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Citizenship Policy for Diaspora: A Comparative Study of Global Citizenship of Indonesia (GCI) with Overseas Citizenship Policies of India, the Philippines, and South Korea in the Perspective of Lawrence M. Friedman's Legal System Theory

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Abstract

Globalization demands that countries adopting the principle of single citizenship innovate in mobilizing the potential of the diaspora without violating national sovereignty. This study examines the Global Citizenship of Indonesia (GCI) policy as a diaspora retention strategy, compared to similar schemes in Asia, namely the Overseas Citizenship of India (OCI), the Balikbayan Program (Philippines), and the F-4 Visa (South Korea). Using a comparative juridical-normative method with a sociological approach to law, this study analyzes the effectiveness of the policy through Lawrence M. Friedman's Legal System Theory, which encompasses the aspects of Structure, Substance, and Legal Culture. The results show significant variations in the functioning of legal systems in each country. India and the Philippines demonstrate positive synergy across all three elements, supported by a societal culture that honors the diaspora, while South Korea emphasizes a pragmatic, economic-based substance. The findings in Indonesia indicate that although GCI represents a progressive breakthrough in structure and substance through the Permanent Stay Permit (ITAP) facility, its effectiveness faces the challenge of dissonance in the Legal Culture aspect. Social resistance and a bureaucratic paradigm that still views the diaspora as a foreign entity are the main obstacles. The study concludes that successful implementation of the Global Citizenship of Indonesia (GCI) requires harmonization of sectoral regulations and the reengineering of the legal culture to shift the national paradigm from protectionism to utilizing the diaspora as a strategic asset.

Keywords: Global Citizenship of Indonesia (GCI), Diaspora, Lawrence M. Friedman, Comparative Law, Overseas Citizenship

1. Introduction

The phenomenon of globalization has created massive cross-border population mobility, leading to the emergence of significant diaspora communities in various countries worldwide (Romdiati, 2015). The Indonesian government recognizes that the Indonesian diaspora, both former Indonesian citizens (WNI) and groups of Indonesian descent, constitutes a strategic asset that has not been optimally managed (Hamdani, 2025). The Global Citizenship of Indonesia (GCI) policy was launched as a strategic response to facilitate ease of residence and work for the diaspora without violating the principle of single citizenship as enshrined in Law Number 12 of 2006. This response is also in line with the Indonesia Emas 2045 program, which aims to make Indonesia one of the world's five largest economies with a high per capita income and a more prosperous quality of life for its people, through long-term development programs and plans focused on improving human resource quality, social transformation, and economic strengthening (Nuriyanti, 2025). The objective of the Global Citizenship of Indonesia (GCI) Policy is to mitigate brain drain, attract investment (capital repatriation), and strengthen Indonesia's global network by providing immigration facilities equivalent to permanent residents.

This citizenship policy for the diaspora represents Indonesia's attempt to address the dilemma of maintaining citizenship sovereignty and harnessing the potential of the diaspora (Dewansyah, 2019). Examples include India's Overseas Citizenship of India (OCI) policy, which grants quasi-citizenship status with extensive economic rights. The Philippines' Balikbayan Program, which grants special privileges to migrant workers and former citizens to return and reside. South Korea's F-4 visa policy for ethnic Koreans abroad addresses the demographic crisis and skilled labor shortage.

In academic discourse, overseas citizenship policies are often discussed as a form of "flexible membership" (Ong, 2022). Previous literature highlights that granting special rights to the diaspora can increase remittances and technology transfer (Gerova, 2004). However, the success of these policies depends not only on written regulations but also on the implementing infrastructure and public acceptance. Therefore, this study utilizes Lawrence M. Friedman's Legal System Theory, which dissects law into three elements: Structure, Substance, and Culture (Friedman, 1969). The use of this theory is crucial to determine whether the GCI policy is merely a "paper tiger" (rules exist but are ineffective) or is truly operational within the Indonesian social system.

This policy scheme offers a unique compromise, namely leveraging the potential of the diaspora without changing the citizenship constitution. To analyze these dynamics, this paper focuses on two research questions: how do the structure, substance, and legal culture of Indonesia's GCI, India's OCI, the Philippines' Balikbayan, and South Korea's F-4 policies compare? And, how does Lawrence M. Friedman's Legal System Theory analyze the effectiveness and implementation challenges of these various diaspora policies in the context of each country?

2. Research methods

This research uses a comparative juridical-normative method with a sociological approach to law. The comparative method is used to compare legal schemes across four countries (Eberle, 2011), while the sociological approach to law is used to analyze the effectiveness of law in society (Selznick, 1960).

