

State Sovereignty and Statelessness: Protecting the Bajau Laut in Southeast Asia

**Dian Purwaningrum Soemitro, Karunia Langit Bening, Ali Asghor Otta Rinjani,
Shafiyah Rahmah, Muhammad Fazra Rahadian Tjahjanto**

Faculty of Law, Universitas Pancasila, Jakarta, Indonesia
dianpurwaningrum@univpancasila.ac.id

Abstract

This article examines the normative tension between state sovereignty and international legal obligations in addressing statelessness among the Bajau Laut in Southeast Asia. Employing a normative juridical method with a comparative approach, the study analyses legal frameworks and practices in Indonesia, Malaysia, and the Philippines concerning nationality, civil registration, and the protection of maritime nomadic communities. The findings reveal that state responses remain fragmented and predominantly driven by security and migration control considerations, resulting in inconsistent and often inadequate protection for the Bajau Laut, particularly in maritime border areas. Furthermore, domestic legal regimes in the three countries are only partially aligned with international standards on statelessness and the protection of indigenous peoples, leading to persistent legal invisibility and limited access to basic rights. This article contributes to the literature by proposing a regional cooperative legal framework that integrates nationality law harmonisation, adaptive civil registration mechanisms, and cross-border administrative coordination. Such a framework aims to enhance access to nationality and fundamental services for the Bajau Laut while maintaining respect for state sovereignty and reinforcing compliance with international human rights obligations.

Keywords: *Bajau Laut; Legal Frameworks; Stateless Persons*

1. INTRODUCTION

Against this background, a review of recent legal scholarship is necessary to situate the present study within the existing body of knowledge on statelessness in Southeast Asia and to identify unresolved legal and conceptual gaps. Examining prior research enables a critical assessment of how statelessness has been addressed with respect to state obligations, legal protection, and the limits of existing national and international frameworks.

Pramana examines the legal position of stateless persons in the fulfilment and protection of the right to work in transit countries under international law. The principal strength of this study lies in its clear normative framework for assessing state obligations toward stateless persons and in its linking of international legal standards with protection practices in Indonesia, a transit country. However, the analysis remains limited by its sectoral focus on the right to work and the transit-country context, thereby constraining a comprehensive understanding of statelessness as a structural, cross-border problem. The study also does not explicitly situate statelessness within the broader tension between state sovereignty and international responsibility in the Southeast

Asian regional context.¹ Salim analyses legal protection for stateless persons in Indonesia through an examination of domestic legal frameworks, including nationality law, immigration regulation, and population administration. The main contribution of this study lies in its systematic mapping of relevant national legal instruments and its identification of implementation challenges in protecting the basic rights of stateless persons. Nevertheless, the analysis remains largely domestically oriented and does not sufficiently connect Indonesia's international obligations on statelessness with regional dynamics in Southeast Asia. Moreover, the cross-border character of statelessness—particularly in relation to maritime communities whose mobility transcends a single state's jurisdiction—is not specifically addressed.² Fernandez examines the treatment of stateless communities in Sabah, Malaysia, in the context of border-control and securitization policies, particularly during emergencies. The strength of this study lies in its empirical grounding, demonstrating how security-oriented state policies affect the everyday protection of stateless persons and limit access to basic rights. However, the analysis is primarily policy- and governance-oriented and does not provide a detailed normative assessment of state responsibility under international law. As a result, the study does not fully engage with the legal tension between border sovereignty and international human rights obligations, nor does it propose a regional legal framework to address the cross-border nature of statelessness in Southeast Asia.³ Arpanudin highlights statelessness as a multidimensional problem affecting access to citizenship, education, and civic identity, particularly among migrant children in Sabah and Sarawak. The main contribution of this study lies in its interdisciplinary and socio-legal approach, which emphasises the lived experience of “liminal legality” and the social dimensions of citizenship. Nevertheless, the analysis is primarily anthropological and educational in orientation and does not sufficiently elaborate on a legal framework for state obligations under international law. Furthermore, it does not address the need for regional legal cooperation mechanisms in Southeast Asia to structurally resolve cross-border statelessness.⁴

In contrast to the previous studies, the present research does not approach statelessness solely from the perspective of domestic legal compliance or sectoral rights protection. Instead, it situates statelessness within the relationship between state sovereignty and international legal obligations in Southeast Asia, with particular attention to transboundary maritime communities such as the Bajau Laut. The novelty of this study lies in its integrative framework that connects international law, national legal regimes, and the regional human rights context to explain the

¹ Pramana Syahla Ailani and Tedjabuwana Rosa, “Kedudukan Stateless Person Dalam Pemenuhan Dan Perlindungan Hak Untuk Bekerja Di Negara Transit Berdasarkan Hukum Internasional,” *UNES Law Review* 9 (October 3, 2025).

² Salim Hananda Rachman and Widodo Hananto, “Perlindungan Hukum Terhadap Stateless Person Di Indonesia,” *Novum: Jurnal Hukum* 4 (January 15, 2017).

³ Siti Salwa Mohd Yunos, Kevin Fernandez, and Gayathri Muruga Subramaniam, “Pandemic Borders Policy: Securitizing Stateless People during COVID-19 in Sabah, Malaysia,” *Otoritas : Jurnal Ilmu Pemerintahan* 15, no. 2 (August 30, 2025): 467–78, <https://doi.org/10.26618/ojip.v15i2.18497>.

⁴ Arpanudin Iqbal and Dewantara Jagad Aditya, “Legality and Delayed Citizenship: The Identity Crisis of Indonesian Migrant Children in Sabah and Sarawak,” *Jurnal Civics: Media Kajian Kewarganegaraan* 22 (2025), <https://doi.org/https://doi.org/10.21831/jc.v22i2.89429>.

limitations of unilateral state responses to cross-border statelessness. By addressing the absence of a regional cooperative legal framework in the existing literature, this research seeks to fill an important conceptual and normative gap.

This study begins from a clear normative tension between state sovereignty and international human rights obligations in the protection of stateless persons in Southeast Asia. States retain sovereign authority over nationality law, immigration control, and border management as core attributes of statehood. At the same time, international law requires them to prevent statelessness and to guarantee the right to nationality, particularly for vulnerable and indigenous communities. This tension is especially visible in the case of the Bajau Laut, whose transnational and maritime way of life does not fit neatly within territorially based citizenship and civil registration systems. In practice, the policies of Indonesia, Malaysia, and the Philippines often prioritise security and territorial control, resulting in legal and administrative practices that sit uneasily with their international human rights commitments and leave many Bajau Laut in conditions of legal invisibility. Accordingly, this study aims to: (1) analyse the normative tension between state sovereignty and international legal obligations in the protection of stateless persons in Southeast Asia; (2) examine how Indonesia, Malaysia, and the Philippines regulate the legal status of the Bajau Laut; and (3) propose a regional cooperative legal framework to strengthen protection for cross-border maritime stateless communities. The existence of nationality as a legal status that identifies a relationship between a person and the state, including the right to enter the country, the right to live and work with no restrictions, the right to vote, the right to hold a political position, military service, and others.⁵ While every person has a right to nationality, as stated in Article 15 of the Universal Declaration of Human Rights, this dynamic is at odds with the fact that there are stateless people. A stateless person is defined as someone who is not recognized as a citizen or national under the laws of any country and, consequently, cannot enjoy the rights associated with citizenship. For most people, citizenship is determined by place of birth, descent, or long-term residence in a country.⁶ The international framework for defining and addressing statelessness is built on two key conventions: the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on Reducing Statelessness. Article 1(1) of the 1954 Convention is the only international legal instrument that explicitly defines a stateless person. This provision defines the term “stateless person” as a person who is not considered a national of any state under the laws of that state.⁷

⁵ Wijayanti Winda and Ghoffar Abdul, *Dinamika Dwikewarganegaraan 199 Negara Di Dunia* (Depok: Rajawali Pers, 2022).

