

Legality and delayed citizenship: the identity crisis of Indonesian migrant children in Sabah and Sarawak

Iqbal Arpanudin 

Universitas Negeri Yogyakarta, Indonesia and Editor Jurnal Civics: Media Kajian Kewarganegaraan
arpanudin@uny.ac.id

Jagad Aditya Dewantara 

Universitas Tanjungpura, Indonesia and Editor Jurnal Civics: Media Kajian Kewarganegaraan
Jagad02@fkip.untan.ac.id

*Corresponding Author

Abstract

This article explores statelessness as a multidimensional problem that directly impacts access to education and civic identity, particularly in Asia and Europe. Around 10 million people worldwide are stateless, deprived of fundamental rights such as education, health and employment due to the absence of legal documents. In Malaysia, thousands of children from migrant communities and ethnic minorities such as the Rohingya and Filipinos in Sabah lack access to national schools and public services due to their legal status. Meanwhile, in Europe, historical legacies such as the breakup of the Soviet Union and structural discrimination mean that many children from groups such as the Roma are born stateless and excluded from the education system. This article highlights that formal policies such as "Zero Reject" are insufficient without political alignment and effective identification mechanisms. Through human rights-based approaches and cross-sectoral cooperation, eliminating statelessness should be a priority in global citizenship and education policies. This will guarantee individual rights and build the foundations of an inclusive, just and civilised society.

"Statelessness makes people invisible. Without nationality, they often live without access to education, health care, employment and freedom of movement. They live in constant fear of arrest or detention, and of being left behind by the world."

- United Nations, High Commissioner for Refugees, 2017

Guterres asserts that statelessness is the most apparent form of alienation - people who cannot even be considered part of the world because they have no country that recognises their existence.

"I lost my parents as a child. Now I only live with my brother, who works in the palm oil fields. I was born and raised in Malaysia, but never knew what Indonesia was like. When I was 17 years old, I had to leave Malaysia. Ironically, I cannot be a citizen of the place where I was born either. I live between two lands that do not recognise me. It is not just a loss of identity - living in a dilemma I never chose."

- Stateless Indonesian migrant child, Sabah, Malaysia

Introduction

At the beginning of July 2025, I had the opportunity to discuss with one of my fellow academics and the official editor of the Jurnal Civics: Media Kajian Kewarganegaraan, Jagad Aditya Dewantara. He is one of Indonesia's leading academics who has consistently pursued in-depth studies on the anthropology of citizenship (Dewantara, 2025; Dewantara &



Budimansyah, 2024). Critical reflections on the current direction and face of citizenship studies emerged in our long conversations, especially in the Indonesian academic context. We found an important common ground: pure approaches to citizenship studies, derived from foundational disciplines such as anthropology, sociology, political science, law and social philosophy, are less and less explicit. Today's civic studies are normative, caught up in pedagogic fervour without touching deeper and more critical conceptual layers (Dewantara et al., 2023).

This issue and phenomenon raise concerns, especially because civic studies are born from a multidisciplinary discourse field firmly rooted in pure social sciences. In our observation, there is a tendency that civic studies are more often understood as limited to the frame of civic education, which is directed at shaping the character and morals of individual citizens. Of course, this approach is not entirely wrong. However, it becomes problematic when the academic realm forgets the epistemological and ontological foundations of the concept of citizenship itself. Discourses on citizens' rights and obligations, social justice, nationalism, state-citizen relations, and political identity are too complex to be reduced to value learning instruments.

In the discussion, we underlined the importance of reviving the spirit of citizenship studies as a critical and reflective intellectual territory. A genuine study of citizenship requires the courage to re-examine the power relations between the state and the people, re-examine the meaning of membership in a political community, and question how social, cultural and economic structures shape citizen experience. Such studies require a more theoretical, analytical and contextualised approach. Therefore, the anthropological approach we offer in this editorial is very relevant because it can explore the concrete experiences of citizens in their daily lives as legal subjects, social beings, and cultural entities.