The primary data sources used include laws and regulations related to citizenship and immigration, including: Law Number 12 of 2006, Government Regulations, and Regulations of the Minister of Law and Human Rights concerning the regulation of Indonesian citizenship (Indonesia, The Citizenship Act 1955 (India), Republic Act No. 6768 (Philippines), and the Overseas Koreans Act (South Korea). Secondary data were obtained from international journals, government reports, and previous studies on the diaspora.

The data analysis technique was conducted qualitatively using Lawrence M. Friedman's Legal System Theory analysis. Data on legal regulations (Substance) and institutions (Structure) from the four countries were mapped and then compared with the sociological aspects (Culture) of the local communities towards the diaspora. This analysis aims to answer the research problem by identifying patterns of success and failure of legal systems in the

comparison countries, and then drawing out their relevance for the effectiveness of GCI implementation in Indonesia.

3. Results

3.1. *Lawrence M. Friedman's Legal System Theory*

Viewing law solely as a series of articles in a statute book is a fatal mistake in understanding how justice works in society. Lawrence M. Friedman offers a more vibrant sociological perspective; he dissects the legal system as a breathing organism, whose survival depends on the dynamic interaction of three vital elements: Structure, Substance, and Legal Culture (Friedman L. M., 1969). Friedman doesn't view these three entities as standalone entities, but rather as an interconnected ecosystem, where the failure of one element will paralyze the entire system. The first element, Legal Structure, is the physical and institutional framework of the system, like the "engine" of a vehicle. In empirical reality, this structure takes the form of courts, immigration offices, and even the digital bureaucratic system that regulates the flow of services. A diaspora visa policy, for example, requires an efficient structure, if the immigration office (structure) is riddled with convoluted or corrupt procedures, the legal "machine" will stall, no matter how well-intentioned the law may be. Structure is the vessel that allows law to flow from text to reality.

The second element, Legal Substance, is the "content" or product of the system itself. This includes normative rules, state promises, and rights written in state gazettes. Substance is the blueprint or software that gives instructions to the machine. In an empirical context, good substance must be fair and responsive. However, Friedman warns that even a perfect substance will only be a "paper tiger" if it is not supported by the third, most abstract but most powerful element.

The third element is Legal Culture. Friedman likens it to the "fuel" or atmosphere that powers the engine of structure and substance. Legal culture speaks to the people behind the system, the values, perceptions, and attitudes of society and law enforcement officials. This is a determining variable that is often overlooked. Empirically, we often see dissonance here. Imagine a country with regulations allowing foreigners to stay (good substance) and a sophisticated online application system (good structure). However, if officers in the field have a xenophobic mentality or society views "foreigners" as an economic threat (resistant culture), then the law will fail to achieve its objectives (Wimmer, 1997).

According to Friedman, legal effectiveness is the fruit of harmonious synergy. Law will only be effective if its machinery (structure) is well-maintained, its rules (substance) are clear, and its fuel (culture) is pure. An imbalance between the three will only create a paralyzed system, where justice is only beautiful on paper but hollow in practice.

3.2. *Citizenship and Diaspora Policy*

- 1) True citizenship goes beyond a rigid administrative definition, it is the most concrete manifestation of the social contract between the individual and the state that houses him (Turner, 1990). More than simply possessing a passport or an ID card, citizenship empirically operates as the "right to have rights." In everyday reality, this status determines one's access to fundamental privileges, from guaranteed legal protection when caught in trouble abroad to the right to political participation in determining the nation's direction through the voting booth. It is an anchor of identity that provides a sense of existential security, distinguishing between those who are "included" and those who are "excluded" (Bosniak, 2010). In an increasingly fluid world, citizenship remains the last bastion that confirms that a person has a permanent legal home, to which he cannot be denied return.
- 2) Diaspora is a concept that goes beyond mere immigration statistics. It represents a collective socio-political phenomenon in which a group of people is displaced from their ancestral homeland, whether by force, economic motives, or conflict, yet consciously and collectively maintains ties of identity, memory, and the hope of returning (Hosseini, 2020). This is a sociological journey marked by an unbroken emotional

"umbilical cord" with the homeland. Analytically, diaspora groups have a dual identity, they are loyal citizens of their new country (host country), but at the same time, they are carriers of cultural torch and soft power for their home country (Abduloeva, 2023). Empirically, the role of the diaspora is very real and measurable. For example, the Indian diaspora (Persons of Indian Origin/PIO) has successfully created substantial global economic networks, characterized by significant remittances and investments. The Indian government responded with the Overseas Citizenship of India (OCI), effectively transforming the diaspora from mere visa recipients into economic partners guaranteed equal rights in investment and education (Bhat, 2025). Likewise, the Filipino diaspora, nicknamed Bagong Bayani (New Heroes), sends remittances that are the lifeblood of the national economy (Encinas-Franco, 2015). Thus, the diaspora is not just a scattered collection of people, but a strategic asset that functions as a cultural bridge, a technological catalyst, and a source of capital that demands that countries of origin formulate inclusive policies that go beyond traditional legal boundaries.