⁶ Pramana Syahla and Tedjabuwana Rosa, “Kedudukan Stateless Person Dalam Pemenuhan Dan Perlindungan Hak Untuk Bekerja Di Negara Transit Berdasarkan Hukum Internasional,” *UNES Law Review* 7 (September 2024): 229, <https://doi.org/https://doi.org/10.31933/unesrev.v7i1>.

⁷ Suwalak Pornnapat, Noichim Chukeat, and Kanthawee Phitsanuruk, “Scoping the ASEAN and the ‘ASEAN Way’ on the Healthcare Policies for Stateless in ASEAN Member States During COVID-19,” *Discover Health Systems* 4 (February 2025): 2, <https://doi.org/https://doi.org/10.1007/s44250-025-00193-y>.

In relation to the discussion of stateless persons, the phenomenon in the Southeast Asian region at this time concerns the protection of their human rights. On June 6, 2024, human rights violations occurred in Sabah, Malaysia, as reported by Tempo news. Malaysian authorities expelled hundreds of sea nomads from the Bajau people, also called the Bajau Laut. Houses where more than five hundred Bajau people stayed were demolished or burned down by law enforcement.⁸ The Malaysian government defended its decision to evict hundreds of sea nomads from their homes off the coast of Sabah state, aimed at improving security and combating cross-border crime. According to Sabah's Minister of Tourism, Culture, and Environment, the state will crack down on illegal activities in protected areas controlled by Sabah Parks, a state conservation agency.⁹

The Bajau Laut are a transnational maritime community traditionally living across the waters of Indonesia, Malaysia, and the Philippines. Their mobile way of life, which predates modern state borders, places them in a structurally vulnerable position within territorially bounded citizenship and documentation regimes. This condition has contributed to widespread documentation gaps and persistent statelessness among Bajau Laut communities.¹⁰ As mentioned earlier, gaining citizenship is a basic human right; in addition to the UDHR, other international instruments provide legal frameworks, including the International Covenant on Civil and Political Rights (ICCPR).¹¹ Moving on regionally, as Indonesia, Malaysia, and Philippines are part of the Association of Southeast Asian Nations (ASEAN), on November 18, 2012, ASEAN Heads of State adopted its 21st Summit the ASEAN Human Rights Declaration (AHRD) references the UDHR and essentially takes verbatim civil, cultural, economic, social and political rights and ultimately the primary responsibility of all ASEAN Member States to promote and protect all human rights and fundamental freedoms. ASEAN Intergovernmental Commission on Human Rights (AICHR) finds its legal basis in the ASEAN Charter, which stipulates the formation of a human rights body whose Terms of Reference were adopted in 2009 within the framework of the Political-Security Community. AICHR is an intergovernmental body and an integral part of the ASEAN organizational structure, promoting human rights within the regional context while bearing in mind regional particularities, mutual respect for different historical, cultural, and religious backgrounds, and the balance of rights and responsibilities.¹²

⁸ Tempo, "Asal-Usul Suku Bajo Yang diusir Malaysia, Kerabatnya Di Indonesia Hingga Filipina," Tempo, June 13, 2024.

⁹ Tempo, "Malaysia Bakar Rumah Dan Usir Ratusan Suku Bajo Yang Jadi Inspirasi Film Avatar," Tempo, June 9, 2024.

¹⁰ Cairns Rebecca, "They've Sailed across Southeast Asia for Centuries. Now, These Sea Nomads Are Being Forced to Live on Land," CNN Climate, November 26, 2024.

¹¹ Acciaoli Greg, Brunt Helen, and Clifton Julian, "Foreigners Everywhere, Nationals Nowhere: Exclusion, Irregularity, and Invisibility of Stateless Bajau Laut in Eastern Sabah, Malaysia," *Journal of Immigrant & Refugee Studies* 15 (August 2017): 233–34, <https://doi.org/https://doi.org/10.1080/15562948.2017.1319526>.

¹² Feby Dwiki Darmawan and Dodik Setiawan Nur Heriyanto, "Invoking International Human Rights Law To Prevent Statelessness Of International Refugee Children Born In Indonesia," *Prophetic Law Review* 5, no. 1 (June 1, 2023): 22–41, <https://doi.org/10.20885/PLR.vol5.iss1.art2>.

However, the existence of Bajau Laut raises concerns, particularly for the protection of human rights and state sovereignty. Some states have the right to maintain their stability and security. Still, this right also intersects with the obligation to uphold human rights for every individual within their territory, namely, to grant citizenship status to marginalized and stateless Bajau Laut populations without discrimination. Addressing these concerns requires a legal framework that aligns with international best practices, such as ratifying the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on Reduction of Statelessness, which aim to implement legally binding arrangements within domestic law. Not many ASEAN member states have ratified the conventions, including Indonesia. This gap may also have legal consequences for states that do not ratify the conventions, potentially leading them to neglect international responsibility. Thus, this study aims to analyse the overlap between human rights and state sovereignty in the scope of implementing state responsibility for stateless persons and propose a legal framework within three countries in the region, such as a multilateral treaty or trilateral agreement on regulating the Bajau Laut people and recognizing their existence as a group that resides and settles not only within one state's territory.

2. METHOD

This study adopts a normative legal research method and relies on qualitative doctrinal analysis of primary and secondary legal materials. Primary sources include international legal instruments on statelessness and human rights, particularly the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as other relevant human rights treaties. Secondary sources consist of national legislation and policy documents from Indonesia, Malaysia, and the Philippines, as well as scholarly books, peer-reviewed journal articles, official institutional reports, and other credible academic materials.

Four legal approaches are applied in this research. First, a statutory approach is used to examine domestic laws and regulations on nationality, civil registration, and migration control in Indonesia, Malaysia, and the Philippines, as well as relevant international legal instruments on statelessness. Second, a comparative legal approach is employed to compare how the three states regulate the legal status of the Bajau Laut and address statelessness within their respective legal systems. Third, a conceptual approach is used to clarify and analyse key legal concepts, including state sovereignty, the right to nationality, statelessness, and state responsibility under international human rights law. Fourth, an international law approach is applied to assess the extent to which domestic legal frameworks and state practices in the three countries align with international standards on statelessness and the protection of indigenous and vulnerable communities.

The comparative analysis is carried out by identifying relevant legal norms in each country, mapping similarities and differences in nationality law, civil registration mechanisms, and administrative practices affecting mobile maritime communities, and then assessing their

consistency with international legal obligations. The legal materials are analysed through systematic interpretation and normative evaluation to identify legal gaps, inconsistencies, and areas where regional cooperation within ASEAN could strengthen the protection of the Bajau Laut's right to nationality.