Our agreement in the discussion rested on one basic idea: that citizenship is not merely a legal status, but a dynamic and often complex field of social experience. In the eyes of Indonesianness, with all its diversity of ethnicity, religion, language and political history, being a citizen does not always mean uniformity. Many forms of citizenship are marginalised, negotiated, and even actively challenged by communities that do not always receive formal recognition from the state. This perspective should be more present in academic studies. Unfortunately, the dominant normative frameworks in citizenship studies often ignore these marginalised narratives.

In that spirit, building new discussion spaces based on a pure approach to citizenship studies is important. This is not only for the sake of academic interest, but also as a form of intellectual responsibility to revive philosophical and praxis debates on what it means to be a citizen amid rapid social and political change. By bringing together in-depth anthropological, political, legal and sociological studies, we map the forms of citizenship and understand how it is lived, felt and even fought for by people in various local contexts. That is the essence of faithful citizenship studies: critical, reflective, and in favour of a humane understanding of life in the state (Iqbal et al., 2025).

The issue of statelessness

The issue of alienation and *statelessness* continues to be an important topic in academic discussions on education and citizenship as at least 10 million people worldwide are not recognised as citizens by any country; without identity documents they are deprived of fundamental rights such as education, employment and healthcare, and this status is often passed on between generations due to irregular marriages, discrimination and failure to register births (Santos, 2025). In Malaysia, the constitution only guarantees the right to education for citizens, so stateless children - estimated to be at least 290,000 in 2016 - most of whom are born into migrant families, out-of-wedlock children or from generations that did not register births, must attend private schools or alternative learning centres and live in fear of arrest and marginalisation. Malaysia also has the third-largest stateless population in Southeast Asia, with an estimated 117,070 people by the end of 2023; 107,678 of whom are Rohingya refugees, while 9,392 other individuals could potentially gain citizenship. 2016-2023 data

shows 16,000 stateless people registered, 7,000 granted citizenship, and 9,392 remain stateless. Despite introducing the "Zero Reject" policy, these children still need at least one parent with an identity card to enter national schools. Without documents, they are not entitled to health subsidy rates or open bank accounts (Farinha, 2022).

Research on the Rohingya shows about two million people live in Myanmar, with 800,000 in Rakhine State; the government rejects their identity as illegal migrants or "resident aliens" to become "resident foreigners", making them stateless, and official rhetoric links them to Bangladeshi immigrants, collaboration with the British, Islamic terrorism and foreign interests to justify the rejection (Bhattacharjee, 2024). Sabah, a history of migration from Mindanao in the 1970s and the use of temporary documents such as the IMM13 pass created a large community of Filipino descendants without a permanent identity; obtaining documents such as the Kad Burung-Burung or Sijil Banci is complex and non-transparent, rendering many stateless, while over 810 000 of Sabah's 3.4 million population in 2020 were non-citizens and over 23 000 individuals under 21 who had at least one Malaysian parent were registered as stateless; barriers such as late birth registration and the absence of a clear pathway to citizenship trap these families in poverty and force children to work on the street. In Europe, the European Statelessness Network states that over 500,000 people are stateless due to ethnic discrimination, state breakup and legal conflicts; the dissolution of the Soviet Union left many people in Latvia and Estonia stateless, while thousands of children continue to be born stateless every year due to a lack of identification procedures. The Civio 2024 report reports at least 381,000 stateless individuals in the EU by mid-2023, and this number may be higher as many are not recorded; the majority are in Latvia and Estonia, but countries such as Sweden and Denmark are showing a rapid increase. Some countries' non-compliance with the 1954/1961 UN Convention and the absence of status determination procedures create bureaucratic barriers that impede access to education, employment and social mobility (Kubal, 2020).

Statelessness for Indonesian migrant workers in Malaysia

Citizenship processes in many countries, particularly in the Southeast Asian region such as Malaysia, exhibit a high degree of complexity and often create liminal legal situations for migrants and children born into migrant families. In practice, citizenship systems are not only based on formal legal status determined by the state. However, they are also influenced by highly complex social, economic and political factors. Our field research conducted in the Tawau region of Malaysia found cases indicating serious legal gaps in the citizenship recognition system, especially for Indonesian migrant children born in Malaysia without official documents. These children end up not being recognised by either country, Malaysia as their birthplace, and Indonesia as their parents' country of origin, and live without legal citizenship status.