In the landscape of modern constitutional law in Asia, the four countries we focus on which are Indonesia, India, the Philippines, and South Korea, stand on a similar constitutional foundation, adherence to the principle of single citizenship. This principle is not merely an administrative rule, but rather a manifestation of the classical doctrine of sovereignty, which demands an individual's sole loyalty to one state. (Spiro, 1999). Empirically, this is evident in South Korea's strict naturalization regulations, or the requirement to relinquish Indonesian passports for those who swear allegiance to another country. Rigid adherence to this principle, while crucial to national identity, creates a thick wall separating the nation from its diaspora. This leaves millions of Indonesians legally "foreign", yet emotionally and culturally, they remain an inseparable part of the nation.

This paradox has sparked the birth of brilliant yet pragmatic legal innovations. Recognizing that losing the diaspora means losing potential human capital, global networks, and massive capital flows, these countries have not chosen the extreme path of revising their constitutions but have instead created a middle-ground mechanism known as quasi-citizenship or hybrid citizenship (Knott, 2017). This is a clever legal technique: it provides a "sense" of belonging without granting full political "status."

Empirically, this mechanism works by dissecting the bundle of rights within citizenship (Baganha, 2009). Civil and economic rights such as the right to indefinite residency, the right to work, invest in property, and equal access to education are then granted to the diaspora. India, for example, through the Overseas Citizenship of India (OCI), allows an Indian-American doctor in New York to return to Mumbai, open a practice, and send his children to school without a visa, as if he had never left. Indonesia, through the Global Citizenship of Indonesia (GCI) or ITAP Diaspora facility, offers similar conveniences in terms of residency and mobility.

However, the demarcation line remains firmly drawn on political rights. This hybrid status grants economic and social freedoms but withholds the most sacred constitutional right: the right to vote and be elected. Thus, quasi-citizenship functions as a safety valve; it allows the state to reabsorb expertise, technology, and foreign exchange from the diaspora (a utilitarian function) without having to divide political loyalties or compromise national security (a sovereign function). This is evidence that citizenship law is no longer static, but rather adaptable to the realities of an increasingly borderless world (Shachar, 2020).

3.3. Comparative Policy Profiles

In an effort to respond to the challenges of globalization and maintain ties with the diaspora, Asian countries have formulated distinctive migration policies that fundamentally redefine the concept of "belonging." These different policy profiles, from Indonesia to South Korea, reflect not merely administrative differences, but a mosaic of national philosophies in embracing their human capital and emotional assets.

- 1) Global Citizenship of Indonesia (GCI): A policy of granting Permanent Residence Permits (ITAP) to former Indonesian citizens and their descendants, valid for 5 or 10 years and extendable, and providing ease of entry and exit from Indonesia (Widianto, 2025). The focus is on ease of residency. Global Citizenship of Indonesia (GCI) can be seen as a cautious but crucial first step in the evolution of the national *lex migratoria*. The policy's primary focus is ease of residency, realized through the granting of Permanent Stay Permits (ITAP)

