

Citizenship Protection Beyond Borders: Undocumented Indonesians and Migration Governance in the ASEAN

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Abstract

This study analyzed how Indonesia protects the citizenship status of undocumented Indonesian nationals abroad, using the Indonesian Consulate in Jeddah as a case study. It focused on the interaction between legal frameworks, institutional arrangements, and policy implementation in protecting overseas citizens who reside abroad illegally. Particular attention is given to the role of immigration authorities in issuing passports and travel documents as practical policy instruments that enable access to protection and legal recognition. The study combined qualitative content analysis with process tracing. The study shows that consular services play a critical role in translating legal obligations into operational protection for vulnerable Indonesians in Saudi Arabia, while also highlighting the risk of citizenship loss under Article 23 of Law No. 12/2006 when administrative access is constrained. Drawing on a qualitative and comparative analysis of regularization practices in Malaysia and Saudi Arabia, the study situated Indonesia's approach within the wider dynamics of ASEAN migration governance. The findings indicate that protection gaps stem less from the absence of policy commitments than from fragmented implementation, particularly the institutional separation between immigration and citizenship administration. Strengthening coordination between these functions, at both the regulatory and institutional levels, is therefore essential to improve the protection of Indonesian nationals' legal status and rights abroad.

Keywords: law, immigration, citizenship, undocumented person, illegal stay

Introduction

Irregular migration and illegal stay remain serious problems in ASEAN. Although ASEAN recognizes migrant protection as a shared regional concern, undocumented migrants and undocumented nationals remain outside many protection systems (ASEAN, 2017). Without legal status and formal identity, they often have limited access to documents, legal remedies, and state support. This reveals a central weakness in ASEAN migration governance that mobility has become increasingly regional, but protection remains largely national and uneven in practice. Regional scholarship shows the same pattern. Labor migration governance in Southeast Asia has developed through soft, state-led, and weakly enforceable arrangements, leaving implementation highly dependent on domestic institutions and administrative capacity (Auethavornpipat, 2017; Kneebone, 2010).

The gap between regional commitment and actual protection is especially visible in cases involving undocumented nationals. Their irregular status limits access to legal channels, public services, and consular support. Existing studies suggest that this outcome is not accidental. ASEAN has created regional norms, forums, and policy space on migrant protection, but these remain constrained by a regional order that gives priority to state sovereignty, consensus, and flexible implementation rather than binding obligations (Auethavornpipat, 2017; Rother, 2018). This research examines the issue through Indonesia's experience in the Jeddah consular jurisdiction. Rather than treating Jeddah as only an Indonesian case, this research uses the case to examine the broader ASEAN challenge: how can member states move from formal commitments to practical protection for citizens who migrate through irregular pathways and fall outside standard legal categories?

Indonesia is a useful case for this discussion. It has one of the largest overseas populations in the region, participates in multiple migration corridors, and has clear legal duties to protect its citizens abroad (Arumsari, 2019; Prakoso, 2020). Article 19(b) of Law No. 37 of 1999 on Foreign Relations requires Indonesian diplomatic missions to provide assistance, protection, and legal aid to Indonesian citizens and legal entities overseas (Republic of Indonesia, 1999). However, this duty is difficult to implement where undocumented residence is widespread. Protection depends not only on diplomatic willingness, but also on whether citizens possess legally recognised identity and proof of citizenship. When travel documents or residence permits expire or are lost, Indonesian nationals can become administratively invisible in the host country and difficult to reach even for their own state, despite still being Indonesian citizens (Santoso, 2004).

The scale of the issue in the Jeddah consular jurisdiction makes this problem clear. According to 2023 consular data, the Indonesian consulate in Jeddah recorded 581,170 Indonesian nationals within its jurisdiction (Personal interview, Immigration Consul, Consulate General of the Republic of Indonesia in Jeddah, 2025). Of these, 361,447 held valid residence permits (*iqama*), 21,811 were tourist or pilgrimage visa holders who had not yet returned to Indonesia, and 28,744 were classified as overstayers. In the same year, 610,960 Indonesians arrived on pilgrimage visas, of whom 560,405 returned. Among umrah visa holders, 8,619,837 arrivals were recorded, 8,459,354 returned, 53,458 remained in Jeddah, and

107,025 were classified as illegal stayers. Consular records also noted 31,023 deported Indonesians and 24,685 migrant workers who had absconded from employers or sponsors. These figures show that the issue is large, recurrent, and administratively significant.