This reflects a sharp irony in modern nation-state-based legal systems: the state claims full sovereignty over who is its citizen, yet at the same time refuses to recognise the existence of individuals who factually live within its jurisdiction. In Malaysia, the citizenship system is highly selective. In the last ten years, the Malaysian government has tightened the path to granting citizenship. It only allows naturalisation to two main categories: highly skilled professionals and prominent businessmen who bring a significant economic impact to the country. For the "common man" or non-professional migrant worker, the path to naturalisation is almost unavailable. The only way to legally acquire Malaysian citizenship is through marriage to a Malaysian citizen and continuous residence for 10 years without leaving Malaysia. However, even that is no guarantee- the Malaysian government can unilaterally reject each application for no reason that should be made public (Cheong et al., 2025).

In reality, strict bureaucracy and a non-transparent selection system make acquiring citizenship a long and tiring struggle that often leads to failure. One of the cases we found directly demonstrates the impact of the system's complexity. An Indonesian migrant child born in Malaysia, in Tawau to be precise, was trapped in a stateless status. Both of his Indonesian parents had passed away. He only has an older brother who works in the oil palm plantation sector, which the Malaysian government guarantees through possessing a green IC (temporary identity document), and a younger brother who is still in school. The three of them were born

and raised in Malaysia, but have never had any official identity documents tying them to Indonesian or Malaysian citizenship status.

The problem is compounded because they have no family connections in Indonesia. No home address, family documentation, or local memory or identity can be used to claim their Indonesianness administratively. In many cases, the Indonesian government also faces difficulties repatriating individuals in these circumstances, as it does not have enough legal evidence to support the claim that they are truly Indonesian citizens. Meanwhile, in Malaysia, the validity of the green IC is temporary and has a certain time limit. When the informant's younger brother, in this case, turned 17, he was required to leave Malaysia and "return" to Indonesia. This place for him was nothing more than a shadow, with no guarantee of life, education or legal protection.

This story is one of many real-life examples that illustrate how the policies of modern states can create groups of "invisible citizens"-people who exist socially but are legally absent. In Malaysia, the population identification system is divided into several types of ICs (Identity Cards) that indicate a person's level of legality. Blue ICs are reserved for Malaysian citizens and have full residency status; red ICs are given to permanent residents who do not yet have citizen status but have lived in Malaysia for a long time (specifically Sabah and Sarawak); while green ICs are temporary identity cards given to migrant workers and their children, with a limited validity period. These three categories create a socio-legal stratification that shows that access to citizenship is not universal, but highly selective and conditional (Gibson et al., 2016).

We witness how citizenship is not only an administrative matter, but also an arena of identity politics and social control (Dewantara, 2024). The state determines who "deserves" to be its citizen through procedures and policies that are not always fair or humane. Migrant children born in such conditions have no choice but to live a life of long uncertainty. The saying "like an egg on the tip of a horn" aptly describes their position - fragile, easy to fall, and without a sure place to stand. On the one hand, they have no roots in Indonesia, no family network, and don't even know where to go if repatriated. On the other hand, they cannot stay permanently in Malaysia because the legal system refuses to recognise them as citizens (Biggar, 2025).

This reality suggests the need for a new approach to understanding citizenship, particularly in the context of transnational migration and second-generation migrants. States can no longer rely on positive law alone, but must develop a more humanistic approach, which recognises the existence of individuals as social subjects who have the right to live, learn and contribute in the places where they are born and raised (Rabuffetti & Wills, 2025). Without that, we will only continue to create an undocumented generation of children born without a country, without rights, and without a secure future.

The Purpose of this Editorial

In fact, this editorial builds on our field research that has received national funding through the BIMA 2025 programme, entitled *"Liminal Legality and Semi-Legality: Citizenship Identities of Indonesian Migrant Children in Kinabalu & Tawau, Sabah and Kuching-Sarawak"*. This research provided us with rich empirical data and opened up deep insights into the dynamics of citizenship that are not accommodated within the formal legal framework of the state. Indonesian migrant children born, raised and raised in these eastern Malaysian territories often live in a liminal legal status between legal and illegal, between recognition and denial, between being "Indonesian" and "nobody".

