identitas bukan merupakan sesuatu yang bersifat *given* dan statis, melainkan terus berubah.<sup>21</sup>

Mengenai bagaimana kebudayaan mempengaruhi hubungan internasional, Zhu Majie menawarkan empat model sebagai berikut. *Pertama*, kebudayaan memiliki dampak yang sangat luas terhadap pencapaian (*achievements*) dari suatu negara. Kebudayaan memainkan peran penting dalam memberikan kondisi spiritual, etika dan ekonomi bagi kehidupan manusia dalam hubungan antar bangsa. *Kedua*, kebudayaan merupakan navigator dalam membuat keputusan. Beberapa orang melihat kebudayaan sebagai analog dengan filter pengetahuan. *Ketiga*, kebudayaan adalah desainer dari struktur sosial dan ekonomi. *Keempat*, kebudayaan merupakan variabel penting dalam hubungan internasional. *Kelima*, sifat kesamaan dan saling melengkapi dari kebudayaan memberikan dasar penting bagi keharmonisan dalam hubungan internasional. Kebudayaan juga dapat disebut sebagai penguat hubungan internasional.<sup>22</sup>

Menurut Zhu Majie, sejak berakhirnya Perang Dingin, peranan kebudayaan dalam hubungan internasional telah berkembang pesat, diantaranya dimanifestasikan dalam aspek-

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<sup>20</sup> Thomas Diez, Ingvild Bode, and Aleksandra Fernandes da Costa. 2011. *Key Concepts in International Relations*. London: SAGE Publication Ltd., hal. 210-213.

<sup>21</sup> *Ibid*, hal. 212.

<sup>22</sup> Zhu Majie. 2002. "Contemporary Culture and International Relations", dalam Xintian Yu, *Cultural Impact on International Relations*. Washington, DC: The Council for Research in Values and Philosophy, hal. 23-38

aspek sebagai berikut: (1) Semakin diterimanya diplomasi HAM atau *humanitarian diplomacy* dalam praktik hubungan antar negara; (2) Pengekangan institusi-institusi internasional; (3) Intervensionisme baru yang diimplementasikan melalui sarana militer; (4) sumber daya untuk kekuatan komoditas; (5) Memperkuat ekspansi budaya.

Ada cara lain yang sangat penting di mana kebudayaan membentuk masalah-masalah internasional. Secara historis, kebudayaan itu sendiri telah menjawab bahwa ada semacam 'sistem dunia' (*world-system*) atau 'masyarakat dunia' (*world society*), dan mendukung gagasan menjangkau dunia yang lebih luas. Masyarakat yang berbeda memiliki pandangan yang sangat berbeda mengenai bagaimana model dari dunia ini harus dikonstruksi. Misalnya, dalam kekaisaran China kuno, berkembang sebuah sistem mengenai hubungan internasional Asia yang didasarkan yang didasarkan atas sistem upeti (*tribute system*), yang terdiri dari daerah inti yang beradab, yang dikelilingi oleh negara-negara pinggir yang terikat melalui upeti, kemudian suatu kawasan 'liar' yang semakin jauh. Dalam Kristendom Barat tradisional, sebuah komunitas bangsa-bangsa Kristen dipandang sebagai basis hukum internasional dan komunitas nyata, sementara negara di luar Eropa hanya yang dianggap cocok saja yang bisa bergabung dan diterima sebagai bagian dari komunitas 'beradab' ini.<sup>23</sup> Dalam sejarah Islam juga dikenal konsep zona damai (*Dar al-Islam*) yang dikelilingi oleh wilayah-wilayah yang berpotensi bermusuhan (*Dar al-Harb*). Baik peradaban Islam maupun Kristen sama-sama punya kecenderungan universal, berusaha untuk menjangkau semua umat manusia di seluruh dunia.

### **Kebudayaan dan Politik Luar Negeri**

Kebudayaan memberikan orang cara berpikir, melihat, dan menafsirkan dunia. Orang-orang dari kebudayaan yang berbeda pasti akan memiliki cara yang berbeda dalam memandang dunia, sehingga dalam situasi di mana komunikasi lintas budaya yang lazim, seperti pembuatan kebijakan luar negeri, akan selalu ada potensi bentrokan dan konflik. Secara konvensional, politik luar negeri ditentukan oleh faktor ekonomi dan strategis (geoekonomi dan geopolitik). Namun tanpa memperhitungkan faktor lain yang membentuk arus bawah dari proses pembuatan kebijakan luar negeri, kita tidak akan dapat membuat sebuah eksplanasi yang komprehensif mengenai faktor-faktor yang menentukan politik luar negeri suatu negara. Faktor lain itulah yang dimaksud dengan faktor kebudayaan.

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<sup>23</sup> *Ibid*, hal. 20



James Ferguson menegaskan bahwa kebudayaan merupakan elemen penting yang mempengaruhi politik luar negeri (*foreign policy*) suatu negara. Ia mengutip pendapat Valerie Hudson yang mengatakan bahwa kebudayaan mempengaruhi politik luar negeri terutama melalui cara para aktor mencapai keputusan dalam masalah-masalah luar negeri, khususnya selama masa krisis. Selain karakteristik individu dan psikologi, serta struktur politik pemerintahan, sering diasumsikan bahwa individu-individu dalam beberapa derajat dipengaruhi oleh perbedaan-perbedaan dalam masyarakat mereka, pengalaman sejarah mereka, sistem nilai, dan struktur bahasa mereka.<sup>24</sup>

Mengenai pengaruh kebudayaan terhadap politik luar negeri, Valerie Hudson mengemukakan sejumlah pertanyaan sebagai berikut: Bagaimana perbedaan budaya membawa bangsa-bangsa menuju pada pola-pola interaksi yang dapat diprediksi? Dalam kondisi apa kebudayaan dapat memainkan peran lebih penting dalam interaksi internasional? Apakah sindrom-sindrom budaya menyebabkan pada kecenderungan, reaksi dan tindakan yang dapat diprediksi? Apakah perlindungan identitas dan kebudayaan nasional merupakan inti dari kepentingan nasional? Apakah yang dimaksud dengan dinamika perubahan kebudayaan dan bagaimana hal ini dapat dikur, termasuk dampaknya terhadap politik luar negeri?<sup>25</sup>

Dalam praktik hubungan internasional, sejak 1920-an pemerintah berbagai negara sering mencoba menggunakan kebudayaan dalam urusan-urusan luar negeri. Mereka memperkenalkan bahasa, musik, media, dan pandangan luar negeri mereka sendiri (sering disebut sebagai promosi '*high culture*'). Dengan demikian diakui bahwa ada perbatasan budaya (*cultural borderlands*) dimana kebudayaan yang berbeda berinteraksi dan mulai dipopulerkannya diplomasi kebudayaan (*cultural diplomacy*). Perancis dan Inggris, misalnya, telah lama melakukan promosi bahasa dan budaya mereka sebagai bagian dari *nation-to-nation diplomacy*, diantaranya melalui Centre Culturel Français dan British Council di berbagai negara. Demikian juga Turki, telah berusaha meraih keuntungan dari posisinya sebagai batas kebudayaan antara Barat dan Asia, dengan mencoba memanfaatkan akses menuju perdagangan dan teknologi Eropa. Di lain pihak, Turki juga berusaha mengambil keuntungan dari adanya koneksi budaya dengan negara-negara berbahasa Turki di sejumlah negara Asia Tengah (suatu kawasan budaya yang sering disebut sebagai Turkistan).

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<sup>24</sup> James Ferguson. 2016. "*The Controversial Role of Culture in International Relations*", dalam <http://www.international-relations.com/wbadvir/wbadvir4.htm> [Diakses 7 Oktober 2016].

<sup>25</sup> Valerie M. Hudson. 1997. *Culture and Foreign Policy*. Boulder: Lynne Rienner, hal. 18.

Konsep *cultural diplomacy* untuk mendukung pelaksanaan politik luar negeri, selain melalui promosi budaya (*cultural promotion*) juga bisa diterapkan melalui pertukaran budaya (*cultural exchange*). Jepang, misalnya, sejak dekade 1980-an mulai mengandalkan pertukaran budaya sebagai salah satu dari tiga pilar politik luar negerinya (dua lainnya adalah keamanan dan ekonomi), sebuah *trend* yang pertama kali dikembangkan oleh PM Noboru Takeshita. Salah satu elemen kunci dari kegiatan pertukaran budaya adalah promosi acara-acara budaya Jepang di luar negeri, dan program ekstensif pertukaran pelajar telah memungkinkan mahasiswa asing untuk memasuki dan mengenal kebudayaan Jepang dalam jumlah besar dan dalam waktu cukup lama.<sup>26</sup>

Konsep *cultural diplomacy* secara positif juga telah dimanfaatkan oleh organisasi-organisasi internasional untuk mengembangkan internasionalisme budaya maupun sekedar sebagai pendekatan untuk mencapai tujuan-tujuan organisasi. ASEAN, sebagai contoh, telah mengembangkan apa yang disebut sebagai *ASEAN Way* sebagai sebuah gaya diplomasi yang khas yang membedakan ASEAN dengan organisasi-organisasi regional lainnya. Melalui *ASEAN Way*, para pemimpin ASEAN telah berhasil mempromosikan sebuah sistem berbasis konsensus dalam hubungan antar negara berdasarkan prinsip non-intervensi. Gagasan *ASEAN Way* ini juga telah mendorong berbagai gaya diplomasi dan praktik bisnis tertentu, setidaknya di antara para elit di Asia Tenggara. ASEAN telah memberi contoh pada dunia bagaimana perdagangan, pola-pola budaya, dan dialog dapat bercampur untuk membuat sebuah organisasi internasional yang sukses.<sup>27</sup>

Akira Iriye juga mengakui bahwa kebudayaan merupakan elemen penting yang mempengaruhi politik luar negeri. Namun, pada tingkat yang lebih dalam, kita dapat juga berpendapat bahwa hubungan internasional itu sendiri dalam arti luas merupakan produk interaksi dari kebudayaan-kebudayaan yang berbeda. Dalam hal ini, hubungan internasional juga merupakan fenomena budaya dan intelektual.<sup>28</sup> Ide-ide yang mengubah perang menjadi damai, misalnya, merupakan contoh nyata bahwa hubungan internasional merupakan fenomena intelektual sekaligus fenomena budaya. Iriye juga berpendapat bahwa imajinasi kaum internasionalis telah memberikan pengaruh yang sangat signifikan dalam sejarah dunia modern, misalnya visi yang dibutuhkan untuk menciptakan Liga Bangsa-Bangsa (LBB) dan Perserikatan Bangsa-Bangsa (PBB), serta ratusan organisasi internasional yang beragam

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<sup>26</sup> Akira Iriye. 1997. *Cultural Internationalism and World Order*. New York: John Hopkins University Press, hal. 167.

<sup>27</sup> Rosita Dellios dan James Ferguson. 1997. "Australia and ASEAN: Submission to the Foreign Affairs Subcommittee". *ASEAN Enquiry*, Vol. 1, hal. 95-121.

<sup>28</sup> Akira Iriye, *loc. cit.*

(IGO dan INGO yang telah memainkan peran internasional yang beragam.<sup>29</sup> Ini semua adalah produk kebudayaan modern.

Pada era pasca Perang Dingin, telah banyak studi dilakukan oleh para sarjana mengenai hubungan antara kebudayaan dengan politik luar negeri. Kadira Pethiyagoda, misalnya, meneliti pengaruh nilai-nilai budaya dominan (*dominant cultural values*) terhadap politik luar negeri India. Penelitian ini memusatkan perhatian pada nilai-nilai budaya seperti non-kekerasan (*non-violence*), hierarki, pluralisme, dan toleransi. Hasil dari penelitian Pethiyagoda menunjukkan bahwa variabel-variabel tersebut mempunyai pengaruh yang signifikan terhadap kebijakan luar negeri secara keseluruhan, terutama pendekatan India mengenai *humanitarian intervention*, kebijakan nuklir, konsepsi tentang kedaulatan, dan sebagainya.<sup>30</sup>

Deon Geldenhuys mengkaji pengaruh kebudayaan politik dalam politik luar negeri Afrika Selatan. Hasil penelitian Geldenhuys menunjukkan bahwa berbagai elemen dari kebudayaan politik (khususnya nilai-nilai, norma, keyakinan, ekspektasi dan sikap) mempengaruhi politik luar negeri Afrika Selatan, seperti promosi mengenai demokrasi dan HAM di luar negeri, gagasan kedaulatan sebagai tanggung jawab (*sovereignty as responsibility*), solidaritas pembebasan, *global good citizenship*.<sup>31</sup>

Masih banyak penelitian lainnya mengenai hubungan antara kebudayaan, diantaranya yang dilakukan oleh Rachael Maxwell yang meneliti posisi seni dan kebudayaan dalam politik luar negeri Kanada. Kemudian Wang Zaibang melakukan penelitian pengaruh kebudayaan tradisional terhadap politik luar negeri China. Qin Yaqing mengkaji implikasi dari kebudayaan China terhadap pembuatan kebijakan luar negeri negara tersebut. Sedangkan Frode Liland mengembangkan tiga model pendekatan mengenai hubungan kebudayaan dengan politik luar negeri suatu negara, yaitu: (1) kebudayaan sebagai fundasi dari politik luar negeri; (2) kebudayaan sebagai bagian dari politik luar negeri; dan (3) kebudayaan sebagai sumber kebijakan luar negeri.<sup>32</sup>

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<sup>29</sup> Akira Iriye, *ibid.*, hal. 16.

<sup>30</sup> Kadira Pethiyagoda. 2013. "*The Influence of the Dominant Cultural Values on India's Foreign Policy*", Disertasi Ph.D Program di The University of Melbourne.

<sup>31</sup> Deon Geldenhuys. 2012. "*Political Culture in South African Foreign Policy*". *International Journal of Humanities and Social Science*, Vol. 2 No. 18, hal. 29-38.

<sup>32</sup> Fore Liland. 1993. *Culture and Foreign Policy: An Introduction to Approaches and Theory*. Oslo: Institutt for forsvarsstudier.

### **Kulturologi International**

Yu Xintian, Direktur *Shanghai Institute for International Studies*, menyebut munculnya kulturologi internasional (*international culturology*) sebagai penelitian budaya dalam hubungan internasional. Pada tingkat akademis, kulturologi internasional adalah subbidang dari studi HI yang memberikan perhatian besar pada faktor budaya dalam penelitian masalah-masalah internasional. Kulturologi internasional berusaha menggabungkan secara lebih erat antara teori-teori HI dengan teori-teori budaya. Tujuan dari kulturologi internasional adalah mengakui kebudayaan sebagai variabel penting dalam hubungan internasional, dan membuat penelitian mengenai status, peranan, dan pengaruh budaya dalam hubungan internasional. Pentingnya penekanan pada aspek budaya dikarenakan banyak fenomena internasional yang tidak dapat dijelaskan hanya dengan menggunakan sudut pandang geopolitik dan geoeonomi. Melalui teori-teori kulturologi, para penstudi HI diharapkan setidaknya menjadi lebih kondusif dalam memahami kompleksitas hubungan internasional melalui perkembangan atau dinamika dalam kebudayaan dan hubungan-hubungan lintas budaya.<sup>33</sup>

Untuk memenuhi tugas di atas, masalah pertama adalah apakah perlu untuk memapankan (*to establish*) subdisiplin tersebut. Sebagai contoh, konstruktivisme Alexander Wendt telah memberikan banyak penekanan pada peran kebudayaan, mempertahankan bahwa struktur internasional lebih bersifat sosial daripada fenomena material. Karena dasar sosialitas adalah pengetahuan bersama (*shared knowledge*), pemikiran Wendt mengarah pada pandangan struktur kaum idealis sebagai sebuah “distribusi pengetahuan”. Konklusi alamiah Wendt adalah bahwa kebudayaan bukan sebuah sektor atau wilayah dari masyarakat yang berbeda dari ekonomi dan politik, namun kebudayaan hadir di manapun pengetahuan bersama ditemukan.<sup>34</sup>

Yu Xintian mengatakan bahwa kebudayaan memiliki keunikan dan karakter independen. Bahkan dalam penelitian bidang ilmu-ilmu sosial perhatian penuh telah diberikan keunikan kebudayaan dan dengan demikian studi budaya telah terbentuk. Menegasikan keunikan dan karakter independen dari kebudayaan dengan alasan luasnya konsep ini jelas akan merusak wawasan kita mengenai segala hal, termasuk wawasan tentang hubungan internasional. Saat ini penting untuk memberikan penekanan pada kebudayaan ketika dampaknya terhadap hubungan internasional sedang meningkat.<sup>35</sup>

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<sup>33</sup> Yu Xintian, *ibid.*, hal. 13.

<sup>34</sup> Alexander Wendt, *loc. cit.*, hal. 181.

<sup>35</sup> Yu Xintian, *ibid.*, hal 19-20.

Studi HI di masa lalu telah menunjukkan bahwa sistem global atau tatanan global sebenarnya berpusat di negara-negara maju (Barat). Dalam bangunan budaya sistem dunia modern hampir tidak ada peran bagi kebudayaan Islam, India, dan China. Ini bertolak belakang dengan realitas. Ekspansi dari sistem dunia dalam bidang politik dan ekonomi belum membuat ekspansi budaya dunia mencapai level yang memadai. Semua pemain di arena dunia tidak memiliki prasyarat yang sama. Sebab itu eksplanasi kehadiran universal dari negara-negara utama di dunia modern tidak dapat dihubungkan hanya dengan perkembangan dan ekspansi kapitalisme, tetapi juga harus dikaitkan dengan budaya politik global dalam bentuk akhirnya.

Negara-negara tidak hanya akan menangani urusan-urusan internal, tetapi juga akan berhadapan dengan “masalah identitas” dan menciptakan “high culture”. Jika mereka tidak bisa masuk ke dalam proses penciptaan ini adalah mustahil untuk dibangun menjadi negara modern. Di satu sisi, setiap negara sekarang ini terhubung dengan sistem global dan pentingnya keterhubungan itu terus meningkat. Di sisi lain, bagaimana negara terhubung dengan seluruh dunia serta bagaimana mendefinisikan status dan kepentingan di dunia telah memicu perdebatan di dalam negeri, yang dapat menyebabkan berbagai gerakan politik, ideologi, dan keagamaan. Sebagaimana dikatakan Roland Robertson, politik internasional adalah budaya dan kita berada dalam periode politik budaya berlingkup global.<sup>36</sup>

## **Kesimpulan**

Isi penelitian dalam bidang kulturologi internasional sangat luas dan kaya. Singkatnya, kulturologi internasional dapat menjelaskan bagaimana faktor kebudayaan menentukan politik luar negeri dan sikap aktor-aktor internasional. Seperti diketahui, ada banyak aktor atau pemain dalam komunitas global, dan negara masih merupakan aktor yang paling fundamental dan paling penting. Kebijakan dalam dan luar negeri negara-negara semakin tergantung pada kehendak rakyat (*popular will*), pertentangan antara kelompok-kelompok kepentingan dan bekerjanya sistem, pada akhirnya ditentukan oleh kebudayaan politik dan nilai-nilai budaya. Sementara itu, perusahaan-perusahaan transnasional, organisasi-organisasi internasional, dan berbagai jenis NGO juga memainkan peran yang semakin meningkat sebagai aktor internasional. Kebijakan dan sikap-sikap dari aktor-aktor

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<sup>36</sup> Roland Robertson. 2000. *Globalization: Social Theory and Global Culture*. Shanghai: Shanghai People's Publishing House, hal. 7.

non-negara ini dalam komunitas global juga tidak dapat dipisahkan dari konteks nilai-nilai budaya tertentu.<sup>37</sup>

Penelitian kulturologi internasional sangat berguna untuk menjelajahi bagaimana nilai-nilai budaya memberikan dampak pada sikap rakyat dan elit terhadap dunia luar, serta pada pembuatan kebijakan luar negeri negara-negara. Memang sikap terhadap budaya merupakan faktor yang sangat subyektif dan seringkali dianggap tidak memiliki standar penilaian obyektif sebagaimana menjadi tuntutan sebuah ilmu pengetahuan (sains). Namun dengan serangkaian kegagalan positivisme dan paradigma saintifik di masa lalu, studi HI pasca Perang Dingin mencoba menempuh sejumlah pendekatan alternatif yang diharapkan dapat lebih mengungkap realitas yang berkembang dalam masyarakat global. Kulturologi internasional atau pendekatan kebudayaan adalah salah satu dari pendekatan tersebut.

#### DAFTAR PUSTAKA

- Adler, Nancy J. 2008. *International Dimensions of Organizational Behavior*. USA: Thomson Learning, Inc.
- Chay, Jongsuk. 2016. Sebagaimana dikutip Mary Einbinder, "Cultural Diplomacy: Harmonizing International Relations through Music", dalam <http://www.culturaldiplomacy.org/pdf/case-studies/> [Diakses 24 Oktober 2016].
- Dellios, Rosita, dan James Ferguson. 1997. "Australia and ASEAN: Submission to the Foreign Affairs Subcommittee". *ASEAN Enquiry*, Vol. 1, hal. 95-121.
- Diez, Thomas, Ingvild Bode, and Aleksandra Fernandes da Costa. 2011. *Key Concepts in International Relations*. London: SAGE Publication Ltd.
- Ferrante, Joan. 2008. *Sociology: A Global Perspectives*. USA: Thomson Wadsworth.
- Ferguson, James. 2016. "The Controversial Role of Culture in International Relations", dalam <http://www.international-relations.com/wbadvir/wbadvir4.htm> [Diakses 7 Oktober 2016].
- Geldenhuis, Deon. 2012. "Political Culture in South African Foreign Policy". *International Journal of Humanities and Social Science*, Vol. 2 No. 18, hal. 29-38.
- Hall, Stuart (ed.). 2003. *Representation: Cultural Representations and Signifying Practices*. London: SAGE Publications.
- Hudson, Valerie M. 1997. *Culture and Foreign Policy*. Boulder: Lynne Rienner.

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<sup>37</sup> Yu Xintian, *Ibid.*, hal. 21-22.

- Huntington, Samuel P. 1997. *The Clash of Civilizations and the Remaking of World Order*. New Delhi: Penguin Books.
- Iriye, Akira. 1997. *Cultural Internationalism and World Order*. New York: John Hopkins University Press.
- Knick, Stanley. 2016. "Traditional Culture and Modern Culture: Man's Fall From Grace", dalam [http://www.huffingtonpost.com/stanley-knick/traditional-culture-and-m\\_b\\_655992.html](http://www.huffingtonpost.com/stanley-knick/traditional-culture-and-m_b_655992.html) [Diakses 5 Oktober 2016].
- Levi-Strauss, Claude. 2009. Sebagaimana dikutip David Simo, "Modern and Traditional Cultures", dalam Herbert Arlt dan Donald G. Daviau (eds.), *Culture, Civilization, and Human Society*. Oxford: Eolss Publishers Co., Ltd.
- Liland, Fore. 1993. *Culture and Foreign Policy: An Introduction to Approaches and Theory*. Oslo: Institutt for forsvarsstudier.
- Newman, David M. 2010. *Sociology: Exploring the Architecture of Everyday Life*. Thousand Oaks, CA: Pine Forge Press.
- Nye, Joseph. 1992. *Bound to Lead: The Changing Nature of American Power*. New York: Military Transition Press.
- Pethiyagoda, Kadira. 2013. "The Influence of the Dominant Cultural Values on India's Foreign Policy", Disertasi Ph.D Program di The University of Melbourne.
- Robertson, Roland. 2000. *Globalization: Social Theory and Global Culture*. Shanghai: Shanghai People's Publishing House.
- Spencer-Oatey, Helen. 2016. "What is Culture?", dalam <https://www2.warwick.ac.uk/globalpadintercultural> [Diakses 4 Oktober 2016].
- Spradley, James P. 1972. *Culture and Cognition: Rules, Maps, and Plans*. San Marcos, PI: Chandler Pub. Co.
- Suparlan, Parsudi. 2004. *Hubungan Antar Suku-Bangsa*. Jakarta: YPKIP.
- Tyler, Edward B. 2013. Sebagaimana dikutip Roy Ellen, Stephen J. Lycett, dan Sarah E. Johns (eds.). *Understanding Cultural Transmission in Anthropology: A Critical Synthesis*. London: Berghanh Books.
- Wendt, Alexander. 1999. *Social Theory of International Politics*. Cambridge: Cambridge University Press.
- Yu Xintian. 2004. *Cultural Factors in International Relations*. Shanghai: Shanghai Institute of International Studies.
- Yu Xintian. 2004. "Combining Research on Cultural Theory and International Relations", dalam Yu Xiantian (ed.), *Cultural Factors in International Relations*. Washington, DC: Cardinal Station.