3. RESULTS AND DISCUSSION

3.1 Indonesia, Malaysia, and the Philippines in Addressing the Statelessness of the Bajau Laut People

3.1.1 Legal Status of Bajau Laut People: Historical and Socio-Legal Overview

Historically, the Bajau Laut developed as maritime communities whose social organisation, livelihood, and territorial belonging were structured around mobility across sea spaces rather than permanent settlement within a fixed territory.¹³ Their role as navigators, divers, and maritime traders across the Sulu Archipelago, the Celebes Sea, and surrounding waters predates the formation of modern nation-states in Southeast Asia. This historical pattern of mobility carries important legal consequences in the contemporary period. Modern citizenship regimes are territorially grounded and presuppose stable residence, fixed domicile, and birth registration within a clearly defined state jurisdiction. The historical absence of permanent territorial attachment among the Bajau Laut has therefore placed them in structural tension with nationality laws that rely on territorial presence (*jus soli*), descent (*jus sanguinis*), and formal civil registration as gateways to citizenship.¹⁴

The transformation of maritime spaces into bordered national territories has further altered the legal status of the Bajau Laut. Practices that were historically normalised within pre-colonial maritime polities—such as seasonal movement, cross-border navigation, and residence on houseboats or coastal waters—are now reclassified within national legal systems as irregular migration, unlawful residence, or threats to border security.¹⁵ This legal reclassification produces concrete consequences: exclusion from civil registration systems, denial of nationality documentation, restricted access to public services, and exposure to immigration enforcement. As a result, the Bajau Laut's historically mobile way of life has been juridically reinterpreted as non-compliance with modern administrative and citizenship regimes, contributing directly to their contemporary condition of de facto and de jure statelessness across Indonesia, Malaysia, and the Philippines.¹⁶

¹³ The Aquatic Ape, "Bajau Laut," The Aquatic Ape, n.d.

¹⁴ Kusuma Pradiptajati, "The Last Sea Nomads of the Indonesian Archipelago: Genomic Origins and Dispersal," *European Journal of Human Genetics*, May 2017, 1009, <https://doi.org/https://doi.org/10.1038/ejhg.2017.88>.

¹⁵ Mujiono Dadang I K, "The Sea People of Southeast Asia: Forgotten Guardians of Maritime Security," *The Diplomat*, February 15, 2025.

¹⁶ Andal Aireen Grace, "Nomadic Boat-Dwelling Children of Southeast Asia: Discourses on the Sama-Bajau Children and Implications on Decentering Child Migration Studies," *Children & Society* 39 (January 2023): 653, <https://doi.org/https://doi.org/10.1111/chso.12686>.

From a socio-legal perspective, the historical transformation of maritime mobility into a condition of legal marginality reflects a deeper structural incompatibility between state-centric legal systems and fluid patterns of identity and territorial belonging. The Bajau Laut case demonstrates that statelessness is not merely the absence of nationality but a product of legal frameworks that privilege sedentary populations and territorially fixed identities. This structural bias produces a form of systemic exclusion in which mobility is reclassified as irregularity, thereby legitimizing administrative inaccessibility and regulatory neglect. Consequently, addressing the legal status of the Bajau Laut requires a reconceptualization of citizenship beyond rigid territorial parameters toward more inclusive and context-sensitive models that recognize mobility as a legitimate basis for legal identity. Such an approach would not only align domestic legal systems with evolving international human rights standards but also contribute to a more adaptive and equitable framework for governing transboundary maritime communities.

3.1.2 Nomadic Identity, Indigenous Status, and Citizenship Challenges of the Bajau Laut

The Bajau Laut have long lived as maritime nomads, with ways of life that depend on mobility across sea spaces rather than permanent settlement within the territory of a single state. This historical pattern of movement does not sit easily with modern legal and administrative systems, which are built around fixed residence and stable domicile. As a result, nomadic communities are widely recognised as particularly vulnerable to statelessness, especially because they often fall outside territory-based civil registration and nationality regimes.¹⁷ For the Bajau Laut, this structural tension between historical mobility and contemporary administrative requirements has produced persistent gaps in documentation and limited their access to formal nationality attribution processes.¹⁸

At the same time, the Bajau Laut may also be situated within the framework of indigenous peoples under international law, particularly when assessed against criteria such as historical continuity, distinct cultural identity, and self-identification. International instruments recognise that indigenous status is closely linked to the protection of cultural identity and social institutions, as well as to guarantees against discrimination.¹⁹ In practice, however, recognition as an indigenous community does not automatically translate into recognition of nationality under domestic legal systems. This is especially evident where states do not formally accommodate mobile maritime groups within their constitutional or statutory frameworks, leaving communities such as the Bajau Laut legally marginalised despite their long-standing presence in the region.

¹⁷ Alexander Heather, “The Nationality and Statelessness of Nomads Under International Law: With a Comprehensive Examination of the Nationality and Statelessness of Former Bedouin in Kuwait, Tuareg in Mali and Sama Dilaut (Bajau Laut) in Malaysia” (Tilburg University, 2020), <https://doi.org/https://dx.doi.org/10.2139/ssrn.3762178>.

¹⁸ Wan Hassan, Wan Shawaluddin, and Diana Peters. “The Vulnerability of Bajau Laut as Stateless People in Sabah.” *eJurnal Ketahanan Nasional* 26, no. 2 (2021). <https://doi.org/10.51200/ejk.v26i2.2771>

¹⁹ Gocke Katja, *Indigenous Peoples in International Law, Göttingen Studies in Cultural Property* (Göttingen: Göttingen University Press, 2013).

Statelessness itself is defined in international law as the condition of not being considered a national by any state under the operation of its law. While nomadic or indigenous identity does not in itself cause statelessness, the interaction between these identities and territorially grounded citizenship regimes significantly increases vulnerability in practice.²⁰ Nationality laws based on *jus soli* (birth within a territory) and *jus sanguinis* (descent) rely heavily on documentation and registration processes that mobile communities often cannot easily access. As a result, children born at sea or in border areas may fall outside both nationality regimes, creating cycles of *de facto* and *de jure* statelessness that can persist across generations.²¹

International human rights law further requires that states refrain from discrimination in the acquisition, retention, and deprivation of nationality on prohibited grounds such as ethnicity or social status. When nationality laws and administrative practices systematically disadvantage mobile maritime or indigenous communities such as the Bajau Laut, this may amount to indirect discrimination that is incompatible with international human rights obligations.²² The continued exclusion of the Bajau Laut from effective civil registration and nationality determination mechanisms, therefore, carries concrete legal consequences, including limited access to public services, exposure to immigration enforcement, and prolonged legal invisibility within state systems.²³

From an analytical perspective, the intersection between nomadic identity, indigenous status, and citizenship regimes reveals a fundamental tension within contemporary legal systems that remain predominantly territorial and sedentary in orientation. The Bajau Laut exemplify how overlapping identity frameworks do not necessarily translate into legal inclusion, as recognition as an indigenous community does not automatically secure access to nationality within state-based citizenship structures. This disjunction highlights the limitations of existing legal categories in accommodating fluid and transboundary forms of belonging, where mobility becomes a source of vulnerability rather than a recognized socio-legal characteristic. Moreover, the interaction with environmental pressures, including climate change and coastal degradation, further intensifies this vulnerability by disrupting traditional livelihoods and increasing forced settlement, thereby exposing the inadequacy of rigid citizenship frameworks in responding to dynamic socio-ecological realities. Consequently, addressing citizenship challenges among the Bajau Laut requires a multidimensional approach that integrates legal recognition, adaptive

²⁰ Alexander, Heather. "The Nationality and Statelessness of Nomads under International Law: With a Comprehensive Examination of the Nationality and Statelessness of Former Bedouin in Kuwait, Tuareg in Mali and Sama Dilaut (Bajau Laut) in Malaysia." PhD diss., Tilburg University, 2020. <https://doi.org/10.2139/ssrn.3762178>

²¹ Bauböck, Rainer, ed. "Citizenship and Statelessness." In *The Oxford Handbook of Citizenship*. (Oxford: Oxford University Press, 2020).