This phenomenon forces us to question the conceptual meaning of the concept of citizenship. Suppose citizenship has been narrowly defined as a legal status granted by the state to individuals. In that case, the experiences of migrant children in Sabah and Sarawak show that citizenship is a socially experienced process, not just an identity document. They live their daily lives as "real" citizens, going to school, working, and interacting in the community, but they are administratively stateless. This places them in extreme vulnerability and exposes the dark side of the exclusionary and bureaucratic construction of the modern nation-state.

Our data points to informal social identification practices crucial to these children's position in local social structures. For example, community recognition, access to community-based education, and solidarity networks among migrants become "substitutes" for formal citizenship status. This strengthens the argument that citizenship can no longer be understood only as a legal category, but must be seen as a culturally, socially and politically lived experience. This is what an anthropological approach to citizenship is all about - looking at how "being a citizen" is shaped by context, social relations, and everyday human interactions, not just by laws and constitutions (Allerton, 2018).

This editorial introduces the need for a renewed perspective on citizenship studies in Indonesia. We believe that the results of such field research can enrich academic and policy discourse and challenge the dominance of the state's single narrative in defining who is entitled to be a citizen. We encourage similar studies - grounded in empirical experience, interdisciplinary in nature, and oriented towards social justice - to gain more space in scientific forums. By pure approach, we do not mean an exclusive purification, but rather to return civic studies to its critical, reflective and human-oriented intellectual roots. In closing, we invite academics, researchers, and policymakers to be more open to new approaches in understanding citizenship, especially in transnational migration and vulnerable groups. The migrant children we met in Kinabalu, Tawau and Kuching are not simply objects of immigration policy, but social actors shaping their citizenship identities amidst the limitations of legality (Allerton, 2025). In their experiences, we can reread the meaning of citizenship in a more humane, inclusive way, and in accordance with the realities of a world in constant motion (Cebulko, 2014).

Research on liminal legality and semi-legality in the context of Indonesian migrant children in East Malaysia is of strategic importance, especially in filling the void of citizenship studies in Southeast Asia. So far, the study of citizenship has often been trapped within normative and formal legal frameworks, with the social, cultural and anthropological dimensions of citizenship often overlooked. In Southeast Asia, where human mobility across national borders is dynamic due to historical, economic and political factors, the study of citizenship cannot be seen solely through the lens of law or state administration. This research offers a new lens that situates citizenship as a complex social experience in which legal status, ethnic identity, community connectedness and power relations between countries shape the realities of migrant children's daily lives. As such, this research not only fills a gap in the academic literature, but also opens a space for interdisciplinary discussion to understand citizenship as a living, negotiated and often fragile phenomenon.

Furthermore, this research highlights the problem of statelessness experienced by migrant children. This issue has rarely received serious attention in Southeast Asia, even though the phenomenon is widespread in the region. In Malaysia, thousands of migrant children are born without legal documents, live in legal limbo, and face serious social risks due to a lack of state recognition. On the other hand, countries of origin such as Indonesia often cannot provide adequate protection. This situation creates an irony: children caught between two countries are deprived of the most basic right, which is citizenship recognition. By documenting this reality through an ethnographic approach, this research enriches our understanding of how citizenship is lived on the ground, not just produced on a bureaucratic desk. It also serves as an academic critique of state practices that tend to see citizenship as merely an administrative matter, when behind it lie profound human consequences.

In addition, the importance of this research also lies in its contribution to the global discourse on human rights. Southeast Asia, a region rich in transnational migration, is often overlooked in international academic conversations on statelessness and citizenship. By presenting a case study of Indonesian migrant children in Sabah and Sarawak, this research places Southeast Asia on the map of global discussions on how modern states fail to accommodate increasingly complex human mobility. It also offers critical thinking on the need for citizenship policy reform at the regional level, for example, through ASEAN cooperation, so that the problem of stateless children is no longer a "dark shadow" that is left without a solution.