Zhang Hongyan. 1993. *Ethnic and Culture Prejudice: New Views on Comparison between Chinese and Western Cultures*. Liaoning: Liaoning Education Publishing House

Zhu Majie. 2002. "The Role of Soft Power in International Relations", dalam Yu Xiantian, *Cultural Impact on International Relations*. Washington, DC: The Council for Research in Values and Philosophy.

Zhu Majie. 2002. "Contemporary Culture and International Relations", dalam Yu Xiantian, *Cultural Impact on International Relations*. Washington, DC: The Council for Research in Values and Philosophy.

### Abstract

Cerita mengenai migrasi cenderung menjadi peristiwa penting dalam kehidupan manusia. Di Indonesia, pengalaman para pekerja migran, lebih spesifiknya, perempuan yang bekerja di luar negeri sebagai asisten rumah tangga (atau yang dikenal sebagai TKW: Tenaga Kerja Wanita), terus menjadi perbincangan dan bahkan berhasil masuk ke dalam budaya pop orang Indonesia. Dalam tesis ini, peneliti memaparkan observasi singkat terhadap diskusi mengenai buruh migran di Indonesia dan menyarankan cara-cara baru untuk meneliti tentang migrasi dan kehidupan perkotaan. Secara khusus, dengan terfokus pada persinggungan dua hal tersebut, dan terkait dengan pengalaman TKW kembali ke negara asal, penulis mengusulkan sebuah pendekatan yang mempertimbangkan 4 hal, yaitu: detil-detil dalam kehidupan keseharian mereka, pemikiran-pemikiran mereka, keterkaitan mereka dengan aspek formal dan informal dalam hal kependudukan di perkotaan. Pada akhirnya, dengan menggunakan Jakarta sebagai kota studi kasus, dimana para migran kembali pulang, dipengaruhi oleh kehidupan kota dan berubah karenanya, penulis menyarankan penelitian yang memusatkan perempuan migran sebagai pendongeng dan tokoh utama dalam kita memahami perubahan yang terjadi pada kehidupan perkotaan, sosial dan budaya di Indonesia dan secara lebih luas, Asia Tenggara.

**Key words:** *labour migration, Jakarta, women, urban, return migration*

### Labour Migration in Indonesia: The Internal and External Discourse

The stories of migrant workers are no longer new sensational ones that are unfamiliar to those in and outside Southeast Asia. In fact, Southeast Asian migrant workers are becoming one of the most well-researched groups of people. Nonetheless, the majority of the research on Indonesian migrant women to date has recounted stories of abuse, victimization and manipulation<sup>1</sup>. Many studies have discussed and reported on unfair and unjust treatment towards the workers by employers, brokers, and government agencies. It is a relief that some of them have successfully advocated for, contributed to, and resulted in tangible and significant policy changes as well. One may disagree in terms of the degree of changes that have been made thus far, for instance, the importance of *buruh migran* and particularly TKW in policy agenda and public interest, but it is clear that over the last few years, the public has become well aware of the issue with active on-going engagement on the part of civil society, government agencies and academia.

In 2013, 6 million migrant workers sent home approximately Rp 120 trillion in 2013 (“RI migrant workers’ remittances amounted to Rp 88.6t in 2013,” *The Jakarta Post*, 13 Jan 2014). The

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<sup>1</sup> For instance, see Anggraeni, 2006; David, F., *ASEAN, & International Organization for Migration*, 2007; Farbenblum, Taylor-Nicholson, & Paoletti, 2013; Kaur, 2010; Human Rights Watch, 2011; SBS Radio 2014.

economic contribution of the migrant workers has strengthened the need for their existence in the Indonesian economy, and operates as a source for continued service to their country, community and family and reason for resilience and endurance. As a result, the proposed solutions for overseas-bound migrant worker issues are not about bringing the whole machinery to a halt, but rather the Indonesian government and civil society have proposed and implemented protection mechanisms in Indonesian domestic policies. As of late, the discussion on labour migrants has also overlapped with the migrants within Indonesian borders, for instance Indonesian girls trafficked for sex work and asylum-seekers and refugees stranded in Indonesia on their journey to Australia.

In fact, I suggest that there is very little difference or variance amongst the discourse on labour migration within and outside Indonesia. In somewhat of a cyclical fashion, the domestic one that focuses on the workers' sufferings and difficulties has been picked up on by international researchers, and visa versa, and echoed by local and international media. The reality that the majority of these women workers are employed as domestic workers or in types of jobs with limited skill sets, income and mobility potentials, this dominance of the "victim narrative" may be indeed applicable to most situations. It also appears that such stories have carved out a sizable space with popularity and support from the Indonesians whereby pity gets evoked almost instantly from the general public when it comes to TKW.

Notwithstanding the gravity of the problems that many of these workers face, as extreme as being sentenced to capital punishment by foreign government, the narrative around migrant workers' experience has been singular both at home and abroad without much contestation. In addition, migrant women's experiences have been couched within the economic development narrative thereby marking these women workers' bodies as an extension of mechanization and industrial progress. Such endeavor has made these women workers a variety of migrant labour symbolizing modernity and progress in one of the fastest-growing economies in the world and ultimately, coupled with the victim and suffering narrative, a subject of migration management.

Thus, rather than continuing with the stories of victimization and marginalization of migrant women, I argue for disruption in a singular voice in migration research in this region. By moving away from the notion of migrant women as passive, vulnerable subjects in phenomena they have no or little control over, I argue instead for a research direction that allows a holistic understanding of migration experiences and as a result, multiplicity of the narratives to come through. I also suggest that this approach can only be effective when we let migrant women speak for themselves and base the research on the accounts of these women. More broadly, I suggest that what may appear to be mundane details of the migrant women's life before, during and after their migration experience can

help us learn about the transformation of labour migration, women's roles, cities, and Southeast Asian societies.

### **Migrant Women in Urban Space: Exploring Intersectionality**

The overwhelming majority of Indonesian migrant women reside in urban areas of Southeast Asia during their employment overseas. In understanding these women's experience, I would like to begin by establishing migrant women workers as significant actors and agents who reconstitute their daily lives as well as the economics and politics of cities (Glick Schuller & Çağlar, 2011). To achieve this, I conceptualize "city" as an entity and space of dynamic interaction that the migrant women live in, transform, and are influenced by, and bring in the notion of citizenship as a means for them to (re-)claim their active role in their own lives and identity vis-à-vis the political, economic, social, and cultural space they are interacting with. In that sense, "city" as the centre of economic activity and prosperity, not only symbolizes a site of opportunity and advantage, but also signifies that of a complete reordering and unsettling of migrant women's surroundings and environment. As Glick Schuller & Çağlar (2011) point out, most of migration studies scholarship has focused on looking at migration *to* cities, as opposed to migration *and* cities. But by making migration and city as equal units of analysis with capabilities to influence and interact with one another, it enables an examination of migrant women's participation in economic and social processes in the city and encourages the recognition of the women as "rights-bearing citizens" (Appadurai & Holston, 1999) belonging to the city. "City," as a more immediate cultural, political and economic entity than a nation-state, comes to represent migrant women's state as a whole.

In addition, migrant women's narratives can show how the "city" can be conceptualized as a site of various social projections and practices. In their provision of labour, these women workers highlight their role in Indonesian economic growth and wrestle with capitalism as a prolifically cultural and psychological concept that permeates all aspects of these women's lives. In this sense, "city," infused with personal and emotional interpretations of capitalism, expands beyond its official, legal boundaries and even its national borders. Deleuze & Guattari consider humans – for example, the migrant women in my research – to be an active part of the capitalist machine and involved in "social production" and "desire production," faced with the task of decoding and deterritorializing the "flows" (1983). I see Deleuze & Guattari's conceptualization as a way to frame the migrant women's life, living and working in a place constantly engaged in the production of social relations, class, and hierarchies as well as those activities designed to meet basic needs.

Expanding on the concept of urban citizenship will be beneficial here. Metaphorically the notion of citizenship may conjure up an image of mysterious gift put in a colourful box. However, in actuality, instead of enjoying the “rights” explained to and afforded as a citizen, experience of citizenship tends to be a constant effort to re-assert, re-claim, re-justify and re-place identity. Thus, rather than an official, formal notion of citizenship – an identifier denoting an individual’s association with a nation-state – I treat citizenship as a concept and construct shaped and formed by everyday experience of migrant women and view it as a transportable, mobile component of migrant women’s identity that is influenced by their experience in social, psychological, political, economic and cultural arenas.

Migrant women’s experience clearly demonstrates that modernity has used “two linked concepts of association – citizenship and nationality – to establish the meaning of full membership in society” (Holston & Appadurai, 1999, p. 1) and shows modernity or progress narrative in conflict with a migrant women workers’ lives. I argue that this points to selectiveness and exclusion that inherently exists and practiced in “citizenship” as a concept and a set of experience.

Holston & Appadurai (1999) have also pointed out that “...those excluded from the circle of citizens, their rallies against the hypocrisies of [their state’s] ideology of universal equality and respect have expanded democracies everywhere” (p.1). To strengthen this, I also connect the concepts of “formal” and “informal” (Roy, 2005; Appadurai, 2002) as these women workers’ access to assistance from “formal” and “informal” sectors could inform our understanding of migrants’ rights understood by state and their boundaries and operation. For instance, Appadurai (2002) offers that a takeover of the informal could be part of the state’s effort to contract out services in a neo-liberal fashion or activist take over or ownership of resistance to the inefficiency of state.

The Indonesian case indicates that state has supported (or has not hindered) the informal sector’s effort to protect the migrant women in need, as the women have formed organizations to support themselves with financial, logistical, and advocacy support (Anggraeni, 2005), and the Singaporean case demonstrates informality operating within confines of state (Yeoh & Annadurai, 2008). These organizations of the informal work through the rhetoric that highlights women’s active involvement to fill the void left by the formal, leading to explosive growth of non-governmental organizations in the issues of human rights (Appadurai, 2002). As James Scott (1976) points out, this type of “resistance by subjugated populations often has its basis... in a ‘moral economy’ under siege” (Cited in Ong 1987, p. 180).

In her investigation of spatiality and urban citizenship in China, Li Zhang (2002) suggests that increased spatial mobility and deepening marketization contributed to formation of new

meanings of urban belonging and struggles over citizenship rights, while using the term urban citizenship in socialist China as the site of an enduring spatial politics and regime exhibiting social hierarchies. Harald Bauder (2008), by extending Pierre Bourdieu's ideas of capital as the reproduction of social order, suggests that citizenship is a strategically produced form of capital, which manifests itself in formal (legal and institutional) as well as informal (practiced and cultural) aspects, and often channel migrants into the secondary labour market or the informal economy.

These two suggestions come together in Aihwa Ong's (2006) idea of "global assemblages" in "mutation in citizenship," which treats migrant citizenship to be defined not by conventional geography but by the site of political mobilizations and claims, as well as emergence of "mobile and excluded populations articulat[ing] rights and claims in universalizing terms of neoliberal criteria or human rights" (p.500). Ong argues that in Asia, "citizenship rights and benefits [have become] contingent upon individual market performance...instead of all citizens enjoying a unified *bundle* of citizenship rights, we have a shifting political landscape in which heterogeneous populations *claim* diverse rights and benefits associated with citizenship" (emphasis added, p.500). I believe that, fundamentally, understanding notions of citizenship will help explore various sites and claims speaking to what it means to be a migrant woman in Southeast Asia.

### **Migrant Women Returnees' Experience**

In my research of migration in Southeast Asia, I seek to bring to the forefront the Southeast Asian women's own experiences of migration, and to feel that I am in the company of researchers who also understand the importance of doing so. I am referring to the work of feminist geographers such as Rachel Silvey, Geraldine Pratt, and Brenda Yeoh – all interested in Southeast Asian women's migration experiences – that attempts to bring the focus back to specificity in women's migration experiences and investigated political meanings of power relations in women's work (Silvey, 2003; Pratt, 1997; Yeoh & Annadurai, 2008). These feminist geographers have also discussed the linkages between gender politics in identity construction and production of migration and place, conceptualizing them as part of broader political, economic, and cultural processes (Silvey, 2003; Glick Schuller & Çağlar, 2011). In my view, they have also brought empathy and compassion to their research and narrative. I also see these efforts as consistent with the concept of migration that my work centres around. With an attempt to bring out a series of scenes from an Indonesian migrant woman's life representing, reflecting and refracting the new urban generation and Southeast Asia in cultural shift, the importance of social context for shaping knowledge is built into my conceptualization of migration as an interactive and fluid notion.

To bring about a more holistic understanding of migration, there is a need to focus on a couple of areas overlooked by the research to date: In terms of pattern, urban-to-urban or interurban migration has not been sufficiently examined and in terms of type of migrants, the experience of returnees. As mentioned earlier, the majority of Indonesian migrant workers work in an urban area. Nonetheless, upon their return to Indonesia, not all of them go back to their places of origin, which for many Indonesian migrant women, would be small villages. Given the priority of families in the Indonesian society and culture, the question then becomes as to why these women have not returned to their villages where strong, existing network of support will welcome them and instead settled into urban areas. Exploring this question will thus allow a deeper examination of changes in the urban areas where migrant returnees now claim, occupy and make their own.

To tackle this question, migration should be conceptualized as a transformative, enduring process that takes place before, during, and after the move. Migration affects a migrant woman's entire being and shuffles her identities and changes her perceptions, priorities, and prejudices, more research needs to be done to understand how such changes flows out to her communities, both old and new. As urban areas of Southeast Asia rapidly changes, migrant women's narratives and especially those of returnees will expose migration as temporal, spatial, all-encompassing experience and phenomenon, and a physical move that means and involves repositioning oneself in historical, political, social, economic, cultural and spiritual terms.

To speak in more concrete terms, I have found that one of the most easily identified urban-to-urban migrant returnees are former international students who worked overseas after graduation and then returned to Indonesia. Because of their adaptability and familiarity with the culture in receiving communities, many do well in their employment and their overseas work experience often leads to gainful employment at home.<sup>2</sup> However, this story is not echoed by all returnees. Efendi *et al* (2013) have found that Indonesian nurses who worked in Japan had trouble getting a new job after returning home. Prusinski (2014) has also observed that many migrant Indonesian women workers were not trained well for the jobs offered to them, and had to develop skills on their own while working overseas, which go "unacknowledged and unappreciated upon their return." Here another set of research questions arises: how can such variance in experiences be explained, and given their experiences overseas, what decisions these returnees faced after returning home?

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<sup>2</sup> This is based on a number of informal interviews I conducted between May and June 2014 with Indonesian migrant returnee women in their early 30's, who all have overseas education credentials and are successful in their current employment. I wish to keep their names anonymous as the nature of our conversations were informal.



**Jakarta – A Site of Urban Transformation in Indonesia**

I would now like to briefly discuss in more concrete terms how Jakarta would be positioned in this research. Jakarta in its nature is a city of (internal) migrants. Reflecting the diversity of the nation, one can find in Jakarta Indonesians from every corner of the archipelago with different cultural backgrounds. As a nation's capital, Jakarta also offers a wide range and a large number of employment opportunities. Jakarta therefore can serve as a research site with an access to migrant women from different socioeconomic and cultural backgrounds. For instance, these migrant women's mental, conceptual map of Jakarta will be different from the physical, geographical map of the city and reveal how the city as a space has come to be claimed, appropriated, and configured. If migrants tend to claim particular spaces within cities, their role as the force of modernity and progress, and their knowledge-seeking, knowledge enabling activities in Jakarta would show such urban, social, cultural transformation in the Indonesian or Global South context.

In my informal conversations with some migrant women returnees living in Jakarta, I heard on a numerous occasions that they "missed Jakarta." After spending time with them, it became clear to me that the "Jakarta" they spoke about was not the city itself with geographical boundaries, but the experience, expectation, and in some sense, rights that the city offers. On a methodological note, as our conversations were able to continue and thrive through the words (stories) and objects (pictures), I believe that the narrative approach was effective in revealing more about Jakarta as a space and a dynamic identity and about the migrant women themselves as well.

Some of the key questions that I have posed to migrant women returnees in Jakarta were regarding their relationship with the city concern their visibility in the communities. In other words, do the women feel that their migration experience adds to the conspicuousness of migrants upon return? More specifically, what objects, symbols, or public display make migrants visible in cities, and where do migrant returnees find their place in the landscape of Jakarta known for its swift and dramatic changes? Do they become significant actors in their own political, social and cultural life? I suggest that in Jakarta as a major site of capitalistic experiments in Southeast Asia, these women's experiences reflect the dynamic changes the city is undergoing in their decisions on employment, place of residence, and old and new relationships (family, friends, and significant others). Their words will indicate how the experience of migration has played a key role in their lives, and continues to serve as a basis in the decision-making process in their life in the city.

In particular, these questions are being asked while problematizing the notion of "disempowerment" and "oppression," given that the majority of migrant returnees were employed in the manufacturing and service sector as a low-skilled worker amidst what has been noted as feminization of labour in Southeast Asia. In light of this, the view of the migrant women returnees

in Jakarta will help consider several factors in urban transformation: systematization of patriarchy, mechanization of women's economic participation and exercising of social and cultural rights as an urban citizen. Simply put, the details of the migrant women returnee's life in Jakarta, where many call a place of opportunities, will reveal the role of women in this fast-changing society.

### Epilogue<sup>3</sup>

It is a hot summer of 2007, and just past noon. It's too hot to be roaming around the streets. I am in the car being driven through the red light district in the city of Surabaya, one of the biggest of its kind in Southeast Asia. In this port town, I can smell the seawater even through the air-conditioned breeze inside this heavily tinted, unmarked SUV, a property of a local Consulate. Everything outside is golden brown under the scorching sun and hazy sky. As we keep on driving, I notice each brothel has a Guinness Beer sign. Skinny girls in skimpy clothes, looking tired from the previous night's work, walk into the doors right underneath the conspicuous signs shining in black and gold.

After a few minutes, we seem to be in a residential area. The car stops at a house under big tropical trees and in comforting shadow. I can finally open my eyes and come to my senses. We walk into a house and see a number of women moving about, minding their own business. A plump, capable-looking lady – she looks like she owns the place – emerges in colourful clothing, wearing sandals. Through the translator we ask about this place: a shelter for girls rescued from prostitution. She speaks loudly about her past as a pimp and her conversion into a crusader for girls trafficked into prostitution.

I busily write things down in my notebook. Her speech is going into my report – one of the “deliverables” in my contract as a researcher – and I can't miss a word. No one else is taking notes but me. I am trying my hardest to fulfill the role given to me, just like I've had to every single day of my life to prove to others that I'm a good fit. I've learned how to perform a well-liked, hard-working person at four elementary schools, two middle schools, two high schools, and two universities located in nine different cities in two different countries. My most recent endeavour is to be what people call a model immigrant who must find and carve out a path that others will look up to. I bring my drifting mind back to the task, as *Ibu's* words come to an end with an emphasis on how she wanted to help people after a long career as a self-confessed “victimizer.”

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<sup>3</sup> I include this short essay as an example of exploring migration issues from an autoethnographical approach as well as an attempt to provide a test case for grounding migration research in Southeast Asia on narratives. I thank Dr. Bob Kull for his insightful comments on its first draft and Dr. Patricia O'Riley for her advice on participatory, inclusive research practice in working with women co-researchers. For further reading on autoethnography, see Bochner, A. P. (2001). Narrative's virtues. *Qualitative Inquiry*, 7(2), 131–157; Chap 7. Ethnographic Poetics and Narratives of the Self. In Denzin, N. K. (1997). *Interpretive ethnography: ethnographic practices for the 21st century*. Thousand Oaks, Calif: Sage Publications. 199-230; Ellis, C. "I Hate My Voice": Coming to Terms with Minor Bodily Stigmas. *The Sociological Quarterly*, Vol. 39, No. 4 (Autumn, 1998), pp. 517-537.

I flip through my notebook before closing it. I am keenly aware that it is filled with the words of the winners, whose voices have reached the listener and recorder. I recall the faces of the bureaucrats, academics, and activists I have met so far. Their brash, confident assertions will be recycled in a report penned for even more entities with power and authority, and I recognize that I am very much part of the process in the way of participation and facilitation. With my fingers, I trace the words I have written in the notebook and feel their groove. The notebook has gained volume from my work here in Indonesia for the last couple of months. I am not sure if I am thrilled by how much I have managed to write down, although I could be.

Suddenly I notice and feel an intense stare from a dark corner of the room. I look up, searching for the source. My eyes meet a set of eyes, those of a girl, whose small body mostly hides behind the wall. Her eyes quizzically inspect me. Even when my eyes fall back to the notebook, I can sense hers fixated on me.

*Ibu* says a few more words of courtesy and gratitude, and everyone gets up from their seat without asking any questions or carrying on the conversation further. We are ready to see the rest of the shelter. The transition feels natural and even liberating. I gather my things and put them into a bag. The girl is still there, watching and observing.

I ask the staffer at the shelter sitting next to me, “Who is that girl over there behind the wall?” The staffer doesn’t give me her name. “Oh, she just had a baby and she has AIDS.” “How old is she?” “About sixteen I think.”

The sun has shifted a bit, and I can see her better now with more light in the room. She looks well into her late twenties. The life she has had probably made her age quicker. I look around the room and realize we are the only ones who look about the same age. I wonder what she thought of me when she saw me. An Asian girl about the same age as her, arriving in a business suit and fancy car, busily writing things down, speaking English, with a bunch of *bule*.

I start to wonder what kind of choices her life has offered her. I become curious about those moments in our lives – episodes and occasions that have shaped who we are today. She must have had her dreams too, when her father told her she was going to a big city to work. He must have said she was going to enjoy a city life, get to have the things that she wanted, and make cool new friends.

But did *she* want to leave her family, her town and her friends? And what is her reality now and where would she be off to next?

## BIBLIOGRAPHY

- Anggraeni, D. (2006). *Dreamseekers: Indonesian women as domestic workers in Asia*. Jakarta: Equinox Publishing & ILO.
- Appadurai, A. & Holston, J. (1999). Introduction: cities and citizenship. In *Cities and citizenship*. J. Holston (Ed.) Durham, N.C.: Duke University Press.
- Appadurai, A. (2002). Deep democracy: urban governmentality and the horizon of politics. *Public Culture*, 14(1), 21-47.
- Bauder, H. (2008). Citizenship as capital: the distinction of migrant labor. *Alternatives: Global, Local, Political*, 33(3), 315-333. doi:10.1177/030437540803300303
- Bochner, A. P. (2001). Narrative's virtues. *Qualitative Inquiry*, 7(2), 131-157. doi:10.1177/107780040100700201
- Chilisa, B. (2012). *Indigenous research methodologies* [CafeScribe version]. Thousand Oaks, CA: Sage Publications, Inc. Retrieved from CafeScribe.com.
- David, F., ASEAN, & International Organization for Migration. (2007). *ASEAN and trafficking in persons: using data as a tool to combat trafficking in persons*. Geneva, Switzerland: International Organization for Migration.
- Deleuze, G. & Guattari, F. (1972). *Anti-Oedipus: capitalism and schizophrenia*. Minneapolis: University of Minnesota Press.
- . (1983). *A thousand plateaus: capitalism and schizophrenia*. Minneapolis: University of Minnesota Press.
- Efendi, F., Purwaningsih, Qur'aniati, N., Kurniati, A., Singka, E.J., Chen, C-M. (2013). Return migration of Indonesian nurses from Japan: Where should they go? *Journal of Nursing Education and Practice*, Vol. 3, No. 8. 154-159.
- Farbenblum, B., Taylor-Nicholson, E., & Paoletti, S. (2013). *Migrant Workers' Access to Justice at Home: Indonesia* (SSRN Scholarly Paper No. ID 2347853). Rochester, NY: Social Science Research Network. Retrieved from <http://papers.ssrn.com/abstract=2347853>
- Glick Schiller, N. & Caglar, A. (2011). *Locating migration: rescaling cities and migrants*. Ithaca: Cornell University Press.
- Hardt, M. & Negri, A. (2000). *Empire*. Cambridge, MA: Harvard University Press.
- . (2004). *Multitude*. New York, NY: The Penguin Press.
- Human Rights Watch. (2011). "They deceived us at every step": *abuse of Cambodian domestic workers migrating to Malaysia*. Retrieved September 8, 2013, from <http://www.hrw.org/node/102568>
- Liamputtong, P. (2010). *Performing qualitative cross-cultural research*. New York: Cambridge University Press.