²² Nurmawati, Made. "The Stateless Person in Indonesia: Consequences and Legal Protection." *Jurnal Mahasiswa Hukum Udayana* 11, no. 1 (2022). <https://doi.org/10.24843/JMHU.2022.v11.i01.p06>

²³ Abil, Shaka, Penan, and Deligöz. "Legal Protection of Stateless Persons in Indonesia: Human Rights Dimensions." *Hang Tuah Law Journal* 6, no. 2 (2023). <https://doi.org/10.30649/htlj.v6i2.112>

governance, and socio-environmental considerations, ensuring that identity-based inclusion is matched by effective access to rights and state protection.

3.1.3 Comparison of Legal Framework

The Bajau Laut people, known as sea nomads, inhabit the maritime border regions of Indonesia, Malaysia, and the Philippines, and embody a unique ethno-cultural identity closely tied to the ocean. Their traditionally nomadic lifestyle—marked by dwelling on houseboats and seasonal migration—has long challenged the territorial logic of modern nation-states. As indigenous peoples navigating archipelagic geographies, the Bajau Laut face multi-layered vulnerabilities: lack of formal citizenship, marginal access to state services, and growing environmental displacement due to climate change. While statelessness among the Bajau Laut is a transnational phenomenon, the legal responses to this issue vary significantly across the three countries. Each state's legal framework reflects a different intersection of constitutional recognition of indigenous peoples, citizenship regimes, and marine governance policies. This section provides a comparative analysis of how Indonesia, Malaysia, and the Philippines regulate—or fail to regulate—the stateless condition of the Bajau Laut, and how these frameworks respond to broader issues of nomadic identity, indigenous rights, archipelagic citizenship, and climate vulnerability.²⁴

In Indonesia, Malaysia, and the Philippines, the governance of stateless persons is frequently subordinated to migration control and border security policies. Malaysia's enforcement practices in Sabah illustrate how stateless Bajau Laut communities are treated as irregular migrants, subject to eviction and demolition without adequate human rights safeguards. Indonesia adopts a more administrative approach to population registration but lacks a specific statelessness determination procedure, leaving the Bajau Laut in legal limbo. The Philippines provides stronger normative recognition of indigenous groups, yet maritime border enforcement and anti-illegal fishing policies often override human rights considerations for mobile sea peoples. This comparative pattern reflects a broader regional trend in which statelessness is governed not as a human rights issue but as a matter of security and immigration control, producing systematic legal exclusion in border zones.

In addition to differences in constitutional and citizenship law, comparative scholarship highlights two structural causes of statelessness affecting maritime nomads: the tension between indigenous recognition regimes and nationality law, and the securitization of statelessness through migration control. While the Philippines' Indigenous Peoples' Rights Act provides a normative basis for inclusion, Indonesia and Malaysia adopt more conditional or fragmented recognition of indigenous identity, reinforcing the exclusion of mobile sea communities.

²⁴ Hassan Wan Shawaluddin Wan and Peters Diana, "The Vulnerability Of Bajau Laut As Stateless People In Sabah," *Jurnal Kinabalu Bil* 26 (December 2020), <https://doi.org/https://doi.org/10.51200/ejk.v26i2.2771>.

3.1.4 Indonesia: Citizenship Law and Recognition of Bajau Laut Rights

Indonesia's nationality regime is primarily based on *jus sanguinis*, with limited preventive elements aimed at reducing childhood statelessness under Law Number 12 of 2006 on Citizenship. The law provides Indonesian nationality to children born in Indonesian territory whose parents are unknown or whose nationality cannot be determined, as well as to foundlings discovered within Indonesian territory, reflecting a formal commitment to preventing childhood statelessness.²⁵ However, in practice, these safeguards remain difficult to access for mobile maritime communities such as the Bajau Laut, whose births often occur at sea or in remote coastal settlements far from civil registration offices. As a result, many Bajau children grow up without birth certificates, which undermines their ability to claim nationality rights in practice.

This gap reveals a structural weakness in Indonesia's citizenship framework: although the law contains preventive clauses, their effectiveness depends on territorially fixed, administratively demanding civil registration systems that are ill-suited to highly mobile communities. For maritime nomads, the absence of tailored registration mechanisms turns formal legal protection into a largely symbolic guarantee rather than an enforceable right.²⁶

At the international level, Indonesia's decision not to ratify the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness further weakens the normative foundation of its approach to statelessness. While domestic law incorporates limited preventive measures, the absence of binding international commitments reduces normative pressure to develop comprehensive protection mechanisms for stateless persons and those at risk of statelessness. This reflects a sovereignty-oriented approach that prioritises state discretion over nationality determination, often at the expense of effective human rights protection.²⁷

From a legal and governance perspective, Indonesia's citizenship framework reflects a formal commitment to preventing statelessness but reveals a significant implementation gap when applied to mobile maritime communities. This discrepancy highlights a structural limitation of territorially grounded administrative systems that are not designed to accommodate fluid patterns of residence and identity. As a result, the effectiveness of preventive provisions in nationality law is contingent not only on their normative design but also on the adaptability of administrative mechanisms to reach geographically and socially marginalised populations. In this context, the Bajau Laut case illustrates how legal protection can become functionally exclusionary when access to documentation serves as the primary gateway to citizenship.

²⁵ Safrin Salam, "Perlindungan Hukum Hak Bermukim Suku Bajo di Indonesia, Salah Satu Bentuk Implementasi Hak Asasi Manusia," *Jurnal Bina Hukum Lingkungan* 8 (2024), <https://doi.org/10.24970/bhl.v8i2.257>

²⁶ Gluck Caroline, "Ensuring the Rights of Nomadic Seafarers," UNHCR US, September 25, 2019.

²⁷ Istikhomah, "Kebijakan Hukum Terhadap Individu Tanpa Kewarganegaraan Berdasarkan Perspektif Hak Asasi Manusia Dan Konstitusi," *Refleksi Hukum: Jurnal Ilmu Hukum* 9 (2025), <https://doi.org/https://doi.org/10.24246/jrh.2025.v9.i2.p237-258>.

Therefore, addressing statelessness in Indonesia requires a shift from a documentation-based approach toward a more inclusive and flexible governance model that integrates mobile civil registration, community-based verification, and targeted legal recognition mechanisms, ensuring that citizenship rights are substantively realized rather than merely formally guaranteed.