- to former Indonesian citizens and their descendants. The 5- or 10-year, renewable duration is a smart compromise; it frees the diaspora from the bureaucratic hassle of tedious annual visa renewals while fulfilling Indonesia's constitutional obligation to the principle of single citizenship. Empirically, the GCI's greatest value lies in its legal certainty of residence, a guarantee for diaspora to plan a long-term life in Indonesia without fear of deportation. However, the 5- or 10-year duration, when compared to the "lifetime" concept in other countries, suggests a hesitance and caution on the part of the Indonesian government in relinquishing full control over residency status, positioning the GCI as a strong, but not yet permanent, bridge.
- 2) Overseas Citizenship of India (OCI): A registration scheme for Persons of Indian Origin (PIO) that provides a "lifetime visa" and parity with Indian citizens in economic, educational and financial fields, except ownership of agricultural land (Ranjan, 2020). Overseas Citizenship of India (OCI) is the boldest and most integrated manifestation of this policy. It is based on the deep conviction that the Indian diaspora is a global asset that must be firmly secured. The OCI profile is characterized by substantive parity and a lifetime visa. The phrase "lifetime visa" has a profound psychological impact—eliminating the feeling of guest status and fostering a sense of permanent belonging. Empirically, this parity has direct economic consequences: an OCI holder can purchase residential property, open a business, and access higher education at the same rates as National Indian Citizens (NRIs), rather than at the much more expensive foreign rates. The single exception on agricultural land ownership demonstrates a wise protective boundary; India opens its doors wide to capital, finance, and professional expertise, yet firmly protects the agrarian foundations vital to local food security. The OCI is a successful case study of legal utilitarianism, where emotional ties translate into stable, reciprocal economic benefits.
 - 3) Balikbayan Program (Philippines): A travel incentive program that provides one-year visa-free and duty-free shopping privileges for former Filipino citizens and their families to encourage return visits (Blanc, 1966). The Philippines' Balikbayan Program exhibits a unique emotional architecture. This policy emphasizes less on complex structural rights and instead focuses on travel and family incentives. It provides a one-year visa-free stay for former Filipino citizens and their immediate families. This policy profile is deeply rooted in Filipino hospitality and the tradition of balikbayan (returning home). Empirically, this one-year visa-free period provides ample time for the diaspora, mostly migrant workers, to rest, celebrate Christmas, and experience family reunions without the stress of immigration. Coupled with duty-free shopping privileges, this policy directly accommodates the tradition of pasalubong (bringing gifts), channeling remittances and consumption into the local economy with a deeply humane touch (Alonzo, 2022). Balikbayan is an instrument that celebrates the "return to the heart of the family," making it the most effective soft policy in maintaining psychological bonds.
 - 4) The F-4 Visa (South Korea) is a special residency visa for ethnic Koreans (including those who have renounced their citizenship) that grants broad economic freedom, but with certain restrictions on unskilled labor. South Korea's F-4 visa is an example of the most pragmatic and segmented diaspora policy (Chung, 2020). This special residency visa is intended exclusively for ethnic Koreans (*jus sanguinis*), but its use is geared towards addressing the demographic crisis and skilled labor shortage. The F-4 profile provides broad freedom of economic activity, meaning a Korean-American or Korean-Canadian diaspora could readily find work as an engineer or venture capitalist in Seoul. However, the restrictions on unskilled labor are a crucial filter. Empirically, these restrictions protect less skilled local Korean workers from competition. The F-4 is a highly targeted legal tool: Korea wants to leverage the human capital of its descendants to boost GDP, but remains cautious about creating social unrest at the lower end of the labor market (Sung, 2023). This policy is a legal manifestation of specific national needs, where ethnic factors are used as a means to achieve utilitarian goals.

4. Discussion

4.1. Comparison of Structure, Substance, and Legal Culture

The following is a comparative analysis of the four policies based on Friedman's framework:

Country	Lawrence M. Friedman's Legal System Theory		
	Legal Structure (Institutions & Procedures)	Legal Substance (Rules & Rights)	Legal Culture (Values & Attitudes)
Indonesia (Global Citizenship of Indonesia)	Directorate General of Immigration. Relying on a digital system (online submission). New procedures simplify the transfer of ITAS status to ITAP. Permanent Stay Permit (ITAP).	Long-term residency rights, limited work rights, limited property ownership (right of use). No political rights.	Ambivalent. The government is pro-diaspora, but the public still harbors strong protectionist/ nationalist sentiments. The issue of "foreign foreigners" remains politically sensitive.
India (Overseas Citizenship of India)	Ministry of Home Affairs (MHA) & Foreign Missions. A well-established and decentralized structure at Indian embassies worldwide.	Lifetime Visa. Economic rights almost equal to those of citizens, equal access to education as citizens. Restrictions on public office and agricultural land.	Very supportive. "Indian" identity transcends national borders. The diaspora is considered an economic hero. High sense of collective pride.
Filipina (Balikbayan Program)	Bureau of Immigration & Department of Tourism. Integrated directly at the airport arrival gate (very simple/automatic procedures).	Visa-Free for 1 Year. Long-term temporary stay rights, tax discounts, and certain land ownership rights for ex-WNF (separate law).	Family-centric. Culture honors those who migrate (Bagong Bayani/New Heroes). Very high social acceptance.
Korea Selatan (F-4 Visa)	Ministry of Justice. Tightly integrated with the national employment system and foreign resident registration.	Long-Term Residency. Extensive work permits (except for unskilled), access to national health insurance, and property rights.	Ethnocentric. Based on blood (strong Jus Sanguinis). Diaspora is accepted because of "one blood," but there is social friction with diaspora from developing countries.