- Kaur, A. (2010). Labour migration in Southeast Asia: migration policies, labour exploitation and regulation. *Journal of the Asia Pacific Economy*, 15(1), 6–19. doi:10.1080/13547860903488195
- Lykes, M. B. & Crosby, A. (2014). Chapter 6. Feminist practices of action and community research. In Hesse-Biber, S.N. (Ed.), *Feminist research practice: primer* [Kindle DX version] (pp. 145-181). Thousand Oaks, CA: Sage Publications, Inc. Retrieved from Amazon.com.
- Naples, N. A. & Gurr, B. (2014). Chapter 2. Feminist empiricism and standpoint theory: Approaches to understanding the social world. In Hesse-Biber, S. N. (Ed.), *Feminist research practice: primer* [Kindle DX version] (pp. 14-41). Thousand Oaks, CA: Sage Publications, Inc. Retrieved from Amazon.com.
- Ong, A. (1987). *Spirits of resistance and capitalist discipline factory women in Malaysia*. Albany, NY: State University of New York Press.
- . (2006). Mutations in citizenship. *Theory, Culture & Society*, 23(2-3), 499–505. doi:10.1177/0263276406064831
- Pratt, G. (1997). From registered nurse to registered nanny: discursive geographies of Filipina domestic workers in Vancouver, B.C. *Economic Geography* 75(3), 215-36.
- Prusinski, Ellen. (2014). Wasted Talent. *Inside Indonesia* 116: Apr-Jun 2014. <http://www.insideindonesia.org/current-edition/wasted-talent>
- SBS Radio. (2014). Indonesian Workers. *SBS Radio Podcast*. 1 Jun 2014. (9'17'')
- Scott, J. C. (1976). *The moral economy of the peasant: rebellion and subsistence in Southeast Asia*. New Haven, CT: Yale University Press.
- Silvey, R. (2004). Power, difference and mobility: feminist advances in migration studies. *Progress in Human Geography*, 28(4), 490–506. doi:10.1191/0309132504ph490oa
- Yeoh, B. S. A., & Annadurai, K. (2008). Civil society action and the creation of “transformative” spaces for migrant domestic workers in singapore. *Women’s Studies*, 37(5), 548–569. doi:10.1080/00497870802165502
- Zhang, L. (2002). Spatiality and urban citizenship in late socialist china. *Public Culture*, 14(2), 311–334.

**The Making of China's Foreign Policy towards Vietnam in the South China Sea Dispute : The Analysis of The Idiosyncratic Factors of Xi Jinping in Considering China's Strategic Environment (2012-2016)**

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**Abstract:**

Perselisihan di Laut Tiongkok Selatan telah berakar sejak beberapa dekade yang lalu, namun ketegangan telah semakin meningkat dalam beberapa tahun terakhir ini, dimana masing negara 'claimants' memiliki kebijakan luar negerinya sendiri untuk mengklaim wilayah yang saling tumpang tindih dan di saat bersamaan juga melakukan aktivitas militer di daerah tersebut. Xi Jinping, Presiden RRT, memiliki peran yang sangat besar dalam pembuatan kebijakan luar negeri Tiongkok, termasuk dalam perselisihan teritorial di Laut Tiongkok Selatan. Sejak kepemimpinannya, tindakan yang lebih tegas telah dilakukan oleh Tiongkok, terutama terhadap Vietnam sebagai salah satu penggugat yang paling vokal. Tulisan ini menjelaskan lingkungan strategis Tiongkok yang memfokuskan pada kebijakan luar negeri Tiongkok dan Kebijakan "Rebalance" AS di Asia Pasifik, tujuan kebijakan luar negeri Tiongkok dalam perselisihan Laut Tiongkok Selatan, dan akhirnya menganalisis bagaimana faktor-faktor tersebut dipertimbangkan oleh Xi Jinping dalam pembuatan rasionalitas kebijakan luar negerinya terhadap Vietnam dalam perselisihan Laut Tiongkok Selatan (2012 - 2016). Tulisan ini menyimpulkan bahwa pengaruh pihak luar di wilayah tersebut telah mengakibatkan Xi Jinping beralih untuk membuat kebijakan luar negeri - dari bersikap asertif hingga lebih kooperatif - yang bertujuan untuk mempertahankan hubungan bilateralnya dengan Vietnam yang menjadi keputusan paling rasional untuk mempertahankan status quo Tiongkok dalam perselisihan tersebut.

**Keywords:** *Xi Jinping, idiosyncratic, strategic environment, foreign policy, Vietnam*

**Introduction**

The ongoing South China Sea dispute will not only hurt the relationship between the claimants, but it will also lead to regional instability – the worst one being war – not only between the claimants but rather the superpower supporting the claimants as the dispute has become global with their involvement. The six claimants of South China Sea, namely: People's Republic of China, Taiwan, the Philippines, Vietnam, Malaysia, and Brunei Darussalam<sup>3</sup>, are competing for their claims over the territory within South China Sea. They need to protect South China Sea as their claimed territory and sovereignty on the ocean; and as a vital point in the region for its abundant natural resources beneath, strategic international trade and shipping line, and fishing ground for many as well.<sup>4</sup>

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<sup>3</sup> "Why is The South China Sea Contentious?", BBC, July 12, 2016 <http://www.bbc.com/news/world-asia-pacific-13748349>

<sup>4</sup> *Ibid.*

Foreign policy making is a complex process which involves a lot of factors, one of them being the state leader himself, who takes a major role in the process. The leader of China, Xi Jinping, therefore holds an even more significant influence especially since China is led through an authoritarian system. Xi Jinping is the current leader of China, succeeding Hu Jintao and was elected as the chairman of both Communist Party of China (CPC) and Central Military Commission (CMC) in 2012, and officially became the president of China in 2013. In October 2016, Xi was made the 'core' leader by the CPC, symbolizing the dominance of his leadership. His father was a Vice Premier during Mao Zedong era, but was then purged with Xi Jinping being sent for 7 years of countryside service in a small village of Liangjiahe, where he acknowledged many of his ideas and characteristics were formed.<sup>5</sup> He is well-known for his emphasis on anti-corruption campaign and Chinese Dream ambition – which aims for national rejuvenation of the country to be both prosperous and strong in military.

The decision of a state leader itself is influenced by many factors – the ones that will be emphasized in this research being the **strategic environment** of the state, how it is perceived by the **idiosyncratic factors** of the leader, and finally be projected as the state's foreign policy as the most rational decision. Therefore the question which this research would like to address is: **“How did President Xi Jinping consider China's strategic environment in making foreign policy towards Vietnam in their South China Sea dispute?”** In order to answer the question, the analysis in this paper will be divided into three parts. Firstly, analyzing the purpose of China's foreign policy; followed by the analysis on Xi Jinping's idiosyncratic factors; and lastly, leads him to assess the strategic environment and the foreign policy purposes by himself and resorting to the decision that is most rational to him.

### **China-Vietnam Dispute over South China Sea: Why Vietnam?**

Despite the number of claimant states, this research would only discuss the overlapping claims of the territory between China and Vietnam. China claims the largest area, 80 percent of the whole South China Sea, while Vietnam is the strongest, most vocal claimant (next to the Philippines) to be against China. Vietnam is in a unique situation where it shares similar ideological background with China, where they could have much more to build but had to crumble because of this dispute. Furthermore, the competition over claims between the two did not just begin recently, but from decades ago, where they were engaged in the 'Battle of the Paracel Islands' in early 1974

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<sup>5</sup> Connor, Neil, *“The Cave the Chinese President Called Home”*, The Telegraph, published on October 19, 2015, <http://s.telegraph.co.uk/graphics/projects/xi-jinping-cave/>



and also followed by a series of conflicts regarding border territory from land border to naval battle in the latter years.

Since 2012, the tension among claimants has been rising significantly, including between China and Vietnam. Through the past several years, both have been involved each other in several issues, such as boats ramming, oil rig standoff, and artificial island building within the contested area. In 2014, the establishment of Chinese giant oil rig Haiyang Shihou 981 within Vietnam's claimed Exclusive Economic Zone had even brought down Sino-Vietnamese bilateral relationship down to an all-time low diplomatic crisis and caused devastating anti-China riot in Vietnam.<sup>6</sup> However, from late 2016, the tension between China and Vietnam has managed to cool down and leader from both sides have agreed to find a solution through peaceful negotiations and that their 'common interests may far outweigh differences if they adopt pragmatism in diplomacy'.<sup>7</sup>

### **Strategic Environment of China: China's Foreign Policy Planks & U.S. Rebalance Policy**

Firstly, China's strategic environment that will be discussed is divided into two: the internal environment being several planks of foreign policy of China under Xi Jinping, and the external environment being the projection of U.S. Rebalance Policy in the Asia-Pacific.

Starting from the internal environment, there are three emphasis of foreign policy of China as of Xi's leadership: 'Peaceful Development', 'Period of Strategic Opportunity (POS0)', and 'Chinese Dream'.

'Peaceful Development' was first announced on September 2011, the China's White Paper on China's Peaceful Development defines the path of 'peaceful development' as the country developing through 'upholding world peace and contribute to world peace through its own development'. This rejects the view that the rise of China is to take revenge for its past sufferings from wars. Oppositely, as quoted from the White Paper on China's Peaceful Development published by Xinhua<sup>8</sup>:

*"From their (Chinese nation) bitter sufferings from war and poverty in modern times, the Chinese people have learned the value of peace and the pressing need of development. They see that only peace can allow them to live and work in prosperity and contentment and that*

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<sup>6</sup> Kwok, Kristine, "Chinese Oil Rig's Return in South China Sea, Off Coast of Vietnam, Touches Nerve in Hanoi", South China Morning Post, January 26, 2016 <http://www.scmp.com/news/china/diplomacy-defence/article/1905384/chinese-oil-rigs-return-south-china-sea-coast-vietnam>

<sup>7</sup> Huang, Cary, "Once Comrades and Brothers, China and Vietnam are Going Their Own Way Down the Socialist Path", South China Morning Post, published on September 20, 2016, <http://www.scmp.com/comment/insight-opinion/article/2020895/once-comrades-and-brothers-china-and-vietnam-are-going-their>

<sup>8</sup> White Paper on China's Peaceful Development pg. 2, can be read on Xinhua, published on November 9, 2011, [http://news.xinhuanet.com/english2010/china/2011-09/06/c\\_131102329\\_2.htm](http://news.xinhuanet.com/english2010/china/2011-09/06/c_131102329_2.htm)

*only development can bring them decent living. Therefore the central goal of China's diplomacy is to create peaceful and stable international environment for its development."*

The second plank is 'Period of Strategic Opportunity' (POSO), in which Xi Jinping stated that China is still in, and will still be until at least the end of his presidency in 2020. POSO puts in concise the main external strategic guideline of CPC and serves as a reflection of leadership's judgment, that China is experiencing a favorable external security environment which enables China to focus on its domestic development. It plays a good deal of role especially in terms of China's defense. However, during his leadership Xi has repeatedly stated his ambition for the Chinese military to prepare themselves to 'fight and win wars'. Not to mention that in the same period, Chinese officials have also explicitly described the U.S. Rebalance Policy as one obstacle towards China's security interest. This situation has caused reaction whether the external environment of China has higher chance of conflict rather than previously assessed in the POSO by CPC. Regardless, Xi denied this and continued to encourage to just focus on POSO and "*not allow our views to be blocked by intricate developments*" in the international system.

The implementation of POSO by China and by how Xi introduces it to the world signifies that in line with the concept of 'peaceful rise', China does not have the ambition to disruptively rise as neither a regional nor global hegemon. This is also stated in the China's White Paper of Peaceful Development<sup>9</sup>:

*"...China does not seek regional hegemon or sphere of influence, nor does it want to exclude any country from participating in regional cooperation. China's prosperity, development and long-term stability represent an opportunity rather than a threat to its neighbors...."*

Last but not least, the Chinese Dream has become globally known as a catchphrase of Xi Jinping.<sup>10</sup> The Chinese Dream is simply, according to Xi, a dream of the people – the Chinese people living their life happily and in satisfaction.<sup>11</sup> Xi believes that a peaceful and developed world is needed in order for 'Chinese Dream' to be realized. The world and China based on the Chinese Dream has a reciprocal, mutual relation: "*a prosperous and stable world community offers opportunities to China, while China's development presents great opportunities to the world.*"<sup>12</sup> He also stated sternly that China will not tolerate anything that may harm China's interests in sovereignty, security, and development. Therefore, Chinese Dream also serves as a completion of China's Peaceful Rise/Development.

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<sup>9</sup> White Paper on China's Peaceful Development pg. 4

<sup>10</sup> Das, Shaheli, "*The Awakening of Xi's Chinese Dream*", East Asia Forum, published on April 7, 2016, <http://www.eastasiaforum.org/2016/04/07/the-awakening-of-xis-chinese-dream/>

<sup>11</sup> "*Xinhua Insight: Chinese Dream is a Dream for All*", Xinhua, published on December 3, 2016, [http://news.xinhuanet.com/english/2016-12/03/c\\_135878166.htm](http://news.xinhuanet.com/english/2016-12/03/c_135878166.htm)

<sup>12</sup> "*Xi Jinping: Pursuing Dream for 1.3 Billion Chinese*", Xinhua, published on March 17, 2013, [http://news.xinhuanet.com/english/china/2013-03/17/c\\_124467411\\_4.htm](http://news.xinhuanet.com/english/china/2013-03/17/c_124467411_4.htm)

Located within Asia-Pacific as its strategic environment, China is not the only country that focuses its foreign policy towards it. Since early of Barack Obama presidency in 2011, the U.S. has been taking approach to Asia Pacific region through its so-called 'U.S. Rebalance Policy', making it a geostrategic priority involving three major focuses, which are security, economic, and diplomatic elements. This shift of U.S. foreign policy is seen by many as a way to contain China's rise in the region, but it is stated that the shift is triggered by a set of strategic, economic, and political considerations.<sup>13</sup>

As the U.S. Rebalance Policy is seen as one way to expand and strengthen its influence or hegemony in the region, it is not welcomed by China which, from its cornerstone of foreign policy, opposes hegemony. Chinese officials criticize U.S. for its policy mainly for its military activities expansion in the region, and its diplomatic activities that are seen as supporting other countries involved in the maritime territorial disputes with China.<sup>14</sup> Therefore, to China this particular U.S. foreign policy poses the most challenge towards China's conduct of foreign policy in the region. Aside from being put into critics by the officials, the policy is also stated in official documents, such as the White Paper on China's Armed Forces published in April 2013. In the first chapter of the content, "New Situation, New Challenges, and New Mission", it is stated in the paper:

*"The Asia-Pacific region has become an increasingly significant stage for world economic development and strategic environment for major powers. The U.S. is adjusting its Asia-Pacific security strategy, and the regional landscape is undergoing profound changes... Some country has strengthened its Asia-Pacific military alliances, expanded its military presence in the region, and frequently makes the situation there tenser."*<sup>15</sup>

Recently, the U.S. has also been trying to improve its relations with Vietnam, some moves that could be of China's worries, such as its historical move on fully lifting its arms embargo to Vietnam since 1984, on May 2016. It was a move taken following the intensifying China's assertiveness in the South China Sea – even though Obama denied the lift having any relations with China's growing aggressiveness – and just a few months after Vietnam elected the new president, General Tran Dai Quang.<sup>16</sup> On a further note, since late September 2016 Vietnam has also been engaging with the U.S. more for their new Naval Engagement Activity, a non-combat program

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<sup>13</sup> Sutter, Robert G., Brown, Michael E., and Adamson, Timothy J.A., with Mochizuki, Mike M., and Ollapally, Deepa, "Balancing Acts: The U.S. Rebalance and Asia-Pacific Stability", pg.1, published in August 2013.

<sup>14</sup> *Ibid.*

<sup>15</sup> "The Diversified Employment of China's Armed Forces", published by the Information Office of the State Council on April 2013, taken from Xinhua, [http://news.xinhuanet.com/english/china/2013-04/16/c\\_132312681.htm](http://news.xinhuanet.com/english/china/2013-04/16/c_132312681.htm)

<sup>16</sup> Thompson, Mark, "Why Lifting the Vietnam Arms Embargo is All About China", Time, published on May 23, 2016, <http://time.com/4345639/vietnam-arms-embargo-barack-obama-china/>

which focuses on preventing hostilities or incidents in the South China Sea; and is separated from other naval exercises with other ASEAN countries.<sup>17</sup>

### **China's Foreign Policy Purpose (Two-Good Theory)**

The second part of this research is to analyze the purpose of China's foreign policy, by using the Two-Good Theory from the book 'Theory of Foreign Policy' by Palmer and Morgan.<sup>18</sup>

According to the *Theory of Foreign Policy* book, states are assumed to be both relatively unhappy with the status quo of some issues, and relatively content with the status quo of other issues. These two conditions are what lead states into a maintenance and change-seeking behavior: changing things that are not favorable to them and maintaining those which please them. It simply explains why (two, if not more) states would go into conflicts. When one state seeks to maintain the status quo but at the same time other state (or supposedly its adversary) seeks to change the existing condition, the clash occurs and thus the conflict happens.

### **Background of Maintenance/Change-Seeking**

Firstly, China is trying to maintain the peace and stability in the South China Sea, as it has stated so and committed in the Framework of the Declaration of Conduct of Parties made with ASEAN.<sup>19</sup> This also goes accordingly with China's foreign policy that is based on peace and as stated in its foreign policy towards the Asia-Pacific region itself: the Peaceful Development. At the same time, China will still be maintaining its status quo regarding the dispute, particularly on how it is going to participate in solving it and including to maintain its relations with other claimants – which in this case, Vietnam. China will still be favoring to peaceful, bilateral negotiation with other claimants.

China's growing activities in the disputed area has been questioned by other claimants. However, in 2015 the China's Foreign Ministry explained through its spokesperson, that the purposes of reclamations are for:

*“Optimizing their functions, improving the living and working conditions of personnel stationed there, better safeguarding territorial sovereignty and maritime rights and interests, as well as better performing China's international responsibility and obligation in*

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<sup>17</sup> Slavin, Erik, “US, Vietnam Navies Work on Preventing South China Sea Incidents”, Stars and Stripes, published on September 27, 2016, <http://www.stripes.com/news/us-vietnam-navies-work-on-preventing-south-china-sea-incidents-1.431279>

<sup>18</sup> The Two-Good Theory is a theory by Glenn Palmer and T. Clifton Morgan, elaborated in their book “*A Theory of Foreign Policy*”, Princeton University Press, Princeton, 2006.

<sup>19</sup> Yosephine, Liza, “China Reaffirm Commitment to Maintaining Peace in South China Sea”, The Jakarta Post, published on July 25, 2016, <http://www.thejakartapost.com/news/2016/07/25/asean-china-reaffirm-commitment-to-maintaining-peace-in-south-china-sea.html>

*maritime search and rescue, disaster prevention and mitigation, marine science and research, meteorological observation, environmental protection, navigation safety, fishery production service and other areas.*"<sup>20</sup>

### **Determining Factors of Maintenance/Change-Seeking**

The capability of a state maintaining or changing its status quo is determined by two factors: resource endowment and preferences of the state. Firstly, resources are needed by the state to make maintenance and change. The more resources a state has, the more capability to make foreign policies it will have.

Firstly, in terms of resource endowment, China is a huge country blessed with many kinds of natural resources, but it is accompanied with a huge population of 1.3 billion to feed as well. China's current situation is unique, where it is now the second largest economy in the world but at the same time is still a developing state, with more than 15 percent of its population living in poverty.<sup>21</sup> As reported by the World Bank, in 2015, China's Gross Domestic Product (GDP) was 11,008 trillion USD. With the recorded total population of 1,371 billion, China's Gross National Income per capita was only 7,930 USD<sup>22</sup>, ranking only 97 out of 217.<sup>23</sup> This means even though China's economy is growing well, its people's welfare is not and thus leading to the pursuit of Chinese Dream. Since its rise, China began consuming and importing more natural resources and raw materials for its production.<sup>24</sup> Although China stays positive of its economy that in fact still contributes 25 percent of the world's economy<sup>25</sup>, its temporary industrial slowdown in 2016 has in consequence contributed to the lower raise of China's defense spending.<sup>26</sup>

From this fact, China's economy seems to be growing well because of its innovation, but the country itself is still in the struggle of looking for resources to sustain its consumption. In fact, it is also understandable with being the reason with China protects the South China Sea – for its sovereignty, territorial integrity, and of course for its resource-rich potential to ensure the welfare of

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<sup>20</sup> *Ibid.*

<sup>21</sup> Matthews, Ron, Ping, Xiaojuan, and Ling, Li, "Learning from China's Foreign Aid Model", The Diplomat, published on August 25, 2016, <http://thediplomat.com/2016/08/learning-from-chinas-foreign-aid-model/>

<sup>22</sup> Data of China as of 2015 (data processed by the World Bank using Atlas Methodology), The World Bank, <http://data.worldbank.org/country/china>

<sup>23</sup> Ranks of Gross National Income per capita (GNIPc) 2015 per country (data processed by the World Bank using Atlas Methodology), The World Bank, <http://databank.worldbank.org/data/download/GNIPC.pdf>

<sup>24</sup> Kanani, Rahim, Forbes Interview with Economy, Elizabeth as the author of the book "By All Means Necessary: How China's Resource Quest is Changing the World", Forbes, published on March 15, 2014, <http://www.forbes.com/sites/rahimkanani/2014/03/15/by-all-means-necessary-how-chinas-resource-quest-is-changing-the-world/2/#1479d69f4bf3>

<sup>25</sup> Worstall, Tim, "China's Only 15% of the Global Economy but Contributes 25-30% of Global Growth", Forbes, published on October 30, 2016, <http://www.forbes.com/sites/timworstall/2016/10/30/chinas-only-15-of-the-global-economy-but-contributes-25-30-of-global-growth/#587ebc0d3586>

<sup>26</sup> "China Focus: China Announces 7.6-pct Defense Budget Rise, Lowest in Six Years", Xinhua, published on March 5, 2016, [http://news.xinhuanet.com/english/2016-03/05/c\\_135158243.htm](http://news.xinhuanet.com/english/2016-03/05/c_135158243.htm)

the people. Therefore, it seems to be more suitable for China to maintain its position in the South China Sea with the environmental constraint that it has, accordingly to the theory.

Secondly, are the preferences of the state, which consist of 2 factors: **the distance**, and **the level of threat**. The distance here does not refer to geographical, measurable length. It refers to the distance of the state's status quo with its ideal point. The closer a state (its status quo) is to its ideal point, the more change it will pursue. The further it is, state will prefer to maintain it. The second factor is the level of threat. A threat here means that a state is feeling threatened when its status quo is being forced to change by other state – and the solution is for the threatened state to maintain it. Therefore, the more threatening it is, the more a targeted state will try to maintain it.

Based on the theory, this research will assume that China's ideal point in this issue is when it finally wins its claims of the disputed South China Sea. Meanwhile, its status quo right now is in the middle of disputes with the other five claimants. Moreover, this is also followed with three other states outside the region that openly oppose to China's position and support the Philippines' instead: the U.S., Japan, and Australia. Taking the case where a trilateral joint statement regarding the South China Sea dispute was issued on the night of July 25, it was seen by China as untimely, raising the tension of the dispute, putting the blame on China, and damaging what China and ASEAN countries had reached in harmony for the 11-states joint statement of their DOC implementation.<sup>27</sup> Not only such unfortunate event would break the trust that had been reached by the countries with China and prolong the path to the dispute solution, but this form of hegemony would also badly impact the regional stability – one that China is trying to maintain while fighting for its territorial sovereignty. Concluding from this, China is not yet anywhere close to its ideal point in claiming the whole South China Sea to its own, and therefore accordingly to the theory, China is maintaining its status quo in the issue.