3.1.5 Malaysia: State Regulation and Securization of Bajau Laut

Malaysia's citizenship regime is primarily governed by the Federal Constitution, which reflects a restrictive *jus sanguinis* orientation and grants the state-wide discretion in determining nationality. In practice, this constitutional design leaves children of stateless or undocumented Bajau Laut parents born in Sabah outside the scope of automatic citizenship, despite their long-term presence in Malaysian territory. This constitutional rigidity has significant legal consequences: the absence of nationality status renders Bajau Laut communities legally invisible, exposing them to immigration enforcement while denying them access to basic social rights. Malaysia's continued decision not to ratify the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness further reinforces this sovereignty-centred approach to nationality governance, with limited normative constraints from international law.

In Sabah, the regulation of the Bajau Laut is strongly shaped by a securitization paradigm. The presence of mobile maritime communities is frequently framed as a security concern linked to cross-border crime and instability in the Sulu–Sabah maritime corridor, which, in public discourse, is associated with smuggling routes and the activities of armed groups such as Abu Sayyaf. This security framing has normalised extraordinary measures against Bajau Laut settlements, treating them primarily as security risks rather than as rights-bearing communities. The use of securitization rhetoric narrows policy choices, making coercive enforcement appear necessary and marginalising human rights considerations in policy design.²⁸

This paradigm became visible in 2024, when Malaysian authorities carried out large-scale demolitions and evictions of Bajau Laut stilt houses in Sabah. Human rights institutions, including the Human Rights Commission of Malaysia (SUHAKAM), criticised these actions for being undertaken without meaningful consultation with affected communities or humanitarian organisations.²⁹ SUHAKAM stressed that security and environmental protection objectives must be pursued in ways that respect the basic rights and dignity of the Bajau Laut, including by providing displaced families with temporary shelter, healthcare, and access to education.³⁰

²⁸ Leong Mandy, Hussein Hasnoor, and Latiff Rozanna, "Malaysia's Eviction of Sea Nomads Casts Light on Precarious Lives," Reuters, October 14, 2024.

²⁹ R. Zurairi A, "Suhakam Says Has Its Eye on Sabah Govt after Bajau Laut Homes Demolished in Controversial Eviction," Malaymail, June 9, 2024.

³⁰ Suhakam, "Suhakam Calls For Immediate Suspension Of Evictions And For Humane Solutions In Semporna," *Suhakam* (Kuala Lumpur: Suhakam, August 14, 2024).

From a human rights perspective, these enforcement measures raise serious concerns under the principle of proportionality. While states are entitled to pursue legitimate aims such as border security and environmental protection, restrictions on fundamental rights must be suitable, necessary, and proportionate to the stated objectives. The mass eviction and destruction of homes, carried out without adequate safeguards or viable alternatives for affected families, appears difficult to justify as the least restrictive means of achieving security goals. The reliance on forceful removal, rather than negotiated relocation or regularisation mechanisms, reflects a policy choice that prioritises territorial control over the protection of vulnerable communities.

Moreover, the failure of initiatives such as the Pas Sementara Sabah (PSS) scheme illustrates how securitization has also shaped public attitudes and political resistance to legal regularisation. Proposed as a temporary documentation mechanism, the scheme was rejected amid fears that it would legitimise “illegal” populations, reinforcing exclusionary narratives around the Bajau Laut. In a context where local socioeconomic pressures and competition over resources already fuel resentment, the securitization of stateless maritime communities’ risks entrenches structural discrimination. It perpetuates legal marginalisation rather than resolving the underlying problem of statelessness.³¹

From an analytical standpoint, the securitization of the Bajau Laut in Malaysia reflects a broader governance paradigm in which migration control and national security considerations override human rights obligations, thereby reshaping the legal identity of vulnerable communities into objects of risk management. This dynamic illustrates how securitization operates not only as a policy choice but also as a discursive framework that legitimizes exclusionary legal practices and narrows the scope of rights-based interventions. In this context, the Bajau Laut are positioned within a legal grey zone where the absence of nationality is conflated with illegality, reinforcing cycles of marginalization and limiting access to protection mechanisms. Consequently, addressing statelessness in Sabah requires a shift from a security-centric approach toward a human security framework that integrates proportionality, due process, and rights-based regularization measures. Such a reorientation would enable the state to maintain legitimate security objectives while simultaneously ensuring that governance practices do not perpetuate structural discrimination against stateless maritime communities.

3.1.6 Philippines: Citizenship Law and Proactive Initiatives for Bajau Laut

Among the three countries, the Philippines has the most progressive approach to the Sama-Bajau (Bajau) community. The Philippines recognizes the Sama-Bajau as part of the Moro Nation and as one of the indigenous groups in the southern Philippines. Republic Act No. 8371 of 1997, the Indigenous Peoples' Rights Act (IPRA), provides a framework for the protection of indigenous peoples' rights, including the right to customary lands and territories, the right to preserve

³¹ Schiff Jennifer S., “Masquerading as Compliance: Tracing Canada’s Policy Implementation of the Human Right to Water,” *Journal of Human Rights Practice* 8 (May 9, 2016), <https://doi.org/https://doi.org/10.1093/jhuman/huw006>.

culture, and the right to representation through the National Commission on Indigenous Peoples (NCIP). (Congress of the Philippines, 1997) The Commission's involvement in empowerment programs for the Bajau Laut People shows that the state views them within the framework of indigenous peoples who must be protected, rather than as illegal immigrants. This recognition is important because it places the Bajau in the category of citizens who are entitled to special affirmative treatment, such as indigenous education and health programs. While the concept of ancestral domain for marine nomadic communities is complex, the Republic Act on the Indigenous Peoples' Rights provides for the recognition of traditional marine territories as part of the customary domain (in practice, this has not been fully realized for the Bajau Laut). Nevertheless, customary recognition facilitates the integration of the Bajau in Philippine national policy.

The Philippines became the first and only country in Southeast Asia to adopt a national action plan to end statelessness.³² The Philippine government identified the Sama-Bajau as one of the five population groups at risk of statelessness that it prioritizes addressing. There are an estimated 10,000-15,000 Sama-Bajau people in the Mindanao region and the Sulu archipelago, of whom around 85% lack birth certificates. This figure shows how vulnerable this community is to losing access to basic services if its status is not recognized.

Following up on the National Action Plan, the government, together with UNHCR and UNICEF, implemented a birth registration drop-in program in Bajau communities. For example, in 2019-2020, a pilot project was implemented in the Bajau community of Zamboanga to assist in the registration of 1,500 undocumented people. The Philippines took the innovative step of involving the judiciary in resolving statelessness. In February 2022, the Supreme Court of the Philippines issued the Rule on Facilitated Naturalization of Refugees and Stateless Persons (Order No. 21-07-22-SC), which simplified naturalization procedures for refugees and apatrides.³³ Thanks to these efforts, the legal status of the Bajau community in the Philippines is relatively better than in Malaysia.

3.2 Legal Protection of Bajau Laut People Through Cooperation and Harmonization of International Law

3.2.1 Institutional Pathways for Trilateral and Sub-Regional Cooperation

Existing cooperation mechanisms among Indonesia, Malaysia, and the Philippines offer a realistic institutional entry point for addressing the cross-border nature of Bajau Laut statelessness. Sub-regional frameworks such as BIMP-EAGA, which encompass Sabah, Mindanao, and eastern Indonesia, have long facilitated coordination in economic development and regional connectivity. Although these mechanisms were not originally designed to address

³² UNHCR, "Citizenship Brings Hope to Stateless Minorities," UNHCR, November 10, 2020.