Source: Author's data processing results

4.2. *Anatomical Surgery of Global Citizenship of Indonesia (GCI) Through the Optics of Lawrence M. Friedman's Legal System*

In assessing the effectiveness of the Global Citizenship of Indonesia (GCI) policy, a purely normative approach is inadequate. Law does not operate in a vacuum but rather within a complex social system (Mappasessu, 2025). Therefore, this study utilizes Lawrence M. Friedman's Legal System Theory as the primary analytical tool. Friedman postulates that a legal system is not simply a collection of written rules, but rather an organism consisting of three interrelated elements: Legal Structure, Legal Substance, and Legal Culture (Friedman L. M., 1969). The relevance of this theory in GCI studies lies in its ability to diagnose potential gaps between policy objectives (utilization of diaspora potential) and the reality of their implementation in the field.

1) Dimensions of Legal Structure: Institutions and Bureaucratic Modernization

Legal structure refers to the institutional framework that supports the operation of law, including how law enforcement agencies are organized, their jurisdiction, and the procedures they follow. In the context of the GCI, legal structure refers not only to the existence of the Directorate General of Immigration but also to the transformation of the public service mechanisms surrounding it. The GCI marks a shift in Indonesia's immigration structure from a conventional, bureaucratic and rigid model to a seamless, digital model.

The relevance of structural analysis is evident in the implementation of web-based application systems (such as Molina or e-Visa) designed to cut red tape. This new structure allows diaspora to apply for Permanent Stay Permits (ITAP) without having to go through the cumbersome face-to-face procedures that were previously a major obstacle. However, Friedman cautioned that a robust structure requires cross-sectoral coordination (Sumarna, 2022). The structural challenge of the GCI lies in the integration of Immigration with other ministries. The GCI's legal structure will be fragile if there is no clear procedural bridge between Immigration (which issues residence permits), the Ministry of Manpower (which regulates work permits), and the Ministry of Agrarian Affairs/BPN (which regulates land rights). Without this structural integration, the GCI will only succeed in granting entry permits but fail to facilitate the substantive activities of the diaspora within the country.

2) Legal Substance Dimension: Compromise of Sovereignty and Economic Needs

The second element, Legal Substance, relates to the actual rules, norms, and behavioral patterns outlined in legal products. In this study, the substance of the GCI reflects a "legal acrobatics" or clever compromise by the Indonesian government in dealing with the principle of single citizenship. The substance of the GCI, which grants ITAP for 5 or 10 years with the option of unlimited extensions, creates a hybrid status or quasi-citizenship. Theoretically, this substance provides the certainty of residency rights long desired by the diaspora. (Aguilar.Jr., 1999).

Friedman's analysis of this aspect highlights the quality of the regulation: is its substance sufficiently clear, fair, and enforceable? This is particularly relevant when comparing derivative rights. The current legal substance of GCI still leaves a gray area when compared to Overseas Citizenship of India (OCI). For example, the limitations on property ownership and employment rights for GCI holders have not been explicitly regulated and are not equal to those of Indonesian citizens in statutory regulations. This indicates that, in substance, Indonesian law remains half-hearted, opening the door as wide as possible while still limiting the scope of its activities. This legal substance reflects legislators' caution in safeguarding sovereignty, but on the other hand, it has the potential to reduce the policy's appeal to the target diaspora.

3) Dimensions of Legal Culture: Variables Determining Effectiveness

The third and most crucial element according to Friedman is Legal Culture, namely the attitudes, values, perceptions and habits of society and law enforcement officials towards the legal system (Friedman L. M., 1969). In the Indonesian context, legal culture is a determining factor in the success or failure of the GCI. The relevance of legal culture analysis in this study is profound because it touches on the sociological and psychological aspects of the nation.

There is a dualism in Indonesian legal culture regarding the diaspora. On the one hand, there is a culture of pragmatism at the elite level of government that views the diaspora as an economic asset (human capital). However, on the other hand, there is a culture of protectionism and traditional nationalism at the grassroots level and in some lower levels of the bureaucracy (Aji, 2024). Narratives of "foreigners" and "strangers" often trigger resistance. If the legal culture of society still views diaspora (especially those who have changed citizenship) as "outsiders" or even "traitors to nationalism," then the implementation of GCI will face social obstacles. Officials in the field may use their discretion to complicate the process, not because the rules prohibit it, but because of a lingering culture of suspicion.