The second aspect influencing the state's preference is the level of threat. In case of China, this research believes that it will be an understatement that China does not feel threatened by other states simply for its advantage in geographical size and military power. This is for the fact that there are several states that in the eyes of China, violating and challenging China's sovereignty and maritime territorial integrity in the South China Sea. It is challenging the foundation of China's conduct of foreign policy, even challenging the purpose of the Chinese Dream. On the first part of China's 2015 White Paper on Military Strategy, it mentions that China *'still faces multiple and complex security threats, as well as increasing external impediments and challenges'*.<sup>28</sup> A

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<sup>27</sup> "Wang Yi Refuting the Joint Statement by US, Japan, and Australia: Peacekeeper or Troublemaker", Ministry of Foreign Affairs of the People's Republic of China, published on July 27, 2016, [http://www.fmprc.gov.cn/mfa\\_eng/zxxx\\_662805/t1384823.shtml](http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1384823.shtml)

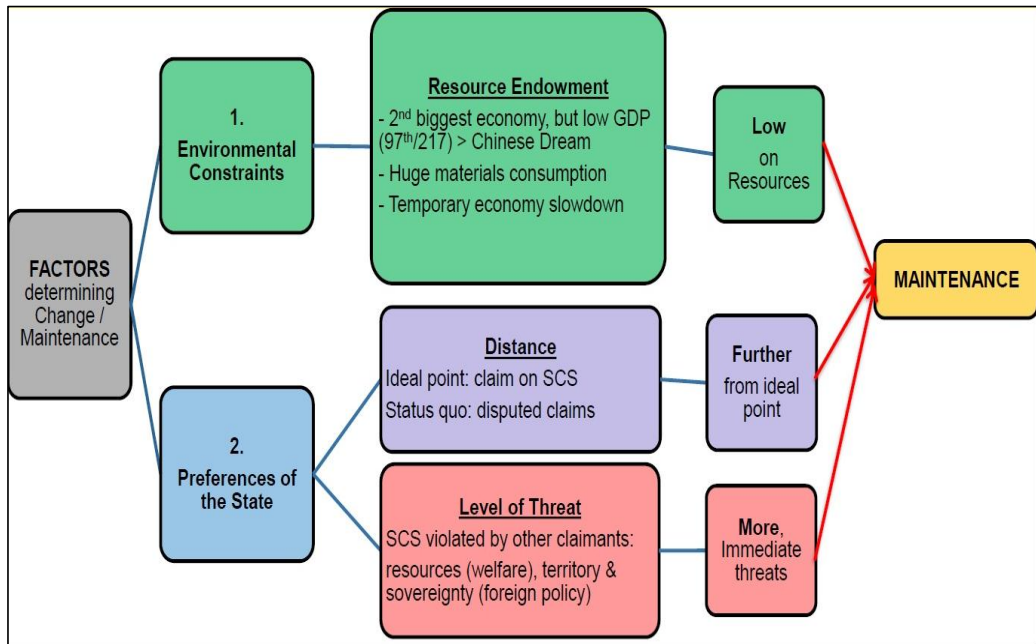
<sup>28</sup> China's Military Strategy, White Paper published by The Information Office of the State Council, Xinhua, on May 2015. Can be seen on the website of Ministry of National Defense The People's Republic of China, [http://eng.mod.gov.cn/Press/2015-05/26/content\\_4586805.htm](http://eng.mod.gov.cn/Press/2015-05/26/content_4586805.htm)

comprehensive paragraph in the same part stressing the state's concern about its situation in the Asia-Pacific, states as follows:

*“On the issues concerning China's territorial sovereignty and maritime rights and interests, some of its offshore neighbors take provocative actions and reinforce their military presence on China's reefs and islands that they have illegally occupied. Some external countries are also busy meddling in South China Sea affairs; a tiny few maintain constant close-in air and sea surveillance and reconnaissance against China. It is thus a long-standing task for China to safeguard its maritime rights and interests.”*

The fact that the disputed South China Sea holds an abundant amount of resources should not be ignored either because it is deeply related to China's foreign policy and goal. In its Chinese Dream, China as a developing country is trying to achieve and ensure the welfare and prosperity of Chinese people. The resource of the South China Sea that is able to sustain the lives of Chinese people, therefore, is of the interest of China. The fact that China is struggling for maintaining its resources, and at the same time having the biggest population on earth, only adds more to the importance of the South China Sea.

Based on these analyses, this research believes that the situation is threatening to China, and therefore, as the theory concludes, is trying to maintain its status quo in the South China Sea dispute.



**Figure 1 Two-Good Theory on China Maintenance-Seeking<sup>29</sup>**

<sup>29</sup> Figure of Two-Good Theory was inspired from the book *“A Theory of Foreign Policy”* by Glenn Palmer and T. Clifton Morgan, edited by the authors for the purpose of this research.



Hence after analyzing the condition that China is in with the principles and assumptions of the theory, it is concluded that China's foreign policy or behavior is that of maintenance-seeking, rather than change-seeking. As the theory has stated in the book, the power of a country is not necessarily related to the amount of change that it pursues – meaning a state's foreign policy does not always seek for change despite having the power to do so. In this case, China is a representation of that statement. Even though China might be a powerful country – looking at its rising economy and military power that are both currently the second rank in the world, China is trying to maintain its position in the South China Sea issue. An extreme change-seeking behavior might be China starting a war to chase away all the other claimants, but it is not possible because China's power is still just rising. However, the most important thing is that, China will always stand up to protect its sovereignty, but it will not initiate a war – simply for the fact that it does not go with its foreign policy principle. Therefore, China will stick to maintaining the peace and stability in the region, and seek to gradually solve the dispute through peaceful bilateral negotiation with each claimant.

### **Idiosyncratic Factors of Xi Jinping.**

The idiosyncratic factors of Xi Jinping will be analyzed using the five factors elaborated from the book *“International Politics on the World Stage”* by John T. Roure.<sup>30</sup>

### **Personality**

There are many ways to categorize a leader's political personality, but one of the most well-known that this thesis refers to is the active-passive scale and positive-negative scale (Barber, 1985). The scale of active-passive shows how leader makes policy – whether he is active as policy innovators or is only a reactor. Meanwhile, the positive-negative scale the personality of the leader – whether he can accept or even enjoy the contentious political environment, or is vulnerable to feel burdened or even abused by political criticism.<sup>31</sup> However, this research would like to focus on the active-passive personality only.

Xi Jinping himself has been making quite a lot of major policies and changes during his leadership so far. Xi has been very vocal on the high profile anti-graft issue that has its roots deep in the country since he rose to power by becoming the General Secretary of CPC in late 2012. He even instructed the Party to make a new anti-corruption body to strengthen the supervision. In late 2013, he created the NSC body in order to have easier communication of the security problems in the country, both at home and abroad – also headed by himself. He also made himself the commander-

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<sup>30</sup> Roure, John T., *“International Politics on the World Stage”*, Chapter 3: Levels of Analysis and Foreign Policy, 2008, pg. 73-77.

<sup>31</sup> Roure, John T., *“International Politics on the World Stage”*, pg.74



in-chief of CMC – even though he is already the chairman – so he will have a more direct role in military decision-making. His Chinese Dream which encourages for great national rejuvenation also becomes the base of many other policies that he issues, such as continuously advising the armed forces to improve themselves, and the economic reform in China through Xi's supply-side structural economic reform. The objective of the supply-side reform is to force closure and mergers of enterprises in steel, coal, and metal industries which are currently experiencing overcapacity.<sup>32</sup> Being active in making policy does not always mean that the policy is good, however. For example, the supply-side reform is causing China's economic growth to slow down, since China's economic growth is transitioning from manufacturing-based (export and investment) into domestic demand and consumption-based, which will take a long time to adapt. Consequently, the supply-side reform would also cause millions of job loss for steel and coal workers – predicted to be around 3 millions in the next two years.<sup>33</sup>

So from the numbers of policies that Xi himself has initiated and even directly taken control of, it can be seen that ***he is more of an active than passive personality, more of a policy innovator rather than reactor.***

## **Ego & Ambition**

Policy can also be influenced by the ego and personal ambitions of a leader. In case of Xi Jinping, **he likes to keep the power centralized to him.** He takes control of almost every important body in China, from administrative to military, both chairman and commander. Eventually, the CPC honored him the 'core leader' title, a title to show his significance and absolute power that shall not be crossed by anyone, a term that clearly reflects Xi's power. His ego of keeping the power to himself also makes him, more or less, trusts limited number of people and subordinates. Hence the reason he cut the number of Standing Committee from 9 to 7 members. His anti-corruption campaign receives large support, since it is indeed necessary for a better maintenance of CPC. However the campaign also has a click on it, as experts analyzed: it is for Xi Jinping to get rid of the powerful, potential high-ranking officials that might become his competitor; so it all goes back to him securing his power.

Xi's **Chinese Dream ambition** aims for foreign policy strategies which are dedicated to 'strive for achievement' in order to achieve the great national rejuvenation: from strengthening the armed forces, asserting China's territorial integrity in the South China Sea, and the ambitious cross-

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<sup>32</sup> "Xi Jinping's Supply-Side Plan Now the Genuine Article of Economic Reform for China", The South China Morning Post, published on May 16, 2016, <http://www.scmp.com/news/china/policies-politics/article/1945530/xi-jinpings-supply-side-plan-now-genuine-article>

<sup>33</sup> Buckley, Chris, "Xi Jinping's Remedy for China's Economic Gloom has Echoes of Reaganomics", The New York Times, published on March 3, 2016, [http://www.nytimes.com/2016/03/04/world/asia/xi-jinping-china-economic-policy.html?\\_r=0](http://www.nytimes.com/2016/03/04/world/asia/xi-jinping-china-economic-policy.html?_r=0)

continental project of ‘One Belt One Road’. His Chinese Dream puts an emphasis on China’s sovereignty and ‘strong military and strong country in unison’, thus the more assertive moves by China in the disputed sea. Understanding the inevitability of maritime power around the country, China has been intensifying its activities regarding the island reclamation and establishment of military facilities in the area – despite receiving complaints from the other claimant states – and continuously encouraging for joint maritime exercise with its neighboring ASEAN countries.

### **Political History & Personal Experience**

Xi Jinping did not have all of his title now because he is the son of Xi Zhongxun. His titles are all well-earned, he climbed the political ladder slowly by himself, and he did not even give up on his attempts to join the Party when his and father’s name had been black-listed. His career began to shine after he graduated from Tsinghua University, in between 1979 – 1982 in the CMC as vice premier where he gained his experience in military. For around 25 years, since 1983, his career revolved in serving in provinces where he had different experience each. In 2007 he became the member of the Standing Committee, was elected as the vice president to Hu Jintao in 2008, until Hu’s second term ended and he relinquished the position of General Secretary of the CPC to Xi in late 2012.<sup>34</sup>

Even though he is a princeling and his father was imprisoned, he did not turn his back against Mao during the Cultural Revolution. He experienced both being a princeling and hardship during his countryside service, but he never turn away from the CPC. Xi Jinping is the first president from the Red Guard generation, and by being sent to the countryside with his princeling status he would have more knowledge and field experience on the rural condition – which should be of help for him to be more aware and setting up policies that are fit for his pursue of Chinese Dream. It is most likely that his own experience in the countryside is what makes him understand the life of the people there and thus initiating the Chinese Dream.

### **Perceptions & Operational Reality**

Policy makers are influenced much by their own perceptions, how they perceive the situation, whether they are accurate or not. Xi Jinping of course, believes that the South China Sea is China’s, and the Chinese will not give up their claims on it. The sea is said to have been China’s, along with the disputed islands within, since ancient time. The growing nationalism within the people supporting China’s claim on the South China Sea only adds more reason for China to assert

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<sup>34</sup> Timmons, Greg, “*Xi Jinping Biography*”, The Biography.com, last updated on October 19, 2016, <http://www.biography.com/people/xi-jinping-031016>

its stance against other claimants – which in the case that is highlighted by this thesis – to Vietnam in particular.

On the other hand, Xi Jinping believes that it is especially important for China to maintain relations with Vietnam. On Xi Jinping's visit to Vietnam on November 14, 2015, he emphasized the similar socialist characteristics of both countries, urging that both should stay as “trusted comrades”, “win-win partners”, “good neighbors”, and “friends”. He stated in his speech that both of them “*must trust and help each other to move forward together, not letting anybody hinder our steps or shake our systems.*” At that time, Xi did not include about South China Sea dispute in his speech. The purpose of the visit itself was to **rebuild their relations** over the uncertainty of what kind of leader will come out from Vietnam's five-yearly party congress which will be held two months after his visit, in January 2016.<sup>35</sup> The timely visit of Xi Jinping shows that China **is paying close attention to Vietnam**, since the new leader will influence Vietnam's policy in their relations – and especially in the intensifying South China Sea dispute.

### **How Xi's Idiosyncratic Factors Perceives the Strategic Environment**

There are two idiosyncratic factors of Xi that will be the main factors influencing his decision-making as observed by this research: perception & operational reality and personality.

As Xi perceives that maintaining Sino-Vietnamese relations is important, it is necessary to be aware of the surrounding strategic environment that may influence their relation. In this case, it is the U.S. Rebalance Policy in Asia-Pacific especially in Southeast Asia, in which the U.S. has previously been taking some moves that are considered as strengthening U.S. hegemony in the region – an unfavorable action for China as the nation despises hegemony. China became more wary as the U.S. tried to establish relations with Vietnam, from the arms embargo lift and the naval cooperation. Should the two become closer, the U.S. influence might penetrate deeper in the region, and interfere further on the South China Sea issue on behalf of Vietnam – just like how it did by supporting the Philippines. Therefore, China must prevent that possibility so that Vietnam stays in its line, by mending Sino-Vietnamese relations. China changed its strategy regarding the South China Sea dispute with Vietnam – from what seen as aggressive (in the previous years), heading to a more peaceful and cooperative ones.

As both countries come from a similar background of ideology, Xi Jinping believes that there is **more cooperation** that China and Vietnam can pursue to develop together in solving their dispute. When the Prime Minister of Vietnam, Nguyen Xuan Phuc visited China on September 15,

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<sup>35</sup> Chung, Hoang, “*President Xi Jinping Tells Hanoi Parliament China and Vietnam can Survive 'Disruptions', but Fails to Mention South China Sea Dispute*”, South China Morning Post, published on November 7, 2015, <http://www.scmp.com/news/china/diplomacy-defence/article/1876440/president-xi-jinping-tells-hanoi-parliament-china-and>

2016, Xi Jinping told him that “*the communist leadership and socialist system are our greatest common strategic interests*,” and further suggested that their ‘common interests may far outweigh differences if they adopt pragmatism in diplomacy’.<sup>36</sup> Even though mending their relations on maritime disputes will be difficult, both still agree to find a **solution through peaceful negotiations**. Moreover, China under Xi Jinping is also promoting the ‘major power diplomacy with Chinese characteristic’ that is of socialist path. Looking from the similar background that they have, it is worth trying for China to implement it to Vietnam in solving the dispute.

### Rational Decision Making.

In rational actor model, decision is taken after sorting out goals and priorities of the national interest, and then choosing which alternatives can be implemented and benefit more with lower costs. In foreign policy decision-making, several factors are being put into consideration and this is where the idiosyncratic factors play its role in affecting the leader’s decision based on his subjective perception. Below is the model of foreign policy decision-making as applied to the analysis of this research.

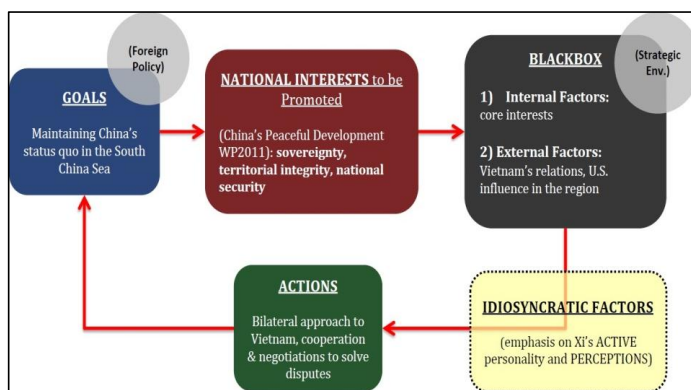


Figure 2 Rational Actor Model – Foreign Policy Decision-making Process<sup>37</sup>

Meanwhile in making the most rational decision, there are several steps taken by rational actors: (1) Determine **goal(s)** of given problems based on priority, (2) Identifies and analyzes every possible **alternatives**, (3) Investigate **consequences** of each alternative – advantages & disadvantages, (4) **Choose** option giving the most benefit.

Based on the analysis above, this research tries to provide an example of why China resorted to its foreign policy, following the steps above illustrated in the table below. The goal of China’s foreign policy is to maintain its status quo in the South China Sea, including its relations with

<sup>36</sup> Huang, Cary, “Once Comrades and Brothers, China and Vietnam are Going Their Own Way Down the Socialist Path”, South China Morning Post, published on September 20, 2016, <http://www.scmp.com/comment/insight-opinion/article/2020895/once-comrades-and-brothers-china-and-vietnam-are-going-their>

<sup>37</sup> Figure was edited by authors.

Vietnam over the dispute. Therefore, China takes the most rational decision that can bring China closest to its goal.

<b>Scenario / Action</b>	<b>Military / Activities in SCS</b>	<b>Relations with Vietnam</b>	<b>South China Sea DOC</b>	<b>Possible Result/ Consequences</b>
<b>A</b> – <b>Grow aggressive</b>	Increase	Ignore	Ignore	1. More authority in the South China Sea
				2. Bitter relations with Vietnam and the region
				3. Higher chances of U.S.-Vietnam security cooperation in the disputed sea
<b>B</b> – <b>Keep calm</b>	Decrease / Stagnant	Mend	Adhere	1. Less tension in the South China Sea,
				2. More cooperation, negotiation, and trust-building with Vietnam
<b>C</b> – <b>Stay and wait</b>	Do nothing	Do nothing	Do nothing	1. No changes on Sino-Vietnam already-tensed relations
				2. More chance for external parties to condemn China, and attract Vietnam

**Figure 3 Possible Scenario of China-Vietnam in the South China Sea**<sup>38</sup>

China's current situation is represented in Scenario B, where it manages to maintain relations with Vietnam by either keeping its military activities in the South China Sea in the same rate as before or decreasing it, conducting its 'Peaceful Development' diplomacy with Vietnam to mend their relations and build their trust on each other on the issue, and together agreeing in solving the dispute in peaceful manner while adhering to the DOC.

The result of this rational scenario can be seen by looking at China's foreign policy under Xi Jinping, which is the POSO. In this case, POSO is used by China as the basic instrument to assess the strategic environment and the role of Vietnam. The strategic environment in which the U.S. Rebalance Policy becomes the main consideration, and the role of Vietnam, have both made China chose the options in scenario B as the most rational decision: giving the most benefit to both China's domestic and foreign development.

Other scenarios, with either making China acting more aggressive and dominant in the South China Sea or just staying still about it, do not seem favorable because these options can lead

<sup>38</sup> Figure was edited by authors

China further from maintaining its relations with Vietnam – whether they are both going opposite ways or Vietnam walking away to the external parties by itself to seek for help.

## **Conclusion**

The process of decision-making of foreign policy involves different interests on different levels, but in the end it is the leader's call to decide what the state will do. In case of China's foreign policy decision-making process, the role of Xi Jinping as the 'core' leader of China is undeniable. Xi Jinping's idiosyncrasy will affect how he perceives the strategic environment of China in making China's foreign policy towards Vietnam regarding the South China Sea dispute.

The internal factor of China's strategic environment, its foreign policy planks become the guide and consideration for Xi Jinping as a leader in making foreign policy towards Vietnam. Where 'POSO' is used to analyze the strategic environment where the nation will work its foreign policy in, 'Peaceful Development' directs the peaceful path that China will take including in fulfilling 'Chinese Dream' - to achieve a prosperous nation with strong military. Meanwhile, the U.S. Rebalance Policy happening within China's external strategic environment becomes a challenge that China must be aware of since the interference may change the 'game' regarding the South China Sea dispute, particularly in this case between China and Vietnam.

The purpose of China's foreign policy in the South China Sea dispute itself is to maintain its status quo with Vietnam. This includes how China wants to maintain its relations with Vietnam as it is now and solve their dispute only through peaceful bilateral negotiation. It is caused by the capability of China itself to better pursue maintenance-seeking, is in line with China's foreign policy principles, and is a better choice to cope with the dynamics of China's strategic environment.

Putting all of them together, Xi's idiosyncrasy affects him on looking at the strategic environment of China to make foreign policy to Vietnam. Had Xi not had his set of idiosyncratic factors as analyzed previously, he would have perceived the strategic environment differently, and thus leading to different outcome of foreign policy towards Vietnam. His active personality encouraged himself to initiate lessening the aggressive policies towards Vietnam and at the same time preventing any influence of U.S. towards Vietnam in the dispute, as perceived from his perception that the U.S. is expanding its hegemony in the region and including to Vietnam. Following these, Xi took a decision that he viewed as the most rational that can bring the most advantages for China, closer to the goal to maintain its status quo.

## BIBLIOGRAPHY

### Book

(2006). The Two-Good Theory. In G. Palmer, & T. C. Morgan, *A Theory of Foreign Policy* (pp. 21-23, 28-33). Princeton: Princeton University Press.

Roure, J. T. (2008). Chapter 3: Levels of Analysis and Foreign Policy. In J. T. Roure, *International Politics on the World Stage* (pp. 73-77).

### Journal

Sutter, R. G., Brown, M. E., Adamson, T. J., Mochizuki, M. M., & Ollapally, D. (August 2013). Balancing Acts: The U.S. Rebalance and Asia-Pacific Stability. 1.

### Online Sources

BBC. *Why is the South China Sea Contentious?* July 12, 2012. <http://www.bbc.com/news/world-asia-pacific-13748349> (accessed December 10, 2016).

Buckley, Chris. *Xi Jinpings Remedy for China's Economy Gloom has Echoes of Reaganomics.* March 3, 2016. [http://www.nytimes.com/2016/03/04/world/asia/xi-jinping-china-economic-policy.html?\\_r=0](http://www.nytimes.com/2016/03/04/world/asia/xi-jinping-china-economic-policy.html?_r=0) (accessed January 7, 2017).

Bull, Hedley. "Grotian Conception on International Society." In *Diplomatic Investigation: Essays in the Theory of International Politics*, by Herbert Butterfield and Martin Wight, 51-73. Michigan: Allen & Unwin, 1966.

—. *The Anarchical Society: A Study of Order in World Politics*. Basingstoke: Palgrave, 1977

Buzan, Barry. *From International to World Society: English School Theory and the Social Structure of Globalization*. Cambridge: Cambridge University Press, 2004.

Chuang, Hoang. *China and Vietnam can Survive 'Disruptions', but Fails to Mention South China Sea Dispute.* November 7, 2015. <http://www.scmp.com/news/china/diplomacy-defence/article/1876440/president-xi-jinping-tells-hanoi-parliament-china-and> (accessed January 7, 2017)

Cohen, Jerome. "International Arbitration and Adjudication as South China Sea Confidence-Building Measures." In *Perspectives on the South China Sea: Diplomatic, Legal and Security Dimensions of the Dispute*, by Murray Hiebert, Phuong Nguyen and Gregory Poling, 20-24. Boulder: Rowman & Littlefield, 2014.

- Connor, Neil. *The Cave the Chinese President Called Home*. October 19, 2015. <http://s.telegraph.co.uk/graphics/projects/xi-jinping-cave/> (accessed January 5, 2017).
- Das, Shaheli. *The Awakening of Xi's Chinese Dream*. April 7, 2016. <http://eastasiaforum.org/2016/04/07/the-awakening-of-six-chinese-dream/> (accessed December 16, 2016).
- Dearden, Lizzie. *China Censors Online Response to President Xi Jinping's Vow to Allow 'Well-Intentioned Criticism' on the Internet*. April 20, 2016. <http://www.independent.co.uk/news/world/asia/china-censors-online-response-to-president-xi-jinping-vow-to-allow-well-intentioned-criticism-on-a6992316.html> (accessed January 7, 2017).
- Dupont, Alan. "Maritime Disputes in the South China Sea: ASEAN's Dilemma." In *Perspectives on the South China Sea: Diplomatic, Legal and Security Dimensions of the Dispute*, by Murray Hiebert, Phuong Nguyen and Gregory Poling, 45-52. Boulder: Rowman & Littlefield, 2014.
- Graham, Euan. "Confidence Building Without Political Will in the South China Sea Disputes." In *Perspectives on the South China Sea: Diplomatic, Legal and Security Dimensions of the Dispute*, by Murray Hiebert, Phuong Nguyen and Gregory Poling, 63-69. Boulder: Rowman & Littlefield, 2014.
- Huang, Cary. *Once Comrades and Brothers, China and Vietnam are Going Their Own Way Down the Socialist Path*. September 20, 2016. <http://www.scmp.com/comment/insight-opinion/article/2020895/once-comrades-and-brothers-china-and-vietnam-are-going-their> (accessed January 8, 2017).
- Hurrel, Andrew. *On Global Order: Power, Values and the Constitution of International Society*. Oxford: Oxford University Press, 2007.
- Information Office of the State Council of the People's Republic of China. *Full Text: China's Military Strategy White Paper*. May 26, 2015. [http://www.chinadialogy.com.cn/china/2015-05/26/content\\_20820628.htm](http://www.chinadialogy.com.cn/china/2015-05/26/content_20820628.htm) (accessed January 10, 2017).
- . *the Diversified Employment of China's Armed Forces*. April 16, 2013. [http://news.xinhuanet.com/english/china/2013-04/16/c\\_132312681.htm](http://news.xinhuanet.com/english/china/2013-04/16/c_132312681.htm) (accessed December 27, 2016).
- . "White paper on China's Peaceful Development." *Xinhua*. November 9, 2011. [http://news.xinhuanet.com/english2010/china/2011-09/06/c\\_131102329\\_2.htm](http://news.xinhuanet.com/english2010/china/2011-09/06/c_131102329_2.htm) (accessed January 9, 2017).
- Jia, Bing Bing. "Four Legal Issues in Relation to the South China Sea Arbitration." In *Perspective on the South China Sea: Diplomatic, legal and Security Dimensions of the Dispute*, by Murray Hiebert, Phuong Nguyen and Gregory Poling, 70-81. Boulder: Rowman & Littlefield, 2014.