³³ Supreme Court of the Philippines, "SC Approves Rule on Facilitated Naturalization of REfugees and Stateless Persons," Supreme Court of the Philippines, February 16, 2022.

migration governance or statelessness, their established working groups and intergovernmental platforms can be gradually expanded to include issues of population mobility, civil registration, and humanitarian protection for maritime communities.³⁴

Likewise, the Indonesia–Malaysia–Philippines Trilateral Cooperative Arrangement (TCA) in the Sulu–Sulawesi Seas demonstrates that sustained operational cooperation is possible even in politically sensitive border zones. While the TCA was initially created as a maritime security initiative, joint patrol mechanisms possess the institutional capacity to incorporate limited humanitarian functions, such as identifying vulnerable maritime populations and providing basic assistance at sea.³⁵ This indicates that protection-oriented measures for stateless maritime communities can be embedded within existing security cooperation frameworks without undermining state control over borders.

The involvement of international organisations further strengthens the feasibility of such cooperation. UNHCR’s Global Action Plan to End Statelessness provides technical guidance on data collection, nationality law reform, and civil registration systems, which can be adapted to trilateral cooperation formats.³⁶ UNICEF’s experience in supporting birth registration initiatives in remote and coastal areas also offers practical models for preventing childhood statelessness among mobile populations.

3.2.2 Normative Models for Regional Protection

The formulation of normative models for regional protection must be grounded in a clear understanding of the structural limitations of existing legal frameworks in addressing cross-border statelessness. As demonstrated in the preceding analysis, current approaches within Indonesia, Malaysia, and the Philippines remain predominantly state-centric, fragmented, and heavily influenced by sovereignty and securitization considerations, which ultimately constrain the effective realization of the right to nationality for the Bajau Laut. Accordingly, there is a pressing need to move beyond purely doctrinal or nationally bounded solutions toward integrative normative frameworks that are both legally feasible and institutionally adaptable within the ASEAN context. Such models must reconcile the tension between state sovereignty and international human rights obligations by embedding flexibility, administrative practicality, and regional cooperation mechanisms. In this regard, the development of normative models is not merely a theoretical exercise but constitutes a strategic effort to translate international legal principles into operational governance tools capable of addressing the unique socio-spatial

³⁴ Hadyu Ikrami, “Sulu–Sulawesi Seas Patrol: Lessons from the Malacca Straits Patrol and Other Similar Cooperative Frameworks,” *The International Journal of Marine and Coastal Law* 33, no. 4 (2018): 799–826, <https://doi.org/10.1163/15718085-12334092>

³⁵ Rahmadanu Pradityo, “Maritime Insecurities in the Sulu and Sulawesi Seas,” *Jurnal Sosial Humaniora* 17, no. 1 (2024): 1–20, <https://doi.org/10.12962/j24433527.v17i1.18051>

³⁶ Assistant High Commissioner for Protection, “73rd Session of the Executive Committee of the High Commissioner’s Programme Statement by Gillian Triggs,” *International Journal of Refugee Law* 35 (2023), <https://doi.org/10.1093/ijrl/ead015>

characteristics of maritime nomadic communities. To avoid purely speculative proposals, this study formulates three normative models that are legally feasible within existing regional and international frameworks.

Model 1 – Ratification-Based Harmonization

This model emphasises the alignment of legal standards through ratification and domestic incorporation of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Comparative research on ASEAN legal frameworks shows that safeguards against childhood statelessness remain uneven and are often weak in practice, even where formal legal provisions exist.³⁷ In Indonesia, for instance, scholars note that reforms in nationality law have not been matched by effective implementation for children born without documentation.³⁸ This suggests that ratification must be accompanied by administrative reform and accessible registration mechanisms to have a meaningful impact.

Model 2 – Trilateral Administrative Mechanism

This model proposes establishing a Trilateral Task Force, facilitated by UNHCR, to coordinate civil registration outreach, data sharing, and statelessness determination procedures for the Bajau Laut. Empirical studies on statelessness in Indonesia indicate that administrative barriers, rather than the absence of legal norms alone, are a primary driver of continued vulnerability for stateless persons.³⁹ A trilateral administrative mechanism, therefore, offers a pragmatic means of operationalising human rights obligations without directly challenging domestic sovereignty over nationality law.

Model 3 – Regional Identity and Mobility Framework (ASEAN-Compatible)

Rather than proposing a form of “regional citizenship,” this model conceptualises the ASEAN Sea Nomad Card as a humanitarian and administrative identity document grounded in ASEAN’s human security commitments and sub-regional cooperation practices. The legal feasibility of such non-binding arrangements is supported by ASEAN’s evolving practice of functional cooperation in human rights-related fields, even as the non-interference principle remains relevant.⁴⁰ Properly framed, this instrument would facilitate access to basic services and prevent arbitrary detention without altering the constitutional authority of states over nationality determination.

³⁷ Rodziana Mohamed Razali, ed., *Safeguarding against Statelessness at Birth: International Law and Domestic Legal Frameworks of ASEAN Member States* (Singapore: Springer Nature, 2023), <https://doi.org/10.1007/978-981-19-5371-2>

³⁸ Zendy Wulan Ayu Widhi Prameswari, Erni Agustin, and Stefania Arshanty Felicia, “A Review of Indonesian Nationality Law: Progress toward the Achievement of SDGs for Every Child,” *Journal of Southeast Asian Human Rights* 7 (2024): 1–15, <https://doi.org/10.19184/jseahr.v7i1.35080>

³⁹ Fadji Khalid and Budi Ardianto, “Stateless Person dalam Tinjauan Hukum Nasional dan Hukum Internasional di Indonesia,” *Uti Possidetis: Journal of International Law* 1, no. 3 (2020): 277–309, <https://doi.org/10.22437/up.v1i3.10873>

⁴⁰ Arum Widiastuti, “Perspektif ASEAN terhadap Prinsip Non-Intervensi,” *USM Law Review* 5, no. 1 (2022), <https://doi.org/10.26623/julr.v5i1.4802>

Taken together, these normative models indicate that regional protection for stateless maritime communities is best understood as a process of layered and adaptive governance rather than a single, uniform legal solution. The interaction between formal legal harmonization through treaty ratification, pragmatic administrative coordination, and flexible regional instruments demonstrates that effective protection can be achieved without undermining state sovereignty. This layered approach allows states to incrementally internalize international norms while maintaining control over nationality determination, thereby reducing political resistance within the ASEAN framework. From a theoretical standpoint, this finding advances the concept of hybrid governance in international law, where binding norms, soft-law mechanisms, and administrative practices function in a complementary manner to address complex cross-border issues. Accordingly, the viability of these models ultimately depends on the ability of states to align legal commitments with institutional capacity, political willingness, and sustained intergovernmental trust, ensuring that normative frameworks are translated into concrete and accessible protection for vulnerable communities such as the Bajau Laut.