This contrasts with India or the Philippines, where the culture of society celebrates the success of the diaspora as a source of national pride (Aikins, 2011), Indonesia is still in the process of building this trust. Substantively, India's OCI is the most comprehensive, approaching full citizenship status minus political rights. Indonesia's GCI is substantively strong in terms of residency, but still has gray areas regarding property ownership compared to Korea or India. Structurally, the Philippines has the simplest structure (automated access at airports), while Indonesia's GCI is moving towards digital modernization but still faces internal bureaucratic challenges. Therefore, Friedman teaches that legal reform (GCI) cannot stop at simply changing regulations (Substance) and creating online applications (Structure). Without social engineering to shift the Legal Culture from suspicion to acceptance, GCI policies risk sociological ineffectiveness.

Friedman's Legal System Theory provides a comprehensive diagnostic framework for GCI. This theory reveals that although Indonesia has successfully modernized its Structure (digitalization of immigration) and

liberalized its Substance (granting long-term ITAP), the greatest challenge lies in its Legal Culture. The gap between progressive regulations and conservative bureaucratic and societal mentalities is a key finding. Therefore, the success of GCI is not only measured by how many ITAPs are issued, but also by the extent to which these three components of the legal system can synergize to form a diaspora-friendly ecosystem.

4.3. Analysis of Effectiveness and Challenges Based on Friedman's Theory

A comparative analysis using Lawrence M. Friedman's Legal Systems Theory framework reveals the reality that the effectiveness of the current implementation of the Global Citizenship of Indonesia (GCI) policy is hampered by dissonance or inconsistency between the components of its legal system. Friedman teaches that law does not operate in a vacuum, it is a living organism that arises from the interaction between Structure, Substance, and Culture (Mappasessu, 2025). When compared with the empirical experiences of established diaspora countries like India, the Philippines, and South Korea, it becomes clear that Indonesia's challenges lie not merely in the formulation of regulatory texts, but rather in a legal ecosystem that is not yet fully ready to embrace the concept of quasi-citizenship.

First, and most crucially, is the challenge of legal culture, which is the main obstacle to the effectiveness of GCI. In Friedman's taxonomy, legal culture is the "fuel" that drives the legal engine (Friedman L. M., 1969). Herein lies the fundamental difference between Indonesia and its counterparts. India and the Philippines have successfully established legal cultures in which the diaspora is viewed as a "foreign exchange hero" or a strategic extension of the nation. The Bagong Bayani narrative in the Philippines, or the respect for Non-Resident Indians (NRIs) in India, has permeated from the political elite to the street level bureaucracy. In contrast, Indonesia still grapples with the legacy of colonial legal culture and highly territorial and protective post-independence nationalism.

Empirically, this phenomenon is evident in bureaucratic resistance on the ground. Although the legal substance of GCI through immigration regulations has provided a "red carpet" in the form of a Permanent Stay Permit (ITAP), the reality at the service counter is often different. A former Indonesian citizen holding a GCI who wishes to purchase property often faces a "wall" of negative discretion from National Land Agency (BPN) officials or local notaries. Local officials often still operate under a veiled xenophobic umbrella, viewing ex-Indonesians as "foreigners" who could potentially threaten agrarian sovereignty. This fear of foreign domination is a lingering residue of legal culture. As a result, progressive legal substance is blunted due to the lack of support from an inclusive bureaucratic culture. Without social engineering to shift the perception of "foreigners as threats" to "diaspora as partners," the GCI will be effective only on paper but hampered in implementation.

Second, there is an imbalance in the legal substance when comparing the GCI with South Korea's F-4 visa scheme. Friedman emphasized that legal substance must be clear and address the needs of the community (Febrian, 2020). South Korea designed the F-4 Visa with a highly pragmatic and utilitarian approach, they needed a workforce, so the diaspora was granted specific work rights. The substance is clear, regulating which sectors may and may not be entered, thus creating legal certainty.

In contrast, the substance of the GCI law in Indonesia still leaves a dangerous legal gray area, particularly regarding the right to work and business. The GCI currently focuses more on the immigration regime (residency rights) but has not been substantially harmonized with the employment regime. Empirically, this creates a legal trap for the diaspora. A former Indonesian professional holding a GCI ITAP may feel entitled to stay in Indonesia, but when they attempt to work or open a professional practice, they immediately run afoul of the Manpower Law, which is inherently restrictive towards Foreign Workers (TKA). Without a clear exception clause (*lex specialis*) in the legal substance of the GCI the diaspora only has the "right to observe" development in Indonesia, not the "right to participate" in it. This lack of specificity in substance reduces the investment value of GCI status because it does not offer real economic parity.