- Jimenez, Angelo. "Philippines' Approaches to the South China Sea Disputes: International Arbitration and the Challenges of a Rule-Based Regime." In *Territorial Disputes in the South China Sea: Navigating Rough Waters*, by Jing Huang and Andrew Billo, 99-128. Hampshire: Palgrave MacMillan, 2015.
- Kanani, Rahim. *Forbes Interview with Elizabeth Economy "By All Means Necessary: How China's Resource Quest is Changing the World"*. March 15, 2014. <http://www.forbes.com/sites/rahimkanani/2014/03/15/by-all-means-necessary-how-chinas-resource-quest-is-changing-the-world/2/#1479d69f4bf3> (accessed January 2, 2017).
- Kwok, Christine. *Chinese Oil Rig's Return in South China Sea, Off Coast of Vietnam, Touches Nerve in Hanoi. January 26, 2016*. <http://www.scmp.com/news/china/diplomacy-defence/article/1905384/chinese-oil-rigs-return-south-china-sea-coast-vietnam> (accessed November 10, 2016).
- Manicom, James. "Emphaty: the Missing Link between Confidence and Trust in East Asia." In *Perspectives on the South China Sea: Diplomatic, Legal and Security Dimensions of the Dispute*, by Murray Hiebert, Phuong Nguyen and Gregory Poling, 96-102. Boulder: Rowman & Littlefield, 2014.
- Matthews, Ron, Xiaojuan Ping, and Li Ling. *Learning from China's Foreign Aid Model. August 25, 2015*. <http://thediplomat.com/2016/08/learning-from-chinas-foreign-aid-model/> (accessed December 26, 2016).
- Mingjiang, Li. "China's South China Sea Dilemma: Balancing Sovereignty, Development, and Security." In *Security and International Politics in the South China Sea: Towards a cooperative management regime*, by Sam Bateman and Ralf Emmers, 140-155. London: Routledge, 2009.
- Ministry of Foreign Affairs of the People's Republic of China. *Wang Yi Refuting the Joint Statement by US, Japan, and Australia: Peacekeeper or Troublemaker*. July 27, 2016. [http://www.fmprc.gov.cn/mfa\\_eng/zxxx\\_662805/t1384823.shtml](http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1384823.shtml) (accessed 05 05, 2017).
- NDTV. *WHO Compliments Xi Jinping for Quitting Smoking*. August 2, 2016. <http://www.ndtv.com/world-news/who-compliments-xi-jinping-for- quitting-smoking-1439387> (accessed January 8, 2017).
- "The Two-Good Theory." In *A Theory of Foreign Policy*, by Glenn Palmer and T. Clifton Morgan, 21-23, 28-33. Princeton: Princeton University Press, 2006.
- Phillips, Tom. *Xi Jinping Mystery Deepens Amid Speculation over Health of China's Next President*. September 11, 2012. <http://www.telegraph.co.uk/news/worldnews/asia/china/9535613/Xi-Jinping-mystery-deepens-amid-speculation-over-health-of-Chinas-next-president.html> (accessed January 10, 2017).
- Roure, John T. "Chapter 3: Levels of Analysis and Foreign Policy." In *International Politics on the World Stage*, by John T. Roure, 73-77. 2008.

- Slavin, Erik. *USm Vietnam Navies Work on Preventing South China Sea Incidents*. September 27, 2016. <http://www.stripes.com/news/us-vietnam-navies-work-on-preventing-south-china-sea-incidents-1.431279> (accessed January 8, 2017).
- Sutter, Robert G., Michael E. Brown, Timothy J.A. Adamson, Mike M. Mochizuki, and Deepa Ollapally. "Balancing Acts: the U.S. Rebalance and Asia-Pacific Stability." August 2013: 1.
- Thayer, Carlyle. "Navigating the Currents of Legal Regimes and Realpolitik in East Asia's Maritime Domain." In *Security the Safety of Navigating in East Asia: Legal and Poilitical Dimension*, by Shicun Wu and Keyuan Zou, 17-50. Oxford: Chandos Publishing, 2014.
- The South China Morning Post. *Xi Jinping's Supply-Side Plan Now the Genuine Article of Economic Reform for China*. May 16, 2016. <http://www.scmp.com/news/china/policies-politics/article/1945530/xi-jinpings-supply/side-plan-now-genuine-article> (accessed January 7, 2017).
- Thompson, Mark. *Why Lifting the Vietnam Arms Embargo is All About China*. May 23, 2016. <http://time.com/4345639/vietnam-arms-embargo-bacack-obama-china/> (accessed January 8, 2017).
- Tiezzi, Shannon. *Revealed: China's Reasons for Island-Building in the South China Sea*. April 10, 2015. <http://thediplomat.com/2015/04/revealaed-chinas-reasons-for-island-building-in-the-south-china-sea/> (accessed January 2, 2017).
- Till, Geoffrey. "The South China Sea dispute: an International History." In *Security and International Politics in the South China Sea: Towards a Cooperative Management Regime*, by Sam Bateman and Ralf Emmers, 26-42. London: Routledge, 2009.
- Timmons, Greg. *Xi Jinping Biography*. October 19, 2016. <http://www.biography.com/people/xi-jinping-031016> (accessed January 8, 2017).
- To, Lee Lai, and Chen Shaofeng. "China and Joint Development in the South China Sea: an Energy Security Perspective." In *Security and International Politics in the South China Sea: Towards a cooperative management regime*, by Sam Bateman and Ralf Emmers, 155-173. London: Routladge, 2009.
- World Bank. "China." *World Bank*. 2015. <http://data.worldbank.org/country/china> (accessed January 2, 2017).
- . "Ranks of Gross National Income per capita (GNIpc) 2015 per country." "World Bank. n.d. <http://databank.worldbank.org/data/download/GNIPC.pdf> (accessed January 2, 2017).
- Worstell, Tim. *China's Only 15% of the Global Economy but Contributes 25-30% of Global Growth*. October 30, 2016. <http://www.forbes.com/sites/timworstell/2016/10/30/chinas-only-15-of-the-global-economy-but-contributes-25-30-of-global-growth/#587ebc0d3586> (accessed January 17, 2017).

- Xinhua. *China Focus: China Announces 7.6-pct Defense Budget Rise, Lowest in Six Years*. March 5, 2016. [http://news.xinhuanet.com/english/2016-03/05/c\\_135158243/htm](http://news.xinhuanet.com/english/2016-03/05/c_135158243.htm) (accessed January 2, 2017).
- . *Xi Jinping: Pursuing Dream for 1.3 Billion Chinese*. March 17, 2013. [http://news.xinhuanet.com/english/china/2013-03/17/c\\_124467411\\_4.htm](http://news.xinhuanet.com/english/china/2013-03/17/c_124467411_4.htm) (accessed December 10, 2016).
- . *Xinhua Insight: Chinese Dream is a Dream for All*. December 3, 2016. [http://news.xinhuanet.com/english/2016-12/03/c\\_135878166.htm](http://news.xinhuanet.com/english/2016-12/03/c_135878166.htm) (accessed December 9, 2016).
- Yosephine, Liza. *China Reaffirm Commitment to Maintaining Peace in South China Sea*. July 25, 2016. <http://www.thejakartapost.com/news/2016/07/25/asean-china-reaffirm/commitment-to-maintaining-peace-in-south-china-sea.html> (accessed January 2, 2017).

### **Abstract**

The economic crisis hit Indonesia both in mid of 1980s and 1997 has allowed Indonesia to liberalize its economy. Economic liberalization has promoted a deeper Indonesia's economic integration into the global capitalist economy. Economic crisis in 1997 has not only challenged the economy. The crisis has also flourished to the political change: delegitimizing authoritarian regime, spreading political liberalization and burgeoning democratization. Decentralization has been adopted as a deepening instrument in promoting democracy. Political pressure for curbing rent seeking activities has been articulated along with the country's changing economy. Ironically, political liberalization that has overhauled the authoritarian structure and power has failed to keep rent seeing activities in check. Rent seeking activities has institutionalized following the country's changing economy. Therefore, they have been vulnerable to corruption.

**Key Words:** *rent seeking activity, the development of capital, economic globalization, democracy, decentralization and civil society.*

### **Pengantar**

Praktek-praktek penyalah-gunaan kekuasaan atau korupsi masih menjadi tantangan serius bagi perkembangan demokrasi Indonesia, khususnya sejak berakhirnya regim Otoritarian Orde Baru Soeharto. Korupsi tidak hanya terjadi pada kalangan pejabat birokrasi pemerintahan, tetapi juga melanda kalangan politisi dalam parlemen, bahkan telah ikut menggerogoti kalangan aparat penegakan hukum. Praktek-praktek penyalah-gunaan kekuasaan itu-pun kian meluas, menyapu berbagai daerah seiring dengan pelaksanaan otonomi daerah yang dicanangkan sejak tahun 2000. Pergantian pemerintahan yang dihasilkan melalui politik pemilihan yang terbuka dan kompetitif, terlebih sejak diberlakukan pemilihan presiden secara langsung, tidak membawa perubahan yang berarti dalam pemberantasan korupsi<sup>2</sup>. Perubahan politik telah demikian rentan terhadap berkembangnya praktek-praktek penyalah-gunaan kekuasaan. Satu hal yang menarik adalah bahwa

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<sup>1</sup> Materi makalah yang juga pernah dipresentasikan dalam Seminar Democracy under Authoritarian Legacies: Interpreting Contemporary Indonesian Politics, yang diselenggarakan oleh Consortium for Indonesia's Political Research bekerjasama dengan Universitas Brawijaya, Malang, pada 25 Agustus 2015

<sup>2</sup> Pemerintahan Sby yang meraih kemenangan mutlak dalam pemilu presiden secara langsung pada tahun 2004 dan 2009, dan dengan komitmen politiknya dalam pemberantasan korupsi telah gagal dalam mengendalikan korupsi. Selama regim pemerintahan Sby (2004-2009; dan 2009-2014), catatan praktek-praktek penyalah-gunaan kekuasaan di Indonesia justru semakin memburuk. Sejumlah kader-kader politik pendukung utama pemerintahannya, yaitu Partai Demokrat yang menduduki jabatan-jabatan publik di pemerintahan maupun parlemen, kini menjalani proses hukum karena praktek-praktek korupsi. Korupsi tidak saja melanda Partai Demokrat yang meraih dukungan suara yang besar dalam pemilu legislative, tetapi juga menjerat partai-partai politik lain yang memenangkan kursi dalam parlemen, seperti: Partai Golkar, Partai PDI-Perjuangan, Partai Keadilan Sejahtera (PKS), dan Partai Persatuan Pembangunan (PPP)

praktek-praktek penyalah-gunaan kekuasaan itu adalah fenomena kegiatan perburuan rente (*rent seeking activities*) di tengah tekanan liberalisasi ekonomi sejak krisis ekonomi 1997.

Tulisan ini dimaksudkan mengkaji mengapa *rent seeking activities* yang menyertai perubahan ekonomi Indonesia semakin sulit ditertibkan, atau mengapa proses demokratisasi yang dipicu oleh liberalisasi politik tak mampu mengendalikan *rent seeking activities* yang rentan terhadap praktek-praktek penyalah-gunaan kekuasaan dalam ekonomi Indonesia yang telah berubah itu. Tulisan dibagi dalam tiga bagian. Bagian pertama menjelaskan teori-teori pembangunan, khususnya teori modernisasi, teori dependensi dan teori negara pembangunan sebagai kerangka acuan dalam menjelaskan perubahan sosial di Indonesia. Bagian kedua menjelaskan kebangkitan kapitalisme di Indonesia, dan bagaimana proses akumulasi kapital terjadi. Bagian ketiga membahas dampak globalisasi ekonomi terhadap hubungan negara-kapital, serta menjelaskan mengapa proses demokratisasi yang diikuti oleh liberalisasi ekonomi telah gagal dalam mengendalikan meluasnya praktek-praktek perburuan rente.

### **Negara dan Pembangunan Dunia Ketiga**

Dunia Ketiga sering dihadapkan pada berbagai persoalan, seperti: keterbelakangan ekonomi serta kemiskinan, budaya patrimonial yang rentan terhadap praktek-praktek penyalah-gunaan kekuasaan dalam penyelenggaraan politik pemerintahan, hingga keterlambatan industrialisasi. Berbagai teori pembangunan akan dibahas dalam memahami persoalan-persoalan yang dihadapi oleh Dunia Ketiga itu. Sub-bab ini menjelaskan 3 (tiga) teori pembangunan yang memiliki pengaruh luas yaitu: (i) teori modernisasi, (ii) teori dependensi, dan (iii) teori negara pembangunan. Bagaimana asumsi-asumsi yang dibangun oleh ketiga teori pembangunan itu serta preskripsi atau kebijakan yang ditawarkan oleh masing-masing teori itu dalam mengatasi persoalan bagi Dunia Ketiga.

### **Teori Modernisasi dan Pertumbuhan Ekonomi**

Salah satu teori yang memiliki pengaruh yang luas di kalangan akademisi Ilmu-Ilmu Sosial yaitu teori modernisasi. Meskipun, teori modernisasi berkembang pada masa Perang Dingin, namun pengaruh teori itu masih sangat luas, khususnya di kalangan perumus kebijakan (*policy-makers*) negara-negara Dunia Ketiga hingga kini. Teori modernisasi dipengaruhi oleh pemikiran liberalisme yang menekankan pada pentingnya pelebagaan pasar. Pemikiran liberalisme memandang bahwa negara (pemerintah) bukannya tidak diperlukan. Intervensi negara (pemerintah) tetap diperlukan bila terjadi kegagalan pasar, seperti: struktur pasar yang oligopoli atau monopoli. Demikian pula,

peran negara diperlukan dalam penyediaan barang-barang publik hingga dalam penyelesaian terhadap persoalan eksternalitas ekonomi.

Teori modernisasi juga dipengaruhi oleh pemikiran fungsionalisme dalam memahami perubahan sosial. Liberalisme dan fungsionalisme itu mewarnai asumsi-asumsi yang dibangun dalam memahami keterbelakangan ekonomi yang dialami negara Dunia Ketiga hingga preskripsi yang disarankannya. Teori modernisasi mengelompokkan masyarakat dunia dalam dua kategori (dikotomi), yaitu "masyarakat tradisional" dan "masyarakat modern". Secara umum masyarakat tradisional dicirikan oleh keterbelakangan ekonomi (*economic backwardness*), seperti: meluasnya fenomena kemiskinan, sikap apatis, hingga rendahnya *n-ach* (*need for achievement*). Masyarakat tradisional lebih merupakan representasi negara Dunia Ketiga yang umumnya memperoleh kemerdekaan setelah Perang Dunia ke-2 berakhir dan mereka itu umumnya merupakan negara yang pernah mengalami masa penjajahan. Sebaliknya, masyarakat modern merupakan representasi negara industri maju, negara Barat yang sebelumnya pernah menjadi penjajah negara-negara Dunia Ketiga. Menurut teori modernisasi, perubahan sosial yaitu transformasi dari masyarakat tradisional menuju masyarakat modern bersifat linier. Artinya bahwa kemajuan yang dicapai oleh negara Barat yang telah maju suatu saat juga akan dialami atau dilalui juga oleh negara Dunia Ketiga yang sedang berkembang. Dengan demikian perubahan bagi negara Dunia Ketiga untuk menjadi negara yang maju dan demokratis sebagaimana yang dicapai oleh negara Barat hanyalah merupakan persoalan waktu saja (*timing*), asalkan negara Dunia Ketiga dapat belajar dari pengalaman negara maju. Cara pandang yang demikian itu pada akhirnya menempatkan negara industri maju menjadi model pembangunan bagi negara-negara Dunia Ketiga dalam mengatasi keterbelakangan ekonomi mereka.

Teori modernisasi menempatkan pembangunan ekonomi sebagai kunci dalam mengatasi keterbelakangan ekonomi serta mendorong perubahan sosial yang luas, termasuk demokratisasi bagi negara Dunia Ketiga yang dicirikan oleh kuatnya sistem feodal-patrimonialisme. Pemikiran liberalisme yang banyak mewarnai bangun teori modernisasi itu menekankan pentingnya dorongan investasi secara besar-besaran (*big push*) dalam mengatasi kemiskinan Dunia Ketiga yang parah. Kemiskinan yang dihadapi oleh negara-negara Dunia Ketiga merupakan kemiskinan struktural yang tidak mudah untuk diurai. Digambarkan bahwa fenomena kemiskinan itu ibarat lingkaran setan (*vicious circle*) yang melilit masyarakat negara Dunia Ketiga dari generasi ke generasi. Kemiskinan masyarakat negara Dunia Ketiga diibaratkan sebagai *circle of poverty*. Kemiskinan tidaklah mungkin diatasi dengan memobilisasi investasi dari dalam karena keterbatasan investasi yang dihadapi oleh negara Dunia Ketiga. Sehubungan dengan itu, dorongan investasi secara besar-besaran yaitu dengan memanfaatkan investasi internasional diperlukan untuk memutuskan mata rantai lingkaran setan

kemiskinan. Teori modernisasi menyarankan pentingnya bagi negara Dunia Ketiga untuk membuka ekonomi mereka dalam mengatasi keterbelakangan ekonomi yang dihadapinya. Pemikiran ini sangat diwarnai oleh dimensi liberalisme yang memandang bahwa sistem ekonomi global dipandang bersifat 'harmonis', yaitu menguntungkan semua pihak, yaitu negara maju dan negara berkembang. Investasi secara besar-besaran yang disuntikan dari negara maju akan menggerakkan ekonomi Dunia Ketiga, meningkatkan produktivitas dan menjadi bola salju dalam mendorong peningkatan pendapatan nasional.

Teori modernisasi memandang bahwa bantuan luar negeri, investasi asing, perusahaan transnasional dan perdagangan internasional dipandang sebagai agen pendorong perubahan sosial bagi negara-negara berkembang. Teori modernisasi percaya bahwa pembangunan ekonomi yang menekankan pada pertumbuhan ekonomi yang berkesinambungan sangatlah strategis dalam mengatasi masalah kemiskinan. Pertumbuhan ekonomi yang tinggi akan meningkatkan investasi, membuka perluasan lapangan kerja dan pada akhirnya meningkatkan kemakmuran. Pembangunan ekonomi juga membawa dampak bagi perubahan sosial yang luas, yaitu melahirkan kalangan kelas menengah (*middle class*) yang diharapkan menjadi pendorong transformasi sosial dari masyarakat feodal-patrimonialistik menuju masyarakat yang demokratis.

### **Teori Dependensi dan Under-Development**

Teori dependensi merupakan reaksi terhadap teori modernisasi. Berbeda dengan teori modernisasi yang diwarnai oleh pemikiran Liberalisme, teori dependensi diwarnai oleh pemikiran Strukturalis-Marxist. Pemikiran Strukturalist-Marxist memandang bahwa sistem ekonomi global pada hakekatnya bersifat konfliktual, yaitu menguntungkan yang kuat dan merugikan yang lemah. Pemikiran Strukturalist-Marxist ini juga menekankan pentingnya peran negara dalam mewujudkan kepentingan nasional. Asumsi-asumsi yang dibangun teori dependensi sangat dipengaruhi cara pandangan pemikiran Strukturalist-Marxist itu.

Teori dependensi mengelompok masyarakat global dalam dua dikotomi, yaitu negara induk (*core state*) dan negara pinggiran (*periphery state*). Negara induk merupakan representasi negara industri maju, sedangkan negara periphery merupakan representasi negara Dunia Ketiga yang dihadapkan pada keterbelakangan ekonomi. Keterbelakangan ekonomi yang dialami oleh negara Dunia Ketiga lebih disebabkan oleh sistem global yang eksploitatif. Teori dependensi memandang bahwa faktor eksternal yaitu sistem global yang eksploitatif itu bertanggung-jawab terhadap keterbelakangan ekonomi negara-negara pinggiran. Asumsi itu sangat berbeda dengan teori Modernisasi yang melihat keterbelakangan ekonomi lebih disebabkan faktor internal, yaitu faktor-faktor yang melekat dalam masyarakat Dunia Ketiga, seperti: kekurangan modal, keterbatasan

teknologi atau faktor-faktor lainnya yang menghambat kemajuan. Teori dependensi melihat bahwa latar belakang sejarah, yaitu masa kolonialisme yang dialami oleh negara pinggiran telah menjerumuskan negara periphery ke dalam keterbelakangan ekonomi. Kolonialisme merupakan instrumen bagi pengambil-alihan surplus dari negara periphery menuju negara induk. Sehubungan dengan itu, teori modernisasi menolak gagasan bahwa pembangunan ekonomi, yaitu dengan mengintegrasikan ekonomi Dunia Ketiga ke dalam sistem ekonomi global yang kapitalistik dapat mengatasi keterbelakangan ekonomi negara Dunia Ketiga. Dalam sistem global yang eksploitatif itu, proses integrasi ekonomi Dunia Ketiga ke dalam sistem ekonomi global justru akan membawa negara Dunia Ketiga semakin terbelakang dan mengalami kemuduran (*under-development*). Teori dependensi mensarankan agar negara-negara periphery menarik diri (*de-linking*) dari sistem global yang kapitalistik bila mereka hendak mengatasi keterbelakangan ekonomi mereka.

### **Teori Negara Pembangunan dan Keterlambatan Industrialisasi**

Teori negara pembangunan, seperti kedua teori pembangunan terdahulu, yaitu teori modernisasi dan teori dependensi, dipengaruhi oleh paradigma atau pemikiran Realisme. Pemikiran ini pada hakekatnya melihat bahwa sistem global itu konfliktual dan menekankan pentingnya peran negara dalam memperjuangkan kepentingan nasionalnya. Asumsi yang dibangun oleh teori negara pembangunan juga sangat diwarnai oleh cara pandang Realisme dalam memahami sistem global itu.

Teori negara pembangunan menekankan pentingnya peran dan intervensi negara. Berbeda dengan teori modernisasi yang melihat peran negara bersifat *secondary* dimana intervensi negara diperlukan bila terjadi kegagalan pasar, penyediaan barang-barang publik hingga mengatasi persoalan eksternalitas. Pandangan teori negara pembangunan justru melihat negara memainkan peran yang sangat strategis. Peran negara justru diperlukan untuk mengejar (*catching up*) keterbelakangan industrialisasi yang dialami oleh negara berkembang. Negara-negara berkembang merupakan negara yang dihadapkan pada keterlambatan industrialisasi. Negara-negara Eropa barat yang masuk dalam kategori industri maju telah memulai industrialisasi pada abad ke-19. Sedangkan negara-negara yang memulai industrialisasi setelah abad ke-19 masuk dalam kategori negara yang mengalami keterlambatan industrialisasi (*late industrialization*).

Gershenkorn (dalam Bulkin, 1984) menekankan ketidakmungkinan negara-negara yang mengalami keterlambatan industrialisasi menempuh pembangunan seperti negara-negara Eropa yang lebih awal menempuh industrialisasi mereka. Semakin terlambat industrialisasi (*late-late industrialization*) suatu negara, semakin diperlukan peran dan intervensi negara yang besar untuk mengejar keterlambatan industrialisasi negara tersebut. Upaya untuk mengejar keterlambatan industrialisasi itu tidak mungkin diserahkan pada kekuatan swasta. Sebaliknya, peran dan intervensi



negaralah yang sangat diperlukan untuk mengejar keterbelakangan industrialisasi itu. Namun, konsep negara pembangunan bukan model pembangunan ekonomi sosialis. Intervensi negara dalam pembangunan ekonomi tidak untuk merusak pasar, tetapi memperkuat pelembagaan pasar. Sebagaimana ditegaskan Onis (dalam So dan Chiu, 1995, hal. 12) bahwa "..... *how to find the appropriate mixture of market and government intervention in manner consistent with rapid and efficient late industrialization*" Teori negara pembangunan menekankan pentingnya intervensi negara dalam merumuskan industri yang dipandang strategis. Negara perlu memproteksi sektor-sektor industri yang dipandang strategis itu. Keberhasilan pembangunan industri strategis yang diarahkan oleh negara (*state-led industrialization*) sangat dipengaruhi oleh adanya dukungan birokrasi yang bersih. Dukungan birokrasi yang bersih itu dimaksudkan untuk menghindari *vested interest* yang membahayakan bagi kelangsungan industrialisasi arahan negara tersebut. Negara yang mampu mengendalikan *vested interest* di kalangan pejabat-pejabat birokrasi dari proses industrialisasi itu merupakan negara yang kuat (*strong state*). Sebaliknya, negara yang lemah (*soft state*) merupakan negara yang tak mampu mengendalikan praktek-praktek perburuan rente.