3.2.3 ASEAN Non-Interference and Feasibility Constraints

Nationality law remains a core attribute of state sovereignty, and ASEAN's non-interference principle limits the scope of binding regional intervention in domestic legal systems. Nevertheless, ASEAN practice demonstrates that non-interference has evolved into a flexible, context-sensitive principle rather than an absolute barrier. Soft-law instruments, technical cooperation, and sub-regional arrangements have increasingly been used to address transboundary human rights concerns without creating supranational authority.⁴¹

This practice creates legal and institutional space for trilateral administrative cooperation on Bajau Laut statelessness. Such cooperation does not intrude upon constitutional control over nationality but instead complements domestic systems by facilitating coordination, information-sharing, and minimum humanitarian safeguards. In this respect, the proposed models operate within, rather than against, ASEAN's normative framework.⁴²

From a broader governance perspective, the ASEAN non-interference principle should not be interpreted as a rigid legal barrier but rather as a flexible normative framework that shapes the modality of regional cooperation. The empirical and institutional analysis suggests that feasibility constraints are less a function of legal impossibility than of political calibration, where states strategically balance sovereignty concerns with functional cooperation needs. In this regard, the gradual evolution of ASEAN practices toward soft-law instruments, technical coordination, and sub-regional arrangements reflects an emerging pattern of pragmatic

⁴¹ Acharya, Amitav. *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order*. 2nd ed. London: Routledge, 2014. <https://doi.org/10.4324/9781315767929>

⁴² Jones, Lee. "ASEAN's Unchanged Melody? The Theory and Practice of 'Non-Interference' in Southeast Asia." *The Pacific Review* 23, no. 4 (2010): 479–502. <https://doi.org/10.1080/09512748.2010.495997>

regionalism that accommodates sensitive issues without formal supranationalization. This indicates that the protection of stateless maritime communities such as the Bajau Laut can be advanced through context-sensitive mechanisms that operate within existing sovereignty boundaries while incrementally expanding human rights protection. Consequently, the feasibility of such initiatives ultimately depends on the ability of member states to reconceptualize non-interference as enabling cooperative engagement rather than restricting it, thereby transforming normative constraints into opportunities for adaptive and inclusive regional governance.

3.2.4 Domestic Implementation of International Statelessness Norms

Harmonization requires more than formal ratification of international instruments. Research on Indonesian nationality law and statelessness highlights persistent gaps between international human rights standards and domestic implementation, particularly in birth registration procedures, recognition of statelessness as a legal status, and access to documentation for mobile populations.⁴³ Without domestic legal and administrative reform, regional cooperation risks remaining symbolic rather than transformative.

Accordingly, the incorporation of international statelessness norms into domestic legal frameworks should be understood as a substantive human rights obligation. Effective harmonization requires statutory amendments, the establishment of statelessness determination procedures, and practical mechanisms that enable mobile and marginalised communities such as the Bajau Laut to access documentation and basic legal protection.⁴⁴ In this context, the effectiveness of harmonization ultimately depends on the extent to which domestic legal systems are capable of translating international norms into operational and inclusive administrative practices. This requires not only formal alignment of legislation but also the development of adaptive governance mechanisms that are responsive to the socio-spatial characteristics of mobile maritime communities. Without such transformation, the incorporation of international statelessness norms risks remaining procedural rather than substantive, thereby perpetuating legal exclusion under the guise of compliance. Therefore, harmonization should be conceptualized as a dynamic process that integrates legal reform, institutional capacity building, and community-centered approaches, ensuring that the recognition of nationality and legal identity is not merely a normative commitment but a practically accessible right for vulnerable groups such as the Bajau Laut.

4. CONCLUSION

This study demonstrates that the legal regulation of Bajau Laut statelessness in Indonesia, Malaysia, and the Philippines remains fragmented and structurally inadequate, primarily due to territorially grounded nationality regimes that fail to accommodate mobile maritime

⁴³ Van Waas, Laura. *Nationality Matters: Statelessness under International Law*. (Antwerp: Intersentia, 2008).

⁴⁴ Batchelor, Carol. "Transforming International Legal Principles into National Law: The Right to a Nationality and the Avoidance of Statelessness." *Refugee Survey Quarterly* 25, no. 3 (2006): 8–25. <https://doi.org/10.1093/rsq/hdi0276>

communities. The findings reveal that state practices are largely shaped by sovereignty-driven considerations, particularly security and migration control, resulting in persistent legal invisibility and intergenerational statelessness. While the Philippines exhibits relatively stronger normative alignment with international standards, implementation gaps remain evident, whereas Malaysia's securitization approach and Indonesia's limited administrative mechanisms further exacerbate exclusion. The key contribution of this study lies in reframing statelessness as a cross-border governance issue that cannot be effectively addressed through unilateral domestic frameworks, but instead requires a coordinated regional approach. By integrating international legal norms, ASEAN's cooperative mechanisms, and sub-regional institutional practices, this research advances a hybrid governance model that reconciles state sovereignty with human rights obligations. The study implies that meaningful protection depends on the alignment between normative commitments and implementation capacity, necessitating domestic legal reforms, the establishment of statelessness determination procedures, and the expansion of accessible civil registration systems. At the regional level, trilateral cooperation and administrative coordination offer feasible pathways to operationalize protection without undermining sovereignty. Without such integrative and adaptive measures, efforts to address Bajau Laut statelessness risk remaining symbolic rather than transformative.

REFERENCES

- Acciaoli, Greg, Helen Brunt, and Julian Clifton. "Foreigners Everywhere, Nationals Nowhere: Exclusion, Irregularity, and Invisibility of Stateless Bajau Laut in Eastern Sabah, Malaysia." *Journal of Immigrant & Refugee Studies* 15 (August 2017): 233–34. <https://doi.org/https://doi.org/10.1080/15562948.2017.1319526>.
- Ahirullah, Rajab. "The Role of the International Community and the Responsibility of States to the Existence of Stateless Nations from a Human Rights Perspective." *Journal of Public Representative and Society Provision* 6, no. 1 (February 6, 2026): 182–97. <https://doi.org/10.55885/jprsp.v6i1.767>.
- Alexander, Heather. "The Nationality and Statelessness of Nomads under International Law: With a Comprehensive Examination of the Nationality and Statelessness of Former Bedouin in Kuwait, Tuareg in Mali and Sama Dilaut (Bajau Laut) in Malaysia." Tilburg University, 2020. <https://doi.org/https://dx.doi.org/10.2139/ssrn.3762178>.
- Andal, Aireen Grace. "Nomadic Boat-Dwelling Children of Southeast Asia: Discourses on the Sama-Bajau Children and Implications on Decentering Child Migration Studies." *Children & Society* 39 (January 2023): 653. <https://doi.org/https://doi.org/10.1111/chso.12686>.
- Arpanudin, Iqbal, and Dewantara Jagad Aditya. "Legality and Delayed Citizenship: The Identity Crisis of Indonesian Migrant Children in Sabah and Sarawak." *Jurnal Civics: Media Kajian Kewarganegaraan* 22 (2025). <https://doi.org/https://doi.org/10.21831/jc.v22i2.89429>.
- Assistant High Commissioner for Protection. "73rd Session of the Executive Committee of the High Commissioner's Programme Statement by Gillian Triggs." *International Journal of Refugee Law* 35 (October 9, 2023). <https://doi.org/https://doi.org/10.1093/ijrl/ead015>.