Third, the maturity of the legal structure is a significant differentiator between the GCI and Overseas Citizenship of India (OCI). The legal structure relates to institutions and consistency of enforcement (Friedman L. M., 1969). India has developed the OCI structure over decades, making it a well-established, decentralized institution with

strong institutional memory. The OCI card is widely recognized by various Indian institutions, from banks to universities, creating an integrated service ecosystem.

In contrast, the GCI legal structure in Indonesia is still in its embryonic stage. This policy relies heavily on executive decisions (Government Regulations or Ministerial Regulations) and lacks a solid structural framework across ministries. The classic problem of "sectoral ego" in Indonesia poses a structural threat to the GCI. Currently, there is no all-in-one system that truly integrates Immigration, Tax, Employment, and Banking data for GCI holders. As a result, a diaspora might be recognized as a resident by Immigration, but still considered a non-resident by the banking or tax systems. Furthermore, this structural vulnerability creates long-term uncertainty. Without a strengthened structure through a legal umbrella at the level of a law that binds all sectors, the GCI risks being perceived as a mere regime policy that can be revoked at any time. For diaspora seeking to move their assets back to Indonesia, this structural uncertainty is too costly a risk to take.

Friedman's theory demonstrates that the success of other countries is not a coincidence, but rather the result of the synergy of these three legal elements. Indonesia, through the GCI, has only succeeded in the stages of procedural modernization (part of the structure) and residence permit liberalization (part of the substance), but still lags far behind in building a supportive legal culture and harmonizing substance across sectors.

4.4. Diaspora Policy Mosaics: Tracing the Return in Four Asian Countries

In the modern globalization stage, national borders are becoming increasingly fluid, but the longing for the homeland remains an eternal constant (Adamson, 2006). This phenomenon is forcing countries to redefine their definition of "membership," seeking a compromise between rigid political sovereignty and the realities of citizen mobility. Through an empirical review, we can see how four Asian countries (Indonesia, India, the Philippines, and South Korea) have built different legal bridges to re-embrace their diaspora. These four policies, while sharing similar goals, exhibit unique "faces" and "souls," reflecting the national priorities and sociological characteristics of each nation.

As a newcomer to this arena, Global Citizenship of Indonesia (GCI) is a strategic response from the Indonesian government to address the concerns of former Indonesian citizens and their descendants. This policy's profile is strongly influenced by the nuances of "residency facilitation." Through the Permanent Stay Permit (ITAP) scheme, valid for five or ten years and renewable, the GCI offers legal certainty for those wishing to return to the archipelago.

Empirically, the GCI represents a significant administrative breakthrough. Previously, former Indonesian citizens had to contend with the tedious process of obtaining short-term visit visas or limited stay permits. With the GCI, the state seemingly rolls out the red carpet for the "right of residence", granting freedom to enter and exit Indonesia without repeated bureaucratic hurdles. However, upon closer examination, the GCI's primary focus remains on the living aspect. It is a modern immigration facility, a premium "entry ticket", but it has yet to fully address other substantial civil rights aspects in depth compared to more mature schemes like those in India.

Moving to South Asia, the Overseas Citizenship of India (OCI) presents a far more comprehensive policy profile, arguably the gold standard in global diaspora policy. The OCI is not simply a residence permit; it is a near-perfect quasi-citizenship status. India grants what is known as a "lifelong visa," a phrase that has had a profound psychological impact on the Indian diaspora. They no longer feel like guests in their own ancestral homeland.

The empirical strength of the OCI lies in the concept of "parity," or equality. OCI cardholders enjoy equal rights with National Indian Citizens (NRIs) in the economic, financial, and educational spheres. They can open local bank accounts, attend schools at domestic rates, and conduct business without the restrictions typically imposed on foreigners. The only interesting and very wise restriction is the ban on agricultural land ownership. This demonstrates India's pragmatism: opening the door to investment as wide as possible while still protecting the agrarian assets that are the lifeblood of its local farmers. The OCI is a testament to how a country can be so open yet protective of a vital sector. (Abdulloeva, 2023).

Meanwhile, the Philippines offers a very different approach through its Balikbayan Program. While India's OCI is about economic integration, Balikbayan is about "touching the heart" and family ties. The term Balikbayan itself, meaning "returning home," reflects the spirit of this policy. (Alonzo, 2022). This policy profile focuses not on complex investment instruments, but rather on travel incentives that facilitate family reunions.