Pembangunan ekonomi di negara Dunia Ketiga selalu ditandai oleh kehadiran regim otoritarian dipandang sebagai tahapan yang sulit dihindari yaitu dengan menempatkan stabilitas politik sebagai prasyarat bagi pembangunan ekonomi. Tahap awal pembangunan ekonomi bagi negara Dunia Ketiga sangat rentan terhadap gejolak sosial, karena pertumbuhan ekonomi pada tahap awal pembangunan ekonomi itu selalu diikuti oleh memburuknya kesenjangan ekonomi. Namun pada titik tertentu terlampaui, pertumbuhan ekonomi itu akan diikuti oleh membaiknya kesenjangan sosial-ekonomi. Simon Kuznetz menempatkan hubungan antara pertumbuhan ekonomi dan kesenjangan sosial itu seperti kurva U. Sehubungan dengan itu, kehadiran regim otoritarian itu diperlukan untuk mencegah revolusi sosial, yaitu pada saat pertumbuhan ekonomi itu diikuti oleh memburuknya kesenjangan (Huntington, 1968). Namun, regim otoritarian itu dipandang hanya bersifat sementara saja (*temporary*). Regim otoritarian tidak lagi relevan dipertahankan bila pertumbuhan ekonomi telah diikuti oleh membaiknya kesenjangan ekonomi.

### **Kebangkitan Kapitalisme di Indonesia**

Indonesia pernah mengalami pertumbuhan ekonomi yang tinggi dan berkesinambungan, yaitu pada masa regim Orde Baru Soeharto. Bank Dunia (1993) menempatkan Indonesia sebagai salah satu dari rangkaian ekonomi negara-negara Asia Timur yang mengalami keajaiban ekonomi<sup>3</sup>. Pertumbuhan ekonomi yang tinggi dan berkesinambungan itu telah memungkinkan proses

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<sup>3</sup> Keajaiban ekonomi yang dimaksudkan oleh Bank Dunia itu dimaksudkan untuk menggambarkan negara yang mengalami pertumbuhan ekonomi yang tinggi dan berlangsung dalam kurun waktu yang panjang dan pertumbuhan ekonomi yang tinggi dan berkesinambungan itu diikuti pula oleh membaiknya kesejahteraan ekonomi masyarakat.

akumulasi kapital yang luar biasa dan proses itu berlangsung dalam kurun waktu yang sangat singkat (Sjahrir, 1987). Negara memainkan peran yang sangat penting dalam mendorong proses akumulasi kapital itu (Robison, 1986; Shin, 1989). Konsep negara pembangunan pada masa regim Orde Baru Soeharto merupakan instrumen yang strategis dalam mendorong berkembangnya kekuatan kapital. Selain peran dan intervensi negara, pembangunan kapital juga dicirikan oleh pola hubungan patron-klien (Robison, 1986; Shin, 1989; MacIntyre, 1994a). Corak patrimonial dalam pembangunan kapital itu dalam perkembangannya menjadi instrumen dalam membangun loyalitas politik, elemen yang diperlukan bagi kelangsungan kekuasaan (Mackei, 2010).

Negara khususnya pada masa regim Orde Baru Soeharto memiliki otonomi relatif yang lebih besar dibandingkan dengan negara pada masa regim pemerintahan setelah regim Orde Baru berakhir, yaitu pada masa regim pemerintahan: Abdurrahman Wahid (Gus Dur), Megawati Soekarnoputri, Susilo Bambang Yudhoyono (Sby) maupun Joko Widodo (Jokowi). Apa yang dimaksudkan dengan negara yang otonom itu, dan darimana otonomi itu diperoleh dipengaruhi oleh perubahan ekonomi maupun politik. Negara yang relatif otonom yang dimaksudkan disini adalah negara yang memiliki kebebasan dalam merumuskan serta mengimplementasikan kebijakan ekonominya, tanpa mendapat rintangan yang berarti dari kekuatan-kekuatan sosial dalam masyarakat. Alavi menggambarkan bahwa negara-negara Dunia Ketiga pasca kolonialisme umumnya merupakan negara yang relatif otonom. Negara Indonesia pasca kolonialisme-pun merupakan negara yang relatif otonom (Budiman, 1992). Negara Indonesia yang relatif otonom itu tidak berlangsung dalam ruang politik yang hampa, sebagaimana digambarkan oleh Robinson (1985, hal. 300):

*"The origin of New Order state was a consequence of a complex process of social, economic and political conflict, notably: (a) the weakness of social forces enabled the development of state apparatus in which political power and authority were appreciated and integrated by military, party and state official themselves, (b) the failure of state and national bourgeoisie to reconstitute the economy from a declining colonial agricultural export economy into a state-led industrialization through ISI, and (c) the failure of forces of social revolution, compromising significant elements of labor, peasants, and intellectual under the political leadership of the PKI"*.

Robinson (1985), Budiman (1992) mengidentifikasi sejumlah faktor telah memungkinkan negara Indonesia di bawah regim Orde Baru Soeharto itu relatif otonom. Pertama, warisan sejarah yang panjang yaitu kolonialisme Hindia Belanda yang tidak melahirkan kalangan pemilik modal

yang besar<sup>4</sup> atau-pun tuan-tuan tanah yang kaya, dan karenanya menempatkan negara setelah kemerdekaan sebagai satu-satunya kekuatan sosial yang dominan dalam masyarakat. Kedua, kegagalan Indonesia dalam menumbuhkan kekuatan kapital nasional pada tahun 1950an. Ketiga, konflik ideologi yang terjadi pada pertengahan 1960an yang semakin melemahkan elemen kekuatan-kekuatan masyarakat. Keempat, kemampuan finansial negara yang diperoleh dari rezeki minyak pada awal 1970-an yang semakin meningkatkan otonomi negara pada masa Orde Baru Soeharto.

Negara yang otonom dan didukung oleh meningkatnya kemampuan finansial negara merupakan faktor yang berpengaruh besar bagi regim Orde Baru Soeharto dalam mewujudkan nasionalisme ekonomi. Nasionalisme ekonomi yang dimaksudkan dalam konteks ini yaitu gagasan mewujudkan kemandirian ekonomi nasional. Gagasan untuk mewujudkan kemandirian ekonomi nasional itu merupakan sentimen nasionalisme yang sebenarnya telah lama menjadi obsesi kalangan elit nasional sejak awal kemerdekaan (Chalmers, 1996) Presiden Soekarno mewujudkan sentimen nasionalisme ekonomi itu dengan dicanangkannya apa yang disebut dengan "Program Benteng". Namun program itu tidak dapat dilanjutkan karena kesulitan finansial. Kebangkitan kembali sentimen nasionalisme itu, seiring dengan meningkatnya kemampuan finansial negara, mendorong regim Orde Baru Soeharto untuk menumbuhkan kembali kebijakan industrialisasi yang dikendalikan oleh negara (*state-led industrialization*), gagasan sebagaimana yang dijelaskan dalam teori negara pembangunan. Pertimbangan itu pula yang melatar-belakangi karakter kebijakan ekonomi Indonesia yang intervensionis dan protektif selama kurun waktu yang panjang, khususnya selama regim Orde Baru Soeharto.

Negara pembangunan Orde Baru yang didukung oleh kemampuan finansialnya itu juga dipandang relatif lebih otonom, yaitu dalam menghadapi kekuatan kapital internasional. Negara Orde Baru, sebagaimana yang digambarkan Robinson, bukan sekedar merupakan negara komprador kapitalis global, yaitu hanya tunduk dan melayani kepentingan kapital internasional<sup>5</sup>. Didukung oleh kemampuan finansial, negara pembangunan Orde Baru memainkan peran yang aktif dalam mendorong pembangunan industrialisasi arahan negara. Sejumlah bank-bank milik pemerintah tidak saja hanya berperan menjalankan fungsi intermediasi tetapi juga berperan sebagai 'agen pembangunan', yaitu menyalurkan kredit untuk membiayai industri-industri yang dianggap strategis (Sjahrir, 1987). Bersamaan dengan itu, negara juga berkepentingan untuk mendorong

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<sup>4</sup> Kalangan kapitalis yang menguasai perusahaan-perusahaan besar, dan umumnya bergerak di sektor pertambangan dan perkebunan, adalah perusahaan-perusahaan besar milik orang-orang Belanda atau negara-negara Eropa lainnya, sedangkan kalangan penduduk pribumi umumnya hanya merupakan pedagang kecil (*petty bourgeoisie*) serta petani gurem.

<sup>5</sup> Melalui kebijakan investasi yaitu UU No. 1/1969 tentang Penanaman Model Asing yang disahkan pada akhir 1960-an, negara Orde Baru memiliki otonomi dalam menentukan sektor-sektor ekonomi yang terbuka untuk investasi asing, serta sektor-sektor ekonomi yang tertutup bagi investasi asing, serta mendiktekan perilaku korporasi asing itu dengan mewajibkan mereka untuk menggandeng perusahaan local dalam operasi kegiatannya di Indonesia.

tumbuhnya kekuatan kapital di Indonesia. Lahirnya kalangan pengusaha nasional pada awal 1980-an sangat dimungkinkan oleh peran dan intervensi negara dalam ekonomi. Seiring dengan kebijakan ekonomi yang protektif, berbagai intervensi pemerintah melalui pemberian lisensi, penyaluran subsidi, serta pengadaan kontrak atas proyek-proyek pembangunan yang dibiayai oleh negara berperan dalam mendorong tumbuhnya kekuatan kapital nasional itu.

Negara pembangunan Orde Baru berperan penting dalam mendistribusi 'rent', yaitu melalui berbagai bentuk insentif, seperti: subsidi, lisensi - yang memungkinkan terjadinya proses akumulasi kapital (Robinson, 1986; 1988). Rent, karenanya, merupakan sesuatu yang menggiurkan, dan setiap orang ingin untuk mendapatkan atau mempertahankan rent itu. Orang yang berupaya untuk mendapatkan atau mempertahankan rent dikenal dengan sebutan 'kegiatan pemburu rente' (*rent seeking activities*). Khan dan Sundaram (2004) mengidentifikasi berbagai sumber rent, yaitu meliputi: (i) keuntungan yang menggiurkan yang diperoleh dari struktur pasar yang monopoli, (ii) subsidi yang dialokasikan negara dengan pertimbangan untuk melindungi industri yang baru berkembang (*infant industry*), (iii) keuntungan yang diperoleh dari hasil penemuan baru, (iv) transfer yang dilakukan melalui mekanisme politik, dan (v) transfer yang dilakukan melalui praktek-praktek yang menerabas hukum atau hasil dari kejahatan, seperti: pencucian uang (*money laundering*), perdagangan obat bius (*drug trafficking*), perdagangan manusia (*human trafficking*). Beberapa sumber rent diharapkan dapat mendorong efisiensi ekonomi, seperti: pemberian subsidi bagi industri yang baru berkembang dan keuntungan dari hasil penemuan-penemuan baru. Namun beberapa sumber rent lainnya tidak ada kaitannya dengan efisiensi ekonomi. Kajian ini lebih memberikan perhatian pada rent yang berkaitan dengan isu efisiensi ekonomi.

Kebangkitan kapitalisme sering dikaitkan dengan kegiatan perburuan rente. Namun, pemberian rente yang dimaksudkan untuk melindungi industri yang baru berkembang, sebagaimana konsep yang digambarkan oleh Khan dan Sundaram, tidak selalu dapat dikategorikan sebagai kejahatan ekonomi. Kegiatan perburuan rente bukanlah fenomena khas Indonesia. Kegiatan perburuan rente juga merupakan fenomena yang menyertai kebangkitan kapitalisme di Jepang, serta negara-negara Asia Timur dan Asia Tenggara lainnya. Namun, apa yang menarik yaitu bahwa di sejumlah negara pembangunan yang bersih, *rent seeking activities* itu dapat dikendalikan seiring dengan kemajuan ekonomi negara tersebut. Budiman (1991) menamakan negara pembangunan yang bersih (*strong developmentalist state*) yaitu mampu mengendalikan kepentingan pribadi (*vested interest*) yang dapat mengganggu industrialisasi arahan negara itu. Sebaliknya, negara yang tidak berhasil mengendalikan kegiatan perburuan rente merupakan negara pembangunan yang lemah atau negara pembangunan yang kotor (*weak developmentalist states*). Dalam negara

pembangunan yang kotor, praktek-praktek perburuan rente itu semakin melembaga dan perburuan rente menjadi sangat renten terhadap berkembangnya praktek-praktek korupsi.

Soemitro Djojohadikusumo, menjelang sebelum berakhirnya kekuasaan Presiden Soeharto pernah mengingatkan bahwa praktek-praktek perburuan rente di Indonesia justru semakin melembaga dalam ekonomi Indonesia<sup>6</sup>. Apa yang menarik dari fenomenan melembaganya praktek-praktek perburuan ekonomi rente di tengah ekonomi Indonesia yang telah berubah itu? Apakah yang bisa diharapkan dari kekuatan kapital yang terus menerus mengharapakan proteksi ekonomi dari negara? Pembangunan ekonomi Dunia Ketiga diharapkan akan melahirkan kelas menengah, termasuk kekuatan kapital sebagai salah satu elemennya, yang diharapkan nantinya akan mendorong perubahan sosial yang lebih luas, yaitu mendorong proses demokratisasi. Pembangunan ekonomi yang menakjubkan selama regim autoritarian Orde Baru Soeharto, yang melahirkan kalangan kapitalis, ternyata tidak mampu mendorong perubahan sosial, yaitu mewujudkan demokrasi.

### ***Krisis Ekonomi dan Tantangan Demokrasi***

Krisis ekonomi yang dialami Indonesia pada 1997 membawa dampak yang luas bagi perkembangan politik Indonesia. Uhlin (1999) menilai bahwa tanpa adanya krisis ekonomi itu sulit diramalkan bahwa regim kekuasaan Orde Baru Soeharto akan berakhir pada 1998. Krisis ekonomi itu telah melemahkan legimitasi kekuasaan Orde Baru dan membuka peluang bagi kebangkitan kekuatan-kekuatan sosial yang selama kurun waktu yang panjang dikendalikan secara represif. Pertumbuhan ekonomi Indonesia yang menakjubkan selama masa Orde Baru Soeharto dimungkinkan karena dukungan stabilitas politik dan keamanan. Militer dipandang sebagai tulang punggung utama dalam mewujudkan stabilitas politik itu<sup>7</sup>. Regim Orde Baru yang didukung oleh kekuatan militer berkepentingan untuk mengendalikan kepentingan-kepentingan yang berkembang dalam masyarakat dalam ikut mewujudkan stabilitas politik itu, yaitu melalui mekanisme korporatisme yang dikendalikan oleh negara (*state corporatism*)<sup>8</sup>. Berbagai organisasi dibentuk oleh negara (pemerintah), seperti: di sektor perburuhan dibentuk SPSI (Serikat Pekerja Seluruh Indonesia), di sektor pertanian dibentuk HKTI (Himpunan Keluarga Tani Seluruh Indonesia), di sektor perikanan dibentuk HNSI (Himpunan Nelayan Seluruh Indonesia) serta organisasi-organisasi korporatis lainnya pada sektor-sektor yang dianggap strategis dalam mendukung stabiitas politik seiring dengan pembangunan ekonomi Orde Baru. Organisasi-organisasi itu diakui oleh negara dan

<sup>6</sup> Lihat: Soemitro Djojohadikusumo, "Backsliding on the Reform Can Cause Depression", The Jakarta Post, 12 Januari 1998.

<sup>7</sup> Melalui konsep Dwi Fungsi ABRI, militer tidak hanya sebagai institusi dalam menjaga keamanan negara dari ancaman bersenjata, militer juga sebagai kekuatan politik yang memungkinkannya ikut terlibat dalam kegiatan politik praktis (*day by day politics*). Militer ikut terlibat dalam kepengurusan Golkar sebagai salah satu kekuatan politik. Keterlibatan militer dalam kepengurusan Golkar itu awalnya dipandang sebagai strategi bagi militer dalam menghadapi kekuatan-kekuatan sipil. (Lihat: Boileau, 1983)

<sup>8</sup> Mengenai *state corporatism* ini, lihat kajian dilakukan Mas'ood (1989); MacIntyre (1994b).

dianggap sebagai arena yang sah bagi elemen-elemen kekuatan sosial dalam menyuarakan kepentingan mereka. Namun dalam struktur politik yang otoritarian, berbagai organisasi korporatis itu, sesungguhnya lebih merupakan alat (instrumen) bagi negara dalam mengendalikan kekuatan-kekuatan masyarakat daripada sebagai instrumen yang digunakan kekuatan-kekuatan masyarakat untuk memperjuangkan kepentingan mereka. Mekanisme korporatisme oleh negara ini dipandang sebagai strategi untuk memecah belah (*divide et impera*) dan mengendalikan *civil society*. Lemahnya kekuatan-kekuatan sosial yang merepresentasi kekuatan *civil society* itu, karenanya, tidak dapat dipisahkan dari latar-belakang perkembangan politik Indonesia. Transisi demokrasi sejak berakhirnya kekuasaan regim otoritarian Orde Baru Soeharto 1998 tidak didukung oleh kekuatan *civil society* yang tangguh, yang sesungguhnya merupakan elemen yang sangat diperlukan dalam proses demokratisasi.

Selain lemahnya *civil society*, faktor lain yang tidak mendukung bagi perkembangan demokrasi pasca regim Orde Baru Soeharto yaitu lemahnya kemandirian kekuatan kapital<sup>9</sup>. Pembangunan kapital di Indonesia memang sangat dipengaruhi oleh peran dan intervensi negara dalam pembangunan ekonomi. Artinya, negara memainkan peran yang demikian dominan dalam hubungan negara-ekonomi itu. Namun, hubungan negara-ekonomi itu tidak-lah dalam artian yang statis, tetapi hubungan yang dinamis, yaitu dipengaruhi oleh perubahan ekonomi serta perkembangan politik. Krisis ekonomi yang dialami Indonesia pada pertengahan 1980-an dan 1997 merupakan momentum yang menarik dalam mengamati hubungan negara-ekonomi itu. Krisis ekonomi itu melemahkan peran negara dalam ekonomi, dan karena itu juga melemahkan gagasan intervensi negara dalam kehidupan ekonomi dan kehidupan politik.

Serangkaian kebijakan deregulasi yang diperkenalkan pemerintah sebagai respon terhadap kesulitan ekonomi pada pertengahan 1980-an, misalnya, telah membawa dampak bagi perkembangan politik di Indonesia saat itu. Serangkaian kebijakan deregulasi ekonomi (baca: liberalisasi ekonomi) telah memungkinkan proses internasionalisasi kapital, yaitu peluang bagi kekuatan kapital nasional, yang sebenarnya mereka ini awalnya juga dilahirkan dan dibesarkan melalui peran dan intervensi negara, untuk menjalin hubungan dengan kekuatan kapital internasional. Kekuatan-kekuatan kapital nasional yang mampu menjalin hubungan dengan kekuatan kapital internasional ini tidak lagi terlalu mengandalkan pada koneksi politik (*political link*), yaitu melalui pola hubungan patron-klien sebagaimana yang mereka alami pada awal perkembangan, saat mereka dihadapkan pada tahapan ekonomi atau industri yang baru berkembang. Sebaliknya, kalangan kekuatan kapital yang tidak mampu menjalin hubungan dengan kekuatan

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<sup>9</sup> Yoshihara Kunio (1987) menggunakan istilah *ezart capitalism* (kapitalisme semu) dalam menjelaskan kebangkitan kapitalisme di sejumlah negara Asia Tenggara. Pembangunan kapitalisme yang semu melahirkan kalangan pengusaha yang tidak mandiri, yang secara terus menerus menggantungkan diri pada proteksi dari negara.

kapital internasional itu semakin khawatir bahwa mereka akan tersingkir dalam ekonomi Indonesia yang telah berubah itu, dan karena itu mereka sangat berkepentingan untuk memperoleh proteksi dari negara, atau mempertahankan kebijakan ekonomi yang protektif.

Krisis ekonomi yang mendorong ditempuhnya serangkaian kebijakan deregulasi ekonomi telah membelah kepentingan kekuatan-kekuatan kapital. Bagi kekuatan kapital nasional yang berhasil membangun aliansi dengan kekuatan kapital internasional menekankan pentingnya negara untuk mulai memperkuat pelembagaan ekonomi pasar, yang diharapkan akan menggantikan pola pembangunan kapital yang dibangun dengan mengandalkan patron-klien. Mereka ini didukung oleh lembaga-lembaga ekonomi internasional, seperti: IMF, World Bank berkepentingan dilanjutkannya kebijakan atau program-program deregulasi ekonomi untuk meningkatkan efisiensi ekonomi nasional. Studi yang dilakukan Chalmers (1996) tentang pembangunan kapital di sektor industri otomotif merupakan jendela yang menarik dalam memahami gambaran tentang hubungan negara – kapital seiring dengan fenomena internasionalisasi kapital itu, yaitu bahwa:

*”Kelompok-kelompok kapitalis terbesar memang tidak lagi menggantungkan diri pada dukungan politik dan agaknya akan dapat bertahan sekalipun patron-patronnya di lingkungan negara jatuh, patron pada tingkat tertinggi sekalipun. ...” (Chalmers, 1996, hal 134).*

Kalangan kekuatan kapital yang diuntungkan oleh perubahan ekonomi itu menyuarakan tema-tema ”keterbukaan ekonomi”, yang sebenarnya merupakan tuntutan demokratisasi seiring dengan perubahan ekonomi Indonesia saat itu. Namun, tuntutan demokratisasi itu dapat dikendalikan dengan mudah oleh regim Orde Baru Soeharto. Pertimbangan lain yang mendorong regim Orde Baru mengabaikan tuntutan pelembagaan ekonomi pasar seiring dengan ekonomi Indonesia yang telah berubah adalah kepentingan untuk melindungi bisnis-ekonomi yang masih membutuhkan proteksi dari pemerintah.

Suara keterbukaan ekonomi merupakan bentuk dari tuntutan demokratisasi saat itu, seiring dengan perubahan ekonomi Indonesia pada pertengahan 1980-an. Tuntutan demokratisasi itu sesungguhnya merupakan kepentingan kalangan pemilik modal yang relatif mampu membangun aliansi dengan kekuatan kapital internasional. Mereka ini tidak lagi melihat pola lama, pola yang dianggap tradisional dalam pembangunan kapital dengan mengandalkan hubungan patron-klien, masih relevan untuk dipertahankan dalam pengelolaan bisnis seiring dengan tuntutan ekonomi Indonesia yang telah berubah. Mereka menyuarakan kepentingan mereka itu dalam tuntutan transparansi dalam pengelolaan ekonomi. Regim Orde Baru dengan mudah mematahkan tuntutan demokratisasi itu. Regim Orde Baru –pun juga tidak menghadapi rintangan yang relatif berarti dari

kekuatan civil society. Praktek-praktek pengendalian kepentingan atau sektor yang berkembang dalam masyarakat yang ditempuh melalui mekanisme *state corporatisme* hanya menjadikan civil society Indonesia terbelah dan lemah (*weak and fragmented civil society*). Didukung oleh pemulihan krisis ekonomi 1980-an, regim Orde Baru justru semakin kokoh dalam menkonsolidasikan kekuatan politiknya. Kelangsungan regim Orde Baru semakin dicirikan oleh dukungan kalangan kapitalis yang hanya mendambakan proteksi dari negara.

Krisis moneter, yang memicu krisis ekonomi pada 1997, dapat dipahami tidak hanya sebagai dimensi ekonomi, yaitu penurunan nilai mata uang rupiah terhadap mata uang asing, khususnya dolar Amerika Serikat. Krisis moneter itu sekaligus memiliki dimensi politik yang kuat, yaitu hilangnya kepercayaan masyarakat, termasuk masyarakat internasional terhadap regim Orde Baru dalam pengelolaan ekonomi nasional<sup>10</sup>. Krisis ekonomi itulah yang memicu krisis politik yang mengakhiri regim kekuasaan predatoris Orde Baru Soeharto serta kroni-kroninya. Tumbangnya regim Orde Baru Soeharto dengan segera memicu reformasi politik, yaitu tuntutan perombakan terhadap struktur kekuasaan yang telah memungkinkan bagi Presiden Soeharto dapat mempertahankan kekuasaan hingga 32 tahun. Reformasi politik itu antara lain ditempuh dengan mengakhiri keterlibatan militer dalam politik, mengakhiri praktek-praktek korporatisme oleh negara (pemerintah), dalam pengendalian kepentingan yang berkembang dalam masyarakat, serta melakukan amandemen terhadap konstitusi, UUD 1945 dengan melembagakan mekanisme *check and balances* dalam penyelenggaraan kekuasaan negara, serta pemilihan presiden secara langsung oleh rakyat untuk memperkuat sistem presidensiil.