- Bauböck, Rainer, ed. *Citizenship and Statelessness*. In *The Oxford Handbook of Citizenship*. Oxford: Oxford University Press, 2020.
- Batchelor, Carol. “Transforming International Legal Principles into National Law: The Right to a Nationality and the Avoidance of Statelessness.” *Refugee Survey Quarterly* 25, no. 3 (2006): 8–25. <https://doi.org/10.1093/rsq/hdi0276>.
- Cairns, Rebecca. “They’ve Sailed across Southeast Asia for Centuries. Now, These Sea Nomads Are Being Forced to Live on Land.” *CNN Climate*, November 26, 2024.
- Darmawan, Feby Dwiki, Dodik Setiawan, dan Nur Heriyanto. “Invoking International Human Rights Law To Prevent Statelessness of International Refugee Children Born in Indonesia.” *Prophetic Law Review* 5, no. 1 (June 1, 2023): 22–41. <https://doi.org/10.20885/PLR.vol5.iss1.art2>.
- Fadjri, Khalid, and Budi Ardianto. “Stateless Person dalam Tinjauan Hukum Nasional dan Hukum Internasional di Indonesia.” *Uti Possidetis: Journal of International Law* 1, no. 3 (2020): 277–309. <https://doi.org/10.22437/up.v1i3.10873>.
- Gluck, Caroline. “Ensuring the Rights of Nomadic Seafarers.” *UNHCR US*, September 25, 2019.
- Gocke, Katja. *Indigenous Peoples in International Law*. Göttingen Studies in Cultural Property. Göttingen: Göttingen University Press, 2013.
- Hassan, Wan Shawaluddin Wan, and Diana Peters. “The Vulnerability of Bajau Laut as Stateless People in Sabah.” *Jurnal Kinabalu Bil* 26 (December 2020). <https://doi.org/https://doi.org/10.51200/ejk.v26i2.2771>.
- Ikrami, Hadyu. “Sulu–Sulawesi Seas Patrol: Lessons from the Malacca Straits Patrol and Other Similar Cooperative Frameworks.” *The International Journal of Marine and Coastal Law* 33, no. 4 (November 13, 2018): 799–826. <https://doi.org/10.1163/15718085-12334092>.
- Istikhomah. “Kebijakan Hukum terhadap Individu Tanpa Kewarganegaraan Berdasarkan Perspektif Hak Asasi Manusia dan Konstitusi.” *Refleksi Hukum: Jurnal Ilmu Hukum* 9 (2025). <https://doi.org/https://doi.org/10.24246/jrh.2025.v9.i2.p237-258>.
- Jones, Lee. “ASEAN’s Unchanged Melody? The Theory and Practice of ‘Non-Interference’ in Southeast Asia.” *The Pacific Review* 23, no. 4 (2010): 479–502. <https://doi.org/10.1080/09512748.2010.495997>.
- Kusuma, Pradiptajati. “The Last Sea Nomads of the Indonesian Archipelago: Genomic Origins and Dispersal.” *European Journal of Human Genetics*, May 2017, 1009. <https://doi.org/https://doi.org/10.1038/ejhg.2017.88>.
- Leong, Mandy, Hussein Hasnoor, and Latiff Rozanna. “Malaysia’s Eviction of Sea Nomads Casts Light on Precarious Lives.” *Reuters*, October 14, 2024.
- Mujiono, Dadang I. K. “The Sea People of Southeast Asia: Forgotten Guardians of Maritime Security.” *The Diplomat*, February 15, 2025.
- Nurmawati, Made. “The Stateless Person in Indonesia: Consequences and Legal Protection.” *Jurnal Mahasiswa Hukum Udayana* 11, no. 1 (2022). <https://doi.org/10.24843/JMHU.2022.v11.i01.p06>.
- Pornnapat, Suwalak, Noichim Chukeat, and Kanthawee Phitsanuruk. “Scoping the ASEAN and the ‘ASEAN Way’ on the Healthcare Policies for Stateless in ASEAN Member States During COVID-19.” *Discover Health Systems* 4 (February 2025): 2. <https://doi.org/https://doi.org/10.1007/s44250-025-00193-y>.

- Pradityo, Rahmadanu. "Maritime Insecurities in the Sulu and Sulawesi Seas." *Jurnal Sosial Humaniora* 17, no. 1 (July 31, 2024): 1–20. <https://doi.org/10.12962/j24433527.v17i1.18051>.
- Pramana Syahla Ailani and Tedjabuwana Rosa. "Kedudukan Stateless Person dalam Pemenuhan dan Perlindungan Hak untuk Bekerja di Negara Transit Berdasarkan Hukum Internasional." *UNES Law Review* 9 (October 3, 2025).
- Pramana Syahla dan Tedjabuwana Rosa. "Kedudukan Stateless Person dalam Pemenuhan dan Perlindungan Hak untuk Bekerja di Negara Transit Berdasarkan Hukum Internasional." *UNES Law Review* 7 (September 2024): 229. <https://doi.org/https://doi.org/10.31933/unesrev.v7i1>.
- Razali, Rodziana Mohamed, ed. *Safeguarding against Statelessness at Birth: International Law and Domestic Legal Frameworks of ASEAN Member States*. Singapore: Springer Nature, 2023. <https://doi.org/10.1007/978-981-19-5371-2>.
- Rachman, Salim Hananda, and Widodo Hananto. "Perlindungan Hukum terhadap Stateless Person di Indonesia." *Novum: Jurnal Hukum* 4 (January 15, 2017).
- Safrin, Salam. "Perlindungan Hukum Hak Bermukim Suku Bajo di Indonesia, Salah Satu Bentuk Implementasi Hak Asasi Manusia." *Jurnal Bina Hukum Lingkungan* 8 (2024). <https://doi.org/https://doi.org/10.24970/bhl.v8i2.257>.
- Schiff, Jennifer S. "Masquerading as Compliance: Tracing Canada's Policy Implementation of the Human Right to Water." *Journal of Human Rights Practice* 8 (May 9, 2016). <https://doi.org/https://doi.org/10.1093/jhuman/huw006>.
- Suhakam. "SUHAKAM Calls for Immediate Suspension of Evictions and for Humane Solutions in Semporna." Kuala Lumpur: Suhakam, August 14, 2024.
- Supreme Court of the Philippines. "SC Approves Rule on Facilitated Naturalization of Refugees and Stateless Persons." February 16, 2022.
- Tempo. "Asal-Usul Suku Bajo yang diusir Malaysia, Kerabatnya di Indonesia hingga Filipina." *Tempo*, June 13, 2024.
- . "Malaysia Bakar Rumah dan Usir Ratusan Suku Bajo yang Jadi Inspirasi Film Avatar." *Tempo*, June 9, 2024.
- The Aquatic Ape. "Bajau Laut." *The Aquatic Ape*, n.d.
- UNHCR. "Citizenship Brings Hope to Stateless Minorities." UNHCR, November 10, 2020.
- Van Waas, Laura. *Nationality Matters: Statelessness under International Law*. Antwerp: Intersentia, 2008.
- Wijayanti, Winda, and Ghoffar Abdul. *Dinamika Dwikewarganegaraan 199 negara di Dunia*. Depok: Rajawali Pers, 2022.
- Yunos, Siti Salwa Mohd, Kevin Fernandez, and Gayathri Muruga Subramaniam. "Pandemic Borders Policy: Securitizing Stateless People during COVID-19 in Sabah, Malaysia." *Otoritas: Jurnal Ilmu Pemerintahan* 15, no. 2 (August 30, 2025): 467–78. <https://doi.org/10.26618/ojip.v15i2.18497>.