In this context, this research fills an academic void and serves as relevant advocacy material to encourage more humane policy changes.

As such, this research is significant because it offers new insights into citizenship studies in Southeast Asia and challenges academics and policymakers to rethink what it means to be a citizen in an era of globalisation. It reminds us that citizenship is not just a document, but also a lived experience full of uncertainty, negotiation and even suffering. By filling in the existing citizenship literature gaps, this research ultimately restores the dignity of citizenship studies as a pure field of study rooted in politics, law and anthropology, while being relevant to real humanitarian problems in Southeast Asia.

Filling the Void of Citizenship Studies in Indonesia and Southeast Asia

Civic education in Indonesia has been better known in normative and pedagogical terms, as a subject that emphasises strengthening national identity, understanding the constitution, and instilling the basic values of Pancasila. However, if traced further, civic education in Indonesia tends to lag in developing pure civic research, especially in academic and scientific research. The pure study of citizenship should place citizenship as a multidisciplinary research object, which can be analysed through the perspectives of politics, law, anthropology, sociology and philosophy. Unfortunately, the orientation of civic education in Indonesia has stopped chiefly at the practical and curricular level, so it has not been able to produce strong academic literature in answering the challenges of citizenship in the era of globalisation, international migration, and the development of digital technology.

This delay can be seen in the lack of research thoughtfully exploring Indonesia's conceptual and empirical dimensions of citizenship. Most existing research focuses on character education, morals, or curriculum implementation. At the same time, in-depth studies of citizenship in a substantive sense, such as civil rights, political participation, transnational identity, and the issue of statelessness, are almost untouched. In fact, Indonesia, as a country with a large population and high migrant mobility, desperately needs a strong citizenship research base to formulate policies more relevant to social realities. This void has left the academic discourse in Indonesia behind compared to other countries that have developed pure citizenship studies, both in the realm of theory and public policy practice.

In addition, civic education in Indonesia still places citizens as passive objects, rather than critical subjects. Students and learners are often directed to accept the concept of citizenship as written in the constitution, without sufficient space to criticise, analyse or relate the concept to the realities of community life. This makes the study of citizenship closer to doctrine than scientific development. Meanwhile, the development of citizenship studies internationally is moving towards a more critical, multidisciplinary and research-based approach. From this, it can be seen that civic education in Indonesia is still in a position of knowledge deficit, both in terms of theoretical and methodological aspects.

It is important to note that this condition is not only detrimental to the academic world but also directly impacts the nation's ability to formulate policies sensitive to contemporary citizenship issues. Issues of cross-border migration, stateless children, minority discrimination, and digital citizenship challenges require a strong foundation of citizenship research. Without genuine research that can explain the complexities of citizenship from various perspectives, citizenship education in Indonesia will continue to be in the shadow of rigid normativity and less relevant to changing times. It is time for civic education in Indonesia to transform from a mere instrument of value education into a serious academic research space. There needs to be a push for civic research to not only focus on teaching in schools, but also expand itself into a pure field of study that is critical, multidisciplinary, and oriented towards the real problems of society. Only in this way can citizenship education catch up, while contributing to the global conversation on citizenship in the 21st century.

Conclusion

The issue of citizenship of Indonesian migrant children in East Malaysia (Sabah state) shows how the state, through a multi-layered system of laws and policies, often fails to fulfil its

basic function of guaranteeing the civil rights of its citizens. This reality presents a liminal situation that places these children in an uncertain social and political space: they are born, grow up, and live in Malaysia, but are not recognised as citizens; while their ties to Indonesia are increasingly blurred due to the disconnection of documents, lineage, and knowledge of the land of origin. This condition not only reveals structural problems in citizenship mechanisms but also emphasises the importance of restoring citizenship studies to their dignity as a pure scientific discipline rooted in politics, law, and anthropology. That way, research does not stop at the administrative level, but also touches on the social, cultural and human dimensions inherent in citizenship identity. This editorial aims to emphasise that statelessness is not just a product of bureaucracy, but a humanitarian crisis that demands the presence of the state, academic sensitivity, and social solidarity to find a more just solution.

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