Berakhirnya regim otoritarian Orde Baru juga telah memicu liberalisasi politik yang mendorong kebebasan pers, kebebasan untuk berserikat serta tumbuhnya partai-partai politik. Indonesia telah mengalami perubahan politik yang amat dramatis sejak berakhirnya kekuasaan regim Orde Baru. Pertumbuhan partai-partai politik telah mengakhiri corak sistem kepartaian yang hegemonik<sup>11</sup> serta memperkuat sistem multi-partai. Pelaksanaan pemilihan umum yang sangat kompetitif, dan diikuti oleh banyak partai telah memungkinkan sirkulasi elit kekuasaan secara damai. Namun, perubahan politik Indonesia yang amat dramatis itu sesungguhnya belum membawa perubahan yang berarti bagi demokrasi. Proses demokratisasi itu berlangsung di tengah lemahnya penegakkan hukum. Praktek-praktek penyalah-gunaan kekuasaan yang terjadi diberbagai lembaga

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<sup>10</sup> Lihat, misalnya: Mohammad Sadli, "*Catatan Akhir Tahun*", Business News, 31 Desember 1997. Diunduh dari <http://www.pacific.net.id/pakar/sadli/1297/311297.html>, diakses pada 15 Mei 2015, Jam 11.07.

<sup>11</sup> Sistem kepartaian yang hegemonik yang dimaksudkan disini adalah sistem kepartaian yang dicirikan oleh dominasi satu partai. Partai dominant atau hegemonik itu umumnya adalah (i) partai yang selalu meraih mayoritas suara dalam setiap kali pemilihan umum, dan berelansung selama kurun waktu yang panjang, (ii) partai itu mampu untuk mendudukkan kader-kadernya dalam jabatan-jabatan pemerintahan, dan (iii) partai itu memiliki pengaruh yang kuat dalam merumuskan kebijakan-kebijakan nasional. Selama periode Orde Baru Soeharto, Golkar dapat dikategorikan sebagai partai hegemonik. Untuk kajian ini dapat dibaca: Gaffar (1999).



kekuasaan negara, dan telah menyapu daerah seiring dengan pelaksanaan otonomi daerah serta diperburuk oleh ketegangan KPK (Komisi Pemberantasan Korupsi) dan POLRI sebagai lembaga penegak hukum mencerminkan tantangan serius dalam perkembangan demokrasi Indonesia. Winters (2011) menyebut perkembangan demokrasi di Indonesia yang didera oleh lemahnya penegakan hukum itu dengan sebutan Demokrasi Kriminal (*criminal democracy*).

Perubahan politik Indonesia belum mampu mewujudkan demokrasi yang substansial, yaitu demokrasi yang mampu menegakkan hukum sebagai aturan main, yang mengangkat rakyat Indonesia dari jurang kemiskinan, demokrasi yang memelihara persatuan dari keaneka-ragaman masyarakat Indonesia. Mengapa demokrasi yang substansial itu telah gagal diwujudkan?

### **Oligarki dan *Rent Seeking***

Perubahan politik sejak regim Orde Baru berakhir dicirikan oleh fenomena meningkatnya keterlibatan orang-orang yang memiliki kekuatan material atau kekuatan kapital atau orang-orang kaya untuk terlibat dalam persaingan politik, memperebutkan jabatan-jabatan publik, yaitu dengan menjadi pengurus partai politik, menjadi anggota parlemen, hingga jabatan dalam pemerintahan yang sekarang dipilih oleh rakyat melalui pemilihan umum, yaitu dari presiden, gubernur hingga bupati / walikota. Berakhir regim Orde Baru, menurut Hadiz (2005, hal. 169) dipandang tidak berarti bahwa reformasi politik akan membawa Indonesia menuju pada demokrasi liberal. Lebih jauh Hadiz menilai bahwa kekuatan-kekuatan politik predatoris Orde Baru telah memanfaatkan reformasi politik itu. Mereka menggunakan segala instrumen perubahan institusi, seperti: partai politik, media massa, demokrasi, desentralisasi untuk melindungi kepentingan akan sumber daya material. Perubahan politik, karena itu, tidak merubah watak otoritarian dari struktur kekuasaan. Bila pada masa Orde Baru, struktur kekuasaan semakin terkonsentrasi dan dikendalikan secara personal oleh Presiden Soeharto. Pasca Orde Baru, struktur kekuasaan itu dikendalikan oleh kekuatan-kekuatan yang memiliki basis kekayaan kapital.

Perubahan politik Indonesia sejak 1998 dicirikan menguatnya fenomena oligarkhi dimana pemerintahan semakin dikendalikan hanya oleh kalangan elit politik yang terbatas, yaitu mereka yang menguasai basis kekuatan kapital. Robison dan Hadiz (2004) menjelaskan bahwa kekuatan itu sesungguhnya adalah kekuatan oligarkhi lama yang merupakan kroni-kroni Soeharto, sebagaimana dikemukakan bahwa:

*“Setelah kekuasaan Soeharto berakhir pada tahun 1998, oligarki tidak lantas berakhir, bahkan semakin meluas dan bersinergi dengan sistem politik demokrasi. Para oligark yang sebelumnya merupakan kroni Soeharto menyebar dan bermetamorfosa dalam wajah demokrasi melalui partai-partai politik yang merupakan sarana kendali atas kekuasaan yang dengan demikian juga akses pertahanan dan pemupukan kekayaan”.*

Indonesia telah mengalami perubahan politik yang dramatis, yaitu dengan diperkenalkannya institusi dan mekanisme kelembagaan demokrasi, seperti: perombakan sistem pemerintahan yang sentralistik menuju sistem pemerintahan yang terdesentralisasi, sistem pemilu dan kepartaian yang lebih kompetitif, penguatan peran dan fungsi parlemen, kebebasan bagi media massa, serta ruang publik yang lebih terbuka dalam menyuarakan aspirasi dan kepentingan masyarakat. Dalam struktur politik yang didominasi kekuatan modal, partai politik dan parlemen kini menjadi arena pertarungan bagi kekuatan-kekuatan sosial. Partai politik dan parlemen merupakan sarana untuk meraih dan mempertahankan kekuasaan, serta instrumen yang strategis untuk meningkatkan kekuatan ekonomi, yaitu melalui kemenangan tender atas proyek-proyek yang dibiayai oleh anggaran negara. Persaingan politik juga telah memicu meluasnya praktek-praktek penggunaan kekuatan uang (*money politics*), dan karena itu biaya politik-pun menjadi demikian mahal. Mietzner (2013, hal. 239) menjelaskan bahwa lemahnya sistem keuangan partai politik serta biaya persaingan politik yang tinggi itu telah menyebabkan partai-partai politik semakin tergantung pada para pemodal dalam pembiayaan kegiatan partai. Mackie (2010) lebih lanjut menilai bahwa praktek-praktek politik dengan menggunakan kekuatan uang dalam sistem politik yang oligarkhi akan melanggengkan pola patron-klien dalam hubungan bisnis dan politik. Dilihat dari perspektif masyarakat, realitas perubahan politik sejak regim Orde Baru Soeharto ternyata masih jauh dari harapan masyarakat luas. Dukungan dan keterlibatan masyarakat yang luas dalam penyelenggaraan proses pemilihan umum tidak diikuti oleh perubahan yang berarti bagi peningkatan kesejahteraan sosial-ekonomi masyarakat. Pemilu dipandang hanya sebagai instrumen mobilisasi dukungan serta alat legitimasi kekuasaan. Pemilu telah mengecewakan publik karena banyaknya wakil-wakil rakyat yang menjadi anggota parlemen yang terlibat dalam persoalan korupsi. Partai politik, karenanya, lebih dipandang sebagai kendaraan bagi elit-elit politik untuk meraih ambisi kekuasaan belaka.

Sejumlah faktor diduga merupakan kendala bagi Indonesia dalam mewujudkan perubahan politik menuju penguatan demokrasi. Pertama, perubahan politik Indonesia sejak berakhir regim otoritarian Orde Baru Soeharto belum didukung oleh kehadiran *civil society* yang kuat. Oligarkhi akan sulit berkembang dalam negara dengan *civil society* yang kuat. Meskipun, berakhirnya regim Orde Baru telah membuka peluang bagi kebangkitan *civil society* di Indonesia, namun praktek-praktek pengendalian masyarakat yang ditempuh regim otoritarian Orde Baru melalui mekanisme korporatisme negara telah membuat *civil society* saat ini menjadi tidak berdaya. Demikian pula restrukturisasi sistem kepartaian dan de-politisasi yang ditempuh regim Orde Baru dalam mewujudkan stabilitas politik dan keamanan tidak memungkinkan bagi berkembangnya kekuatan-kekuatan sosial dalam menjalin komunikasi dan dukungan massa rakyat di tingkat *grass-roots*. *Civil*

*society* yang lemah itu diperburuk oleh krisis ekonomi sejak 1997 yang telah melemahkan basis kekuatan ekonomi mereka. *Civil society* merupakan *missing link* dalam penguatan demokrasi di Indonesia. Kedua, perubahan ekonomi Indonesia telah gagal untuk menghasilkan kalangan kekuatan kapital yang mandiri. Regim Orde Baru Soeharto telah mendorong tumbuhnya kalangan kekuatan kapital. Namun, kekuatan kapital yang bertahan adalah kekuatan kapital yang tergantung pada kekuasaan negara. Sedangkan kekuatan kapital yang mandiri yang dianggap sebagai potensi ancaman bagi kelangsungan kekuasaan regim Orde Baru telah dipatahkan seiring dengan keberhasilan regim Orde Baru dalam menkonsolidasikan pengaruhnya pada 1990-an. Kekuatan kapital yang mandiri sesungguhnya merupakan elemen kelas menengah yang berperan penting dalam mendorong penguatan kelembagaan ekonomi pasar, dan menjadi prasyarat yang diperlukan bagi kelangsungan pertumbuhan dan kemajuan ekonomi.

Lemahnya *civil society* dan kekuatan-kekuatan sosial lainnya sangat berpengaruh besar terhadap perkembangan proses transformasi politik sejak 1998. Proses itu justru telah memungkinkan kalangan kekuatan kapital Orde Baru untuk mengendalikan politik dan pemerintahan yang telah direformasi. Bila pada masa regim Orde Baru, kalangan kekuatan kapital ini sangat tergantung pada kekuasaan birokrasi pemerintahan untuk memperoleh akses sumber-sumber ekonomi yang dikuasai negara. Namun, sejak reformasi politik telah memungkinkan kalangan kekuatan kapital ini menguasai pemerintahan dan dapat mengendalikan secara langsung sumber daya ekonomi itu (Fukuoka, 2012). Ironisnya, perubahan politik pasca Orde Baru itu tidak diikuti oleh penguatan kelembagaan ekonomi pasar, isu yang sebelumnya yaitu pada pertengahan 1980-an, pernah disuarakan sebagai tuntutan demokrasi dengan tema transparansi pengelolaan ekonomi. Meskipun ekonomi Indonesia sejak krisis 1997 semakin terintegrasi dengan ekonomi yang lebih luas, namun perubahan politik Indonesia masih dicirikan oleh menguatnya praktek-praktek perburuan rente.

Kurniawan (2012) menggunakan konsep *plutocracy* untuk menggambarkan perubahan politik Indonesia yang semakin didominasi oleh orang-orang kaya dalam mengendalikan pemerintahan. Dalam sistem *plutocracy* itu, dinamika hubungan bisnis dan politik dicirikan oleh perilaku rent seeking. Kurniawan menjelaskan bahwa seiring dengan perubahan politik Indonesia yang dicirikan oleh tajamnya persaingan, kalangan politisi membutuhkan dukungan dana yang besar dalam memenangkan persaingan untuk meraih kekuasaan. Sedangkan kalangan kekuatan kapital menyediakan pendanaan yang dibutuhkan oleh kalangan politisi. Timbal balik yang diharapkan oleh kalangan kekuatan kapital dari kekuasaan politik adalah manfaat yang diperoleh melalui regulasi atau kebijakan negara. Dengan demikian, dinamika bisnis dan politik dalam lingkungan ekonomi-politik Indonesia sejak reformasi politik itu tidak berbeda dengan dinamika

yang berkembang selama regim Orde Baru Soeharto, yaitu masih dicirikan oleh kegiatan perburuan rente. Bila dilihat dari perspektif liberal, berbagai kebijakan atau regulasi yang berpotensi melemahkan pelebagaan ekonomi pasar itu dipandang sangat rentan terhadap berkembangnya praktek-praktek penyalah-gunaan kekuasaan.

## **Penutup**

Negara pembangunan (*developmentalist state*) yang dibangun oleh regim Otoritarian Orde Baru Soeharto telah mendorong lahirnya kalangan kekuatan kapital nasional yang kuat. Negara memainkan peran yang besar dalam pembangunan kapital itu. Patrimonialisme dan rent seeking activities merupakan ciri utama dalam dalam pembangunan kapital di Indonesia. Pembangunan kapitalisme yang dicirikan oleh patrimonialism dan *rent seeking* ini sesungguhnya bukanlah keunikan yang dimiliki Indonesia. Model pembangunan kapitalisme itu juga menjadi ciri bagi negara yang mengalami keterlambatan industrialisasi, seperti: Jepang dan Korea Selatan. Namun, pembangunan kapital oleh negara pembangunan Orde Baru Soeharto tidak mampu melahirkan kalangan kekuatan kapital yang mandiri, yang tidak menggantungkan pada proteksi negara seiring dengan kemajuan dan perubahan ekonomi Indonesia. Sekali-pun pernah muncul kalangan kekuatan kapital yang berkepentingan dalam mendorong transparansi pengelolaan ekonomi, sebagai manifestasi tuntutan isu demokrasi saat itu, mereka dianggap sebagai ancaman bagi kelangsungan regim Orde Baru, dan karenanya tuntutan demokratisasi itu segera diredam.

Isu demokratisasi pada pertengahan 1980-an mendorong regim Orde Baru menempuh konsolidasi dalam mempertahankan pengaruh dan kelangsungan kekuasaannya. Konsolidasi kekuatan Orde Baru ini antara lain ditempuh dengan memberikan proteksi bagi kalangan kapitalis yang gagal bersaing seiring dengan keterbukaan ekonomi Indonesia sejak krisis 1980-an serta krisis 1997. Negara pembangunan Orde Baru Soeharto telah gagal dalam membangun kelembagaan ekonomi pasar, atau mewujudkan *regulatory state*, istilah yang digunakan oleh Fukuoka (2012). Regim Orde Baru yang didukung oleh kekuatan kapital yang tidak mandiri akhirnya bertahan hingga 1998. Krisis ekonomi 1997 yang memicu krisis politik tidak saja melemahkan legitimasi tetapi juga mengakhiri kekuasaan regim Orde Baru Soeharto beserta kroni-kroninya. Berakhirnya regim otoritarian Orde Baru telah mendorong reformasi politik. Namun, perubahan politik pasca Orde Baru yang tidak didukung oleh adanya kekuatan *civil society* yang berarti dan karenanya, telah memberi peluang bagi kekuatan-kekuatan sosial, termasuk kalangan kapital yang dibesarkan pada masa Orde Baru untuk memanfaatkan reformasi politik itu. Perubahan politik Indonesia semakin dicirikan oleh menguatnya struktur kekuasaan oligarkhi, dimana kekuasaan dikendalikan oleh kalangan elit politik yang memiliki basis kekuatan materail yang kuat. Mereka ini adalah kalangan

kapitalis yang selama ini selalu mengandalkan proteksi dari negara untuk mempertahankan kekuasaan dan akumulasi kekayaan mereka. Perubahan politik Indonesia sejak berakhirnya regim Orde Baru Soeharto telah memperkuat kemunculan negara oligarkhi yang patrimonial (*patrimonial oligarchy state*), dimana negara masih merupakan instrumen yang penting dalam mendorong proses akumulasi kapital. Dalam struktur politik yang oligarkhi itu, *rent seeking activities* akan tetap menjadi ciri dominan dalam dinamika hubungan bisnis dan politik Indonesia.

#### DAFTAR PUSTAKA

- Alavi, Hamzah, "The State in Post-Colonial Societies: Pakistan and Bangladesh". Diunduh dari <http://newleftreview.org/static/assets/archive/pdf/NLR07305.pdf>, diakses pada 6 Mei 2015 Jam 09.37.
- Boileau, Julian M., 1983, *Golkar: Functional Group Politics in Indonesia*: Jakarta: CSIS.
- Budiman, Arief, *Negara dan Pembangunan*, 1992, Jakarta: Yayasan Padi dan Kapas.
- Bulkin, Farchan, 1984 "Negara, Masyarakat dan Ekonomi", *Prisma* No. 8. Diunduh dari <http://www.oocities.org/ypenebar/e-news/pen-no13.pdf>. Diakses pada 18 Mei 2015, Jam 14.28.
- Djojohadikusumo, Soemitro, 1998, "Blacksliding on the Reform Can Cause Depression" the *Jakarta Post*, 12 Januari.
- Chalmers, Ian, 1996, *Konglomerasi: Negara dan Modal dalam Industri Otomotif Indonesia*, Jakarta: Gramedia Pustaka Utama..
- Gaffar, Afan, 1999, *Politik Indonesia: Transisi Menuju Demokrasi*, Yogyakarta: Pustaka Pelajar.
- Fukuoka, Yuki, 2012, "Politics, Business and State in Post-Soeharto Indonesia", *Contemporary Southeast Asia*, Vol. 34 (1)
- Hadiz, Vedi R., 2005, *Dinamika Kekuasaan: Ekonomi-Politik Indonesia Pasca-Soeharto*, Jakarta: LP3ES.
- Huntington, Samuel P., *Political Order in Changing Societies*, New Haven: Yale University Press, 1969.
- Kunio, Yoshihara, 1987, *Kapitalisme Semu Asia Tenggara*, Jakarta: LP3ES.
- Kurniawan, Budi, 2012, "Democracy and Corruption in Indonesia", the *Jakarta Post*, 12 Januari.
- MacIntyre, Andrew, 1994 (a) "Power, Prosperity and Patrimonialism: Business and Government in Indonesia" in Andrew MacIntyre (ed.), *Business and Government in Industrializing Asia*, Ithaca, New York: Cornell University.

- MacIntyre, Andrew 1994 (b) *Organizing Interests: Corporatism in Indonesia*, Working Paper No. 43 (Agustus), Perth: Asia Research Center, Murdoch University.
- Mackie, Jamie, 2010, *Patrimonialism: the New Order and Beyond*, dalam Edward Aspinall dan Greg Fearly (eds), *Soeharto's New Orde and Its Legacy*, ANU E Press, .Diunduh dari <http://press.anu.edu.au/apps/bookworm/view/Soeharto%E2%80%99s+New+Order+and+its+Legacy%3A+Essays+in+honour+of+Harold+Crouch/5331/ch06.xhtml> l, diakses pada 17 Mei 2015, Jam 11.24.
- Mietzner, Marcus, (2013) "Political Party Financing in Indonesia is a Recipe for Corruption", *Strategic Review*. Diunduh dari <http://www.sr-indonesia.com/in-the-journal/view/political-party-financing-in-indonesia-is-a-recipe-for-corruption>. Diakses pada 19 Mei 2015.
- Mas' oed, Mochtar, 1987, *Ekonomi dan Struktur Politik Orde Baru 1966-1971*, Jakarta: LP3ES.
- Onis, Z, (1995), dalam Alvin Y. So dan Stephen W.K Chiu, *East Asia and the World Economy*, London dan New Delhi: Sage Publication
- Robison, Richard. 1985, "Class, Capital and the State in New Order Indonesia" dalam Richard Higgot dan Richard Robison, *Southesat Asia: Essays in the Political Economy of Structural Change*, London: Routledge & Kegan Paul.
- Robison, Richard, 1986, *Indonesia: the Rise of Capital*, Sydney: Allen and Unwin Pty Ltd.
- Robison, Richard dan Vedi R. Hadiz, 2004, *Reorganizing Power in Indonesia: The Politics of Oligarchy in an Age of Market*, London dan New York: Routledge Curzon.
- Shin, Yoon Hwan, 1989, *Demistifying the Capitalist State: Political Patronage, Bureaucratic Interests and Capital-in- Formation in Soeharto's Indonesia*, Michigan: A Bell & Howell Information Co.
- Sjahrir, 1987, *Kebijakan Negara: Konsistensi dan Implementasi*, Jakarta: LP3ES.
- Winters, Jeffrey, (2011), *Indonesia is a Democracy State Without Law*, diunduh dari <http://www.ugm.ac.id/en/news/6401jeffrey.winters:.indonesia.is.a.democracy.state.without.law>. Diakses pada 18 Mei 2015, Jam 12.26.
- World Bank, 1993, *The East Asian Economic Miracle: Economic Growth and Public Policy*, Oxford: Oxford University Press.

# Proper Implementation of the Exhaustion Theory for Increasing Benefit of Parallel Imports

Reggiannie Christy Natalia

## Abstract

Parallel import merupakan suatu isu penting dalam perdagangan internasional. Para pebisnis membeli produk-produk original dari suatu negara dan menjualnya di negara yang menawarkan harga yang lebih mahal, tanpa seizin pemegang hak kekayaan intelektual produk tersebut. Praktek ini tidak selalu merupakan hal yang ilegal, karena negara-negara tertentu melindungi praktek ini dan jangkauannya tergantung pada jenis exhaustion theory yang mereka terapkan dalam hukum nasionalnya. Studi ini secara garis besar akan membahas mengenai jenis-jenis exhaustion theory yang ada, bagaimana teori tersebut mempengaruhi parallel imports and penerapan exhaustion theory oleh EU, WTO dan WIPO. Sehingga dengan membahas aspek-aspek tersebut, studi ini bertujuan untuk menemukan implemestasi exhaustion theory yang tepat dan menyumbangkan saran yang sesuai untuk pelaksanaan parallel imports.

**Kata kunci:** *impor paralel, exhaustion theory, perdagangan internasional dan kekayaan intelektual*

## Background

Parallel imports have been implemented from time to time by the international business society. In response, the law has provided a protection for the parallel imports it self which is called the “exhaustion theory”. Intellectual property law uphold the rights of the inventors, scientific progress and business investment, an it allows monopoly and the price control to the inventor for some period of time. The exhaustion theory restrict the inventors power to control the price of their inventions to some extent. Parallel trade comes in as a controversial issue between the intellectual property and competition law.<sup>1</sup>

Notwithstanding, parallel imports benefit the society. The practice of parallel imports is also considered as a combination of Intellectual property law and competition law efforts in enhancing consumer welfare.<sup>2</sup> With a competitive price, customers are offered with similar goods in various prices. The market are forced to lower their price, in order to compete with the parallel imports products.

One of the most significant advantages of the parallel imports can be seen in the distribution of the patented pharmaceutical products. Hart defines patent as a monopoly right that is granted by the government to the inventor of a particular product or process. This right is aimed to provide an incentive for the innovation, stimulate the economic activity and to inform the public of the current

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<sup>1</sup> Ioannis Avgoustis, ‘Parallel Imports and Exhaustion of Trade Mark Rights: Should steps be taken towards an international exhaustion regime?’ [2012] European Intellectual Property Review 01/2012

<[http://moodle.bcu.ac.uk/pluginfile.php/502688/mod\\_resource/content/1/Avgoustis.pdf](http://moodle.bcu.ac.uk/pluginfile.php/502688/mod_resource/content/1/Avgoustis.pdf)> accessed 14 August 2015

<sup>2</sup> T. Hart, S. Clark and L. Fazzani, *Intellectual Property Law*, 6<sup>th</sup> ed (London: Pac Millan, 2013) p. 273

technology. However, due to the parallel imports, now more and more people could access the medicine easily and with affordable price.

Many people have argued that, the patented medicines have breached human rights, due to the restriction to access for medication. The patented medicine likely to be sold at higher price and the people who are in need of the medication would not be able to afford or even access the medication. With the legalization of parallel import, the access to medicine would be easier and affordable. However, parallel imports is not always giving positive impacts. There are many business people that have been disadvantaged over parallel imports. Many developed countries have also suffered from economic lost, due to the underperformance of their local companies. It is common sense, consumers will purchase more affordable product given the choice of the products of the same quality. Traders will set low price for the sake of competition. However, if they could not survive from the competition, it would cause a great lost for them and impacting the economic of the country, job creation, which will deliver negative impact to the larger society.

Heath argues that the parallel import is a beauty of the international trade, however, a good law where the patentee would be benefiting of its own created goods is also needed.<sup>3</sup> This argument is in favor of the parallel imports practices, but as well as raising an awareness to provide a sufficient protection for the Intellectual Property (IP) holders.

The purpose of the study is to find the most effective law mechanism to deal with the positive and negative impacts of parallel imports. Which then is likely to benefit more aspects of international trade, for both businesses and consumers. This study will be organized into four sections. First section will generally discuss about the parallel imports and the exhaustion theory. Section two will outline the European Union, WTO and WIPO rules and regulation governing the parallel imports. Section three will indicate variant dispute settlements for issues concerning parallel imports. At last, section four will give an overall summary and recommendation of what is seems as the most effective law mechanism to deal with parallel imports.