The one-year visa-free facility for former Filipino citizens and their families is a highly humanitarian feature. It provides ample time for the diaspora to reconnect with their cultural roots without administrative pressure. Coupled with the privilege of duty-free shopping, this policy accommodates the tradition of *Pasalubong* (bringing souvenirs), an important cultural ritual in the Philippines. This policy recognizes that the strength of the Filipino diaspora lies in emotional ties and family remittances, so its legal instruments are designed to nurture these bonds.

Finally, we see South Korea's highly functional approach with the F-4 visa. This policy profile reflects the character of a developed country facing a demographic crisis (Sohoon Lee, 2017). The F-4 visa for overseas Koreans is a sophisticated labor market instrument. South Korea uses the principle of *jus sanguinis* (bloodline) to recall human resources.

Empirically, the F-4 visa provides extensive freedom of economic activity, allowing holders to work in a variety of professional sectors. However, there is a very specific limitation: a ban on working in unskilled labor. This is where South Korea's ingenuity and pragmatism lie. They want the diaspora to return to fill the skilled and professional labor gap, but limit access to blue-collar jobs to protect low-educated local workers from competition. The F-4 visa, therefore, is not simply a matter of ethnic identity, but a socio-economic engineering tool to maintain national labor market stability.

These four profiles represent a broad policy spectrum. Indonesia's GCI is currently at a fundamental stage, guaranteeing residency security. Meanwhile, India has made significant strides toward full economic integration, the Philippines is strengthening emotional-cultural ties, and South Korea is leveraging the diaspora as a measurable demographic solution. Each policy is a reflection of how the country views its "prodigal sons" whether as honored guests, close relatives, economic partners, or family returning home.

5. Conclusion

A comparative exploration of diaspora policies in four Asian countries through the lens of Lawrence M. Friedman's Legal Systems Theory leads us to a fundamental conclusion, that law does not operate in a vacuum, but rather lives and breathes within the dynamics of their societies. This study reveals significant variations in how India, the Philippines, South Korea, and Indonesia embrace their wandering descendants.

India and the Philippines stand out as perfect examples where legal systems work in near-perfect harmony. In both countries, well-established bureaucratic structures, affirmative legal substance, and inclusive societal cultures synergize to create a diaspora-friendly ecosystem. The communities there no longer view diaspora as people who "left" their homeland, but rather as strategic extensions of the nation on the global stage. Meanwhile, South Korea teaches us about the effectiveness of pragmatism; they designed a highly functional legal substance, prioritizing economic and labor market needs in formulating their visa policies.

What about Indonesia? The findings of this study indicate that Indonesia, through its Global Citizenship of Indonesia (GCI) policy, has indeed made a progressive leap worthy of appreciation. Structurally and substantively, the GCI demonstrates the government's courage in breaking the rigidity of the old immigration regime through digital modernization and the granting of Permanent Stay Permits (ITAP). However, this leap has landed on uneven ground. The most striking dissonance occurs in the aspect of Legal Culture. The GCI's effectiveness remains hampered by a thick wall of social doubt and a legacy of bureaucratic paradigms. In many areas of public service, the diaspora is still viewed with suspicion as "foreign citizens," rather than as "distant relatives" returning home with potential. The paradigm that "foreigners are a threat" remains deeply entrenched, hampering the good intentions embodied in the GCI regulations.

Therefore, to prevent the GCI from becoming merely a soulless administrative document, strategic steps are needed that go beyond simply revising articles. First, and most urgently, is Legal Culture Engineering. The government needs to undertake massive cultural work to change the nation's mindset. Socialization must not stop at the diaspora abroad, but rather target the heart of the domestic bureaucracy and the wider community. The narrative must shift, from fear of foreign domination to optimism about collaboration with the diaspora as a national asset. We need to build a collective awareness that embracing the diaspora is a patriotic act in the global era. Second, real Substantial Harmonization is needed. The GCI cannot stand alone as a mere immigration product. It must dialogue with other sectors. GCI regulations need to be aligned with the Employment and Agrarian Laws to provide certainty of economic rights. We need to emulate India's courage in providing clarity on rights, what is allowed and what is not allowed, so that the diaspora has a solid legal footing to contribute, not just empty promises. Finally, Structural Strengthening is absolutely necessary through service integration. Sectoral egos must be dismantled for the sake of humane services. GCI services must be able to unite various ministries under one integrated digital roof. Only in this way can bureaucratic friction be reduced, and the diaspora can feel the presence of a state that serves, not hinders.

Ultimately, the GCI is Indonesia's bet on securing its future amidst global competition. Its success will not be determined by how sophisticated its digital systems are, but by how open the nation is to welcoming back those who have left.

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