### **Section 1: Parallel Imports and the Exhaustion Theory**

Kuptsove argues that the main reason of the high demand in parallel imports is due to the different prices of the same product in two different markets.<sup>4</sup> This gives rise to imports from the low price market to the high price market. Nevertheless, the import activities are only possible and depend on the exhaustion regime that is implemented in their national law. Parallel import defines as “ persons and companies with a common goal to make profits by involving themselves in the

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<sup>3</sup> C. Heath, 'Parallel Imports and International Trade' <  
[http://www.wipo.int/edocs/mdocs/sme/en/atrip\\_gva\\_99/atrip\\_gva\\_99\\_6.pdf](http://www.wipo.int/edocs/mdocs/sme/en/atrip_gva_99/atrip_gva_99_6.pdf)> accessed 11 May 2015

<sup>4</sup> Dimitry A. Kuptsov, 'Parallel trade in the European Union: Competition Law Aspects' ( Master thesis, Lund University 2013)



trade.”<sup>5</sup> Within the parallel imports, the business people would be buying specific goods with a low price and sell it in another place with a higher market to gain profits.

The term exhaustion in the exhaustion theory means that once a good is released to the market by the inventor (directly or by his consent), his rights will be exhausted from further circulation of the product in the market. This also known as the “first sale doctrine”.<sup>6</sup> This theory came into existence to ensure that there will be no monopoly activities from the IP holders after the goods had been legally purchased or be put in the market. By the existence of this doctrine, the right of the IP holder has been restricted to gain further profits from his inventions.

Exhaustion aims in the balance between the public and the IP owner’s interests.<sup>7</sup> In other words, it would benefit both sides by setting a limitation of the IP owners’ rights to its invention uses. This doctrine can be separated into three categories; national exhaustion, regional exhaustion and international exhaustion.

- National exhaustion is whereby the IP holder could oppose the parallel imports from the other countries, because the national of the law of the country does not recognize the parallel imports.<sup>8</sup> In this regards the law seems to be more in favor of the IP holders rather than weighing on the competition law. Some countries apply this type of exhaustion to promote their national brand.
- Regional exhaustion is whereby the parallel imports are permitted between the region member states, however, restricted the parallel imports from the non-member states.<sup>9</sup> The most appropriate example of this type of exhaustion can be seen from the European Union countries. The member states are freely exporting and importing goods without being subjected to any barrier, including parallel imports.
- International exhaustion is whereby a country allows parallel imports from any countries.<sup>10</sup> This is the most controversial type of exhaustion whereas, the IP owner would be put in the position of competing with the re-seller who bought their goods from a cheaper price and having no right to ban it. The developed countries are likely to suffer more lost if the international exhaustion is applied. Nevertheless, the developing countries are likely to benefiting more, due to the competitive price, especially when it comes to the pharmaceutical and food industries.

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<sup>5</sup> Avgoustis (n1)

<sup>6</sup> Enrico Bonadio, ‘ Parallel Imports in a Global Market: should a generalised international exhaustion be the next step?’, [2011] European Intellectual Property Review 01/2011 [http://moodle.bcu.ac.uk/pluginfile.php/502690/mod\\_resource/content/1/Bonadio.pdf](http://moodle.bcu.ac.uk/pluginfile.php/502690/mod_resource/content/1/Bonadio.pdf) accessed 21 August 2015

<sup>7</sup> ibid

<sup>8</sup> Bonadio (n7)

<sup>9</sup> ibid

<sup>10</sup> ibid

From the above types of exhaustion there are several points that should be considered before letting parallel imports meet the exhaustion rights. This article would indicate several issues caused by the parallel imports.

- For an instance, if Apple store in the UK sells to the resellers in the UK “AB” product for 500 pounds and sell the “AB” product to Greece resellers for 400 pounds. In this case, if the parallel imports occur, UK resellers as the second party will be more likely to suffer from the loss instead of the patentee as the first party. Which means, the doctrine of exhaustion has successfully managed the anti monopoly regime, nevertheless, seems to set a side the interest of the second party.
- It is also argued that parallel imports should have never been in place because every country requires different marketing approaches. For example Apple in the UK doing most of the advertisement to sell the iphone 6 and in result the price of iphone 6 in the UK is more expensive because it has to cover the marketing budget.<sup>11</sup>

When then the parallel importers brought the same iphone 6 to the UK with lower price, they would not have to care about the advertisement and marketing budget over the chattel. They could immediately put the product in the market and obtain the most benefit without having to promote it. In this case, the apple distributors would suffer a tremendous loss.

- On the other hand, parallel imports often come with a different quality, due to the cost of production. However, the consumers may not have the information of the different quality of the product.<sup>12</sup> In the light of the quality difference there are 2 possible circumstances that might likely to arise. Firstly, the reputation of the brand would be bad in the eyes of the consumers. Secondly, the poor quality of the product will lead to complain or customer suing for the poor quality. In this case, the domestic branch of the chattel will be the one who has to deal with the unpleasant situation.

### 1.1 Pro and Contra about Parallel Imports

Combating the price discrimination, whereby a manufacturer gives different prices in different market. For example, MSD Pharmaceuticals launched a diabetes drug called “Junuvia” and was priced it for approximately \$1 per tablet in India and \$5 per tablet in the U.S.<sup>13</sup>

It is true that how corporations pricing their goods in every country are variant. As discussed above, the differentiation of pricing could be indicated as price discrimination. However, before

<sup>11</sup> W. A. Rothine, *Parallel Imports*, (London: Sweet & Maxwell, 1993) p.565

<sup>12</sup> *ibid* p. 564

<sup>13</sup> D. Joshi, ‘A Point of View on Parallel Imports’ [ 2012] Global Policy Essay

<http://www.globalpolicyjournal.com/sites/default/files/pdf/View%20Points%20on%20Imports%20-%20July%202012.pdf> accesses 13 September 2015

manufacturers are accused of price discrimination, several aspects should be considered. For example, the fact that the living standard in the US is way higher than the living standard in India. Even if \$1 in India and \$5 in US seems to be a big difference, however, the citizen in India due to the lower income would still feel that the price of the tablet is quite expensive. The people in the US would consider the \$5 per tablet is as expensive as the Indian citizen feels about the tablet price. From this perspective, price difference of the tablets is not considered as price discrimination.

In 2010, President Obama endorsed International exhaustion for parallel imports in pharmaceutical sector to drive down the US medication price.<sup>14</sup> This means that, people or company outside the US are protected to import pharmaceutical products to the US and the patent holder no longer have the right to ban or contest the action due to the International exhaustion. However, it is also estimated that the U.S. might likely to stop the parallel imports due to the bad quality of the imported products.<sup>15</sup>

It appears that, parallel imports are likely used by the government to control the national market price. From the US implementation of parallel imports it can be seen that parallel imports do not have to be applied in all kinds of sectors. Even if the national law of the country chooses to exercise national exhaustion, however, certain sectors that likely to enhance the public good should be considered to allow parallel imports and the other sectors should remain the same. On the other hand, consumers should be notified about the products that they will purchase. This is to ensure that they are aware if the product is parallel imports product or not. Thus, they should be ready with the consequences if the quality is different even if the product is also genuine.

## **Section 2: European Union, WTO and WIPO regulation with regards to parallel imports.**

### **2.1 European Union**

European Union legalization of parallel imports is a product of the internal market and the free movement principle of the union. It started from the establishment of the European Economic Community in 1957 and the further amendment to the Treaty of Lisbon 2007. With the aim to create a single market for the bloc, the union set aside the internal barriers of trade which includes the abolition of customs and national tariffs.<sup>16</sup> The European Union adopted the regional exhaustion. Once the inventor has put his goods in the European Union countries circulation, they have directly exhausted their rights over the goods. No further action can be taken to prevent the circulation of

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<sup>14</sup> *ibid*

<sup>15</sup> *ibid*

<sup>16</sup> Avgoustis (n1)

the goods. This concept has been applied to the European countries<sup>17</sup>. For an instance, the UK has adopted this under the section 12 of the Trade Marks Act 1994.

EU law protects parallel imports as a tool for achieving and maintaining a single market. In result, parallel imports has increased consumers welfare in the EU. Import goods from low price countries force sellers in the destination countries to reduce the price. Competitive market is ensured all over Europe, yet it causes conflicts between the parallel importers and the local business people in the destination countries.

Article 26 of the Treaty on Functioning of the European Union (TFEU)<sup>18</sup> stipulates that in order to uphold the single market, an area without internal barriers, free movement of goods, services and person should be ensured. Means that, it is essential to uphold the free movement principle, in any kind of sectors.

Exception for the free movement of goods relies on the article 30 of the TFEU whereby there will be a restriction on importation if it likely to be in breach of public morality, security or security<sup>19</sup>. Nevertheless, article 30 and the national intellectual property law of the member states shall not restrain the parallel imports.<sup>20</sup>

It appears that, as long as the importation within the European Union countries do not violate the article 30 of TFEU, then the practice of the parallel imports could be legally performed within the region. The right of the parallel importers are protected under the free movement principle and the IP holders' right would be exhausted within the region once he put his good into the European circulation. The EU gives a strong protection for the parallel imports without limitation to any sectors.

## 2.2 World Trade Organisation (WTO)

The WTO has its own agreement related to the Intellectual Property rights, which also covers parallel imports. The agreement was signed in Marrakesh 1994<sup>21</sup> and called as the Trade Related Intellectual Property Rights Agreement (TRIPS).

It is enshrined under the article 6 of TRIPS agreement that “ nothing in this agreement shall be used to address the issue of the exhaustion of intellectual property rights”.<sup>22</sup> Nevertheless, if any

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<sup>17</sup> Hart (n2) p. 275

<sup>18</sup> a. 26 of the Treaty on Functioning of the European Union

<sup>19</sup> s. 3 of the Treaty of Rome 1958

<sup>20</sup> W. Cornish, D. Llewelyn and T. Aplin, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*, 8<sup>th</sup> ed (Croydon: Thomson Reuters, 2013) p. 46

<sup>21</sup> < [https://www.wto.org/english/tratop\\_e/trips\\_e/t\\_agm0\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm) >

<sup>22</sup> a. 6 of Trade Related Intellectual Property Rights Agreement

issue of intellectual property emerges, an immunity of legal action would not be in place.<sup>23</sup> WTO is not willing to interrupt in its member states exhaustion of rights issues, nor it is willing to be involved in exhaustion related to dispute settlement.

In addition, paragraph 5(d) of Doha Declaration on the TRIPS Agreement and Public Health supports the above article which allows the member states to freely establish its own exhaustion regime for the intellectual property rights.<sup>24</sup> From the two articles governing the exhaustion regime above, it can be seen that the WTO is reluctant to intervene on how the member states regulate the exhaustion of intellectual property. Which means that, the legality of the parallel imports activities in every WTO member states would be different depends on the types of exhaustion that the member states included in the national law.

Bonadio argues that an international exhaustion regime would be consistent within the WTO principle and provision.<sup>25</sup> The international exhaustion within the WTO countries would be more likely to get rid of any artificial and detrimental barriers, as well as to stimulate the commercial and economic integration between the WTO member states.

Some of the WTO least developed and most developed countries have exercised the international exhaustion regime, considering it as an opportunity to stimulate their economic growth.<sup>26</sup> For example Japan, India and US have implemented the international exhaustion in their pharmaceutical sectors, Australia applies international exhaustion for cars and books.

The less developed countries who need to be provided with affordable products can gain profits from international exhaustion and developed countries can make use of international exhaustion to control the market and to benefit their middle to low income citizens.

The fact that WTO does not force its member states to imply particular exhaustion regime was based on good considerations. One of the main purpose of WTO is to create the same level of playing field for the member states, the WTO decision is also respecting its member states sovereignty. The member states within their own discretion and national interests to choose the types of exhaustion that will be suitable for their economy. Because if WTO were to force its member states to implement particular types of exhaustion, some of the member countries might be disadvantaged from the provision.

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<sup>23</sup> Bonadio (n7)

<sup>24</sup> para. 5(d) of the Doha Convention on the TRIPS Agreement and Public Health

<sup>25</sup> Bonadio (n7)

<sup>26</sup> *ibid*

### 2.3 World Intellectual Property Organisation (WIPO)

WIPO as a world organization that specifically govern Intellectual Property had researched and gathered data from the WIPO member states on their implementation of the exhaustion for patent rights. The session was held in Geneva, on the 3rd to 7th of November 2014. WIPO considered exhaustion as an exception and limitation to patent rights.<sup>27</sup>

From the data gathered, the WIPO member states are exercising the exhaustion differently. Reportedly, 27 member states are exercising national exhaustion, 22 member states with regional exhaustion, 19 member states with international exhaustion, 4 member states with mixed exhaustion and 4 member states that are still uncertain.<sup>28</sup> It appears that WIPO is still in progress on regulating the exhaustion and parallel imports practice within its member states. WIPO member states have the freedom to determine the kind of exhaustion that seems to be suitable for their own interests and economic developments. However, WIPO is open to hearing the parallel imports cases within the member states.

Among the three international organizations, only the European Union has rigid regulation governing the parallel imports for its member states due to the implementation of the free movement principle. The Union has its own harmonized law system in IP related aspects.

On the other hand, WTO as one of the most powerful international trade organizations is not willing to intervene in its member states parallel imports issue. Furthermore, it does not allow itself to be involved and being a mediator in parallel imports issues.

WIPO as an organization that focuses on Intellectual Property as well does not yet firmly regulate about the parallel imports and involved on its member states application of the exhaustion. From all of the WIPO documents, they have indicated the variant types of the parallel imports, however, the WIPO is not in favor in any types of them. It is also seemed that, the WIPO still depends and more referring it self to the WTO's rather than having its own rules and regulation.<sup>29</sup>

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<sup>27</sup> Standing Committee on the Law Patents, 'Exceptional and Limitation to Patent Rights: Exhaustion of Patent Rights' (21<sup>st</sup> Session, Geneva, November 2014)

<sup>28</sup> *ibid*

<sup>29</sup> LTC Harms, 'The Enforcement of Intellectual Property Rights: A Case Book', 3<sup>rd</sup> ed [2012]  
[http://www.wipo.int/edocs/pubdocs/en/intproperty/791/wipo\\_pub\\_791.pdf](http://www.wipo.int/edocs/pubdocs/en/intproperty/791/wipo_pub_791.pdf) accessed 16 September 2015

### Section 3: Dispute Settlement

#### 3.1 European Union Dispute Settlement

Civil and commercial matter in relation with IP in the Europe is regulated and determined under the EC No.22/2001 of 22 December 2000, which is adopted based on the Brussels Regulation.<sup>30</sup>

Basic rule relies on the article 2 of the Brussels Convention 1986 stated that “the defendant should be sued in the country where he is domiciled and he would be bound to his country national rule”. This article would likely to lead the defendant to a bias judgment, considering that the court that is hearing the case is in his own country. There will always be a speculation that the judgment would be in favor of its own citizen.

Furthermore, even if the court has rendered a reasonable and fair decision, due to the differentiation in law and background the claimant might still have unsatisfactory feelings against the rendered judgment. It is also likely that, a different claimant with the same issues will be rendered with a different enforcement due to the different applicable national law in every European Union countries.

In addition to the above convention, the Article 5 of the Brussels Convention gives an exception regarding the appropriate jurisdiction for the defendant for IP cases. The defendant could be sued in another jurisdiction if the case is associated with the following offense: with regards to a contract (the court where the obligation is in question) and with regards to a tortious act (the court where the harmful event occurred or may occurs).<sup>31</sup> This article allows the defendant to be brought to another jurisdiction other than his country of origin, and rendered an IP decision to two or more defendants at the same time.

#### 3.2 World Intellectual Property Organisation Dispute Settlement

WIPO has its own Alternative Dispute Resolution (ADR) body that deals with the intellectual issues through mediation and arbitration. The WIPO ADR Centre was established in 1994 and can be used to settle an international commercial dispute within private parties. WIPO ADR has been widely recognized to be specifically appropriate in the IP cases involving the intellectual property related issues.<sup>32</sup>

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<sup>30</sup> D. I. Bainbridge, *Intellectual Property*, 9<sup>th</sup> ed (Essex: Pearson, 2012) p.965

<sup>31</sup> a (5) of the Brussels Convention 1986

<sup>32</sup> World Intellectual Property Organisation, ‘WIPO Arbitration and Mediation Center’ <<http://www.wipo.int/amc/en/center/background.html>> accessed 19 September 2015

The Centre facilitates the parties with mediator with a wide experience in intellectual property issues. The Centre in terms of the cost and time proceeding effectiveness would monitor the cases.<sup>33</sup> Stone defines mediation as a process where the parties would be helped by a third party called mediator to help them resolve the dispute.<sup>34</sup> The main purpose of the mediation is to reach a voluntary settlement and gives the parties much flexibility in terms of the time and place. This settlement is likely to be less formal, less in writing and non-binding agreement.

Mediation could be an excellent option as the first attempt of the dispute resolution before the case is brought to the arbitration or the other level of dispute settlement, to its flexibility and less formality. The non-binding agreement would likely to caused the settlement to be unreliable for serious issues. The flexibility might lead to time ineffectiveness.

On the other hand, according to Stone Arbitration is a system where the parties agreed to submit their dispute to the third party. Once the issue has been settled, the rendered decision would be final and binding.<sup>35</sup> The decision can only be appealed if there is an indication of fraud or misconduct of the arbitrator. Arbitration would be a great alternative to settle disputes within two different jurisdictions. The neutrality of the judgment would be more significant rather than the neutrality of the national courts. None of the parties should be bound to another jurisdiction's rules and regulation. However, arbitration as the first and final stage of judgment could somehow bring positive or negative impact. The positive side is that once the decision is rendered that no further action could be taken, then an immediate enforcement could be made. The negative point is if the losing party has further evidence or not satisfied with the decision, no further action could be made.

WIPO Arbitration and Mediation Centre would be an appropriate option to deal with the intellectual property dispute, specifically in parallel imports. Firstly, the WIPO ADS Centre could provide non-bias decision, which may not be provided by the national courts. Secondly, the Centre not only provides an ADS mechanism, however they are actively involved in monitoring the effectiveness of the proceeding. Thirdly, it provides intellectual property experts to deal with the ongoing dispute.

#### **Section 4: Conclusion and Recommendation**

The right to exercise parallel imports is gained by application of the exhaustion theory. Exhaustion would restrict the inventor rights to its own invention when the product has been put

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<sup>33</sup> *ibid*

<sup>34</sup> Kathrine V. W. Stone, 'Alternative Dispute Resolution: Encyclopedia of Legal History' [2004] University of California Public Law & Legal Theory Research Paper Series 04-30  
<[http://moodle.bcu.ac.uk/pluginfile.php/481058/mod\\_resource/content/1/Alternative%20Dispute%20Resolution.pdf](http://moodle.bcu.ac.uk/pluginfile.php/481058/mod_resource/content/1/Alternative%20Dispute%20Resolution.pdf)> accessed 19 September 2015

<sup>35</sup> *ibid*



into circulation. Once the right of the inventor has been exhausted, the parallel imports would be seen as a legal practice and protected by the law. The exhaustion itself is being distinguished into three types: national exhaustion, regional exhaustion and international exhaustion. The national exhaustion does not allow any parallel imports from another countries. The regional exhaustion allows parallel imports within the region while international exhaustion allows parallel imports from all over the world.

High demand in parallel imports occurs due to the price differentiation in every country. The same product has significant price difference in country A and country B. This leads to the lower price country to import the product to the country with a higher price. It is undeniable that parallel imports benefit the economy and the society. Nevertheless, it has also brought a lot of disadvantages for the business of the developed nations.

The European Union is exercising the regional exhaustion within the union. This is due to the free movement principle of the union, which ensure that no barrier should be in place in regards of the regional trade or free movement of the goods should be in place. The only exemption of the free movement principle is if the imported goods violate public good or national security of the imported country.

On the other hand, World Trade Organization does not restrict the member states to adopt any particular exhaustion. WTO gives the freedom to its member states to implement the most appropriate exhaustion regime within their jurisdiction. This makes the WTO member states implementing variant types of exhaustion. WTO is not only reluctant to harmonize the exhaustion regime, but it is also not willing to be involved and settle any exhaustion-related disputes.

Nevertheless, the World Intellectual Property Organisation does not play a big role in regulating the exhaustion practice of its member states as well. The WIPO also gives freedom to its member states to implement the most suitable exhaustion regime for their country. Notwithstanding, the WIPO is open to assists the member states in parallel imports disputes. In relation to the intellectual property and parallel imports disputes settlement European Union and WIPO has its own way to deal with parallel imports issues. The EU is using the Brussels regulation to settle the disputes and referring the national courts to render the decision. However, WIPO provides an Arbitration and Mediation Centre as an alternative dispute resolution that specifically deal with intellectual property related issues.

In order to achieve the most effective law mechanism in relation to parallel imports, everyone should be benefiting from the parallel imports, not just some part of the society. To enhance the effectiveness of the parallel imports law mechanism, this journal recommends that:

- The consumers should be well informed of the product that they are going to purchase. The seller should inform the consumers if the product is a parallel imports good or not and how the quality might be different even if both are genuine products.
- A freedom to determine the types of the exhaustion implementation should be given to every country, since not every country could obtain the same advantages of the parallel imports.
- Some sectors of intellectual property should be made mandatory to international exhaustion. Mixed exhaustion should be put in consideration.
- An international exhaustion should be implemented in pharmaceutical sector, due to the access of medicine of the world society. The medicine should be accessible and affordable for all the people.
- An intellectual property law with regards to the parallel imports and exhaustion should be made and harmonized. Even though the countries have the freedom exercise their own type of exhaustions, however, harmonization of intellectual property law would make it easier for the predictability of international trade.
- An International dispute settlement like WIPO Arbitration Centre should be mandatory not just and option for the parallel imports disputes.

The above recommendations would hopefully serve as the solution of parallel imports problems in International Trade and increase the benefit of the parallel imports. The recommendations also indicate proper implementation of the exhaustion theory as the facilitator and the legal basis of the parallel imports.

## **BIBLIOGRAPHY**

### **International Convention**

- Brussels Convention 1968
- Doha Convention on the TRIPS Agreement and Public Health
- Treaty of Rome 1958
- Treaty on Functioning of the European Union
- Trade Related Intellectual Property Rights Agreement

### **Books:**

- D. I. Bainbridge, *Intellectual Property*, 9<sup>th</sup> ed (Essex: Pearson, 2012)
- T. Hart, S. Clark and L. Fazzani, *Intellectual Property Law*, 6<sup>th</sup> ed ( London: Pac Millan, 2013)
- W. A. Rothine, *Parallel Imports*, (London: Sweet & Maxwell, 1993)
- W. Cornish, D. Llewelyn and T. Aplin, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*, 8<sup>th</sup> ed (Croydon: Thomson Reuters, 2013)

**Journals:**

- E. Bonadio, ‘ Parallel imports ina global market: should a generelised international exhaustion be the next step?’, [2011] *European Intellectual Property Review* 01
- D. Joshi, ‘A Point of View on Parallel Imports’ [ 2012] *Global Policy Essay*  
<http://www.globalpolicyjournal.com/sites/default/files/pdf/View%20Points%20on%20Imports%20-%20July%202012.pdf> accesses 13 September 2015
- C. Heath, ‘ Parallel Imports and International Trade’, <  
[http://www.wipo.int/edocs/mdocs/sme/en/atrip\\_gva\\_99/atrip\\_gva\\_99\\_6.pdf](http://www.wipo.int/edocs/mdocs/sme/en/atrip_gva_99/atrip_gva_99_6.pdf)> Accessed 13 September 2015
- Avgoustis, ‘ Parallel Imports and Exhaustion of Trade Mark Rights: Should steps be taken towards an international exhaustion regime?’ [2012] *European Intellectual Property Review* 01
- Kathrine V. W. Stone, ‘ Alternative Dispute Resolution: Encyclopedia of Legal History’ [2004] *University of California Public Law & Legal Theory Research Paper Series* 04-30  
<[http://moodle.bcu.ac.uk/pluginfile.php/481058/mod\\_resource/content/1/Alternative%20Dispute%20Resolution.pdf](http://moodle.bcu.ac.uk/pluginfile.php/481058/mod_resource/content/1/Alternative%20Dispute%20Resolution.pdf)>accessed 19 September 2015
- LTC Harms, ‘The Enforcement of Intellectual Property Rights: A Case Book’, 3<sup>rd</sup> ed [2012]  
[http://www.wipo.int/edocs/pubdocs/en/intproperty/791/wipo\\_pub\\_791.pdf](http://www.wipo.int/edocs/pubdocs/en/intproperty/791/wipo_pub_791.pdf) accessed 16 September 2015

**Website:**

- World Intellectual Property Organisation, ‘ WIPO Arbitration and Mediation Center’<  
<http://www.wipo.int/amc/en/center/background.html>> accessed 19 September 2015

**Conference:**

- Standing Committee on the Law Patents, ‘ Exceptional and Limitation to Patent Rights: Exhaustion of Patent Rights’ (21<sup>st</sup> Session, Geneva, November 2014 )

**Thesis:**

- Dimitry A. Kuptsov, 'Parallel trade in the European Union: Competition Law Aspects' (Master thesis, Lund University 2013)

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