In this research, undocumented nationals are Indonesian citizens living abroad without a valid Indonesian travel document or passport. This category may also include children born abroad to parents who are undocumented or living illegally. Illegal stay refers to residence abroad without a valid residence permit, including cases in which the permit has expired, and undocumented status prevents renewal. Over time, these conditions reinforce each other, as lack of documentation blocks regularisation, while prolonged irregular residence increases the risk of detention, deportation, and administrative exclusion (Rahayu et al., 2024).

This cycle is not only an immigration problem. It is also a citizenship-protection problem. Article 23(i) of Law No. 12 of 2006 on Citizenship (Republic of Indonesia, 2006) allows for the loss of Indonesian citizenship when a citizen lives abroad for five consecutive years outside official assignment and fails to declare an intention to remain Indonesian, provided that formal notification has been given and statelessness does not result. This creates a practical problem: how can citizens meet this requirement when irregular status keeps them away from administrative channels and exposes them to fear of enforcement?

For this reason, immigration authorities play a central role in citizenship protection. Article 24A of Law No. 63 of 2024 (Republic of Indonesia, 2024) and Article 35 of Government Regulation No. 31 of 2013 (Republic of Indonesia, 2013) make clear that Indonesian travel documents are more than travel or identity papers. They also function as formal proof of Indonesian citizenship for passport holders abroad. Travel documents should therefore be understood not only as tools of mobility, but also as key instruments through which the state maintains legal identity and protects citizenship beyond its borders.

Existing research has documented the vulnerabilities faced by Indonesian migrant workers in Saudi Arabia and examined diplomatic efforts and crisis-based consular responses, including amnesty and repatriation programs (Arumsari, 2019; Prakoso, 2020; Pratiwi et al., 2024). However, much of this literature treats documentation as a secondary administrative issue. It rarely examines travel documents as a central mechanism of citizenship protection or studies how institutional arrangements between immigration authorities and citizenship administration shape protection outcomes. The ASEAN dimension is also still underdeveloped. Regional studies show that ASEAN migration governance is shaped by soft law, institutional fragmentation, and limited enforcement, but few studies connect these features to the practical problem of protecting undocumented nationals in third-country settings (Auethavornpipat, 2017; Rother, 2018).

Building on this context, the research offers three contributions. First, it provides an empirical account of the scale and administrative handling of undocumented nationals and illegal-stay cases in the Jeddah consular jurisdiction. Second, it reframes Indonesian travel documents as instruments of citizenship protection rather than merely as tools of mobility. Third, it contributes to ASEAN Studies by showing that effective protection for undocumented nationals depends not only on regional norms, but also on coherent domestic

governance, especially the alignment between citizenship administration, travel-document administration, and consular implementation.

Literature Review

Existing studies have documented the vulnerability of Indonesian migrant workers in Saudi Arabia, especially those in informal sectors. These studies consistently show poor working conditions, weak legal protection, and high exposure to exploitation (Arumsari, 2019; Hayanda & Azizah, 2024; Prakoso, 2020; Pratiwi et al., 2024; Salam et al., 2024). Other studies show that loss of documentation, dependence on sponsors, and weak coordination across administrative bodies often deepen rather than resolve irregularity and enforcement problems (Majid, 2014; Rahayu et al., 2024). Arumsari (2019) highlights how weak protection mechanisms increase vulnerability, while Prakoso (2020) shows that diplomatic negotiation has been central to amnesty and repatriation efforts.

Later studies have shifted attention to crises and the role of consular responsiveness. Pratiwi et al. (2024), for example, analyze the work of the Indonesian Embassy in Riyadh during the COVID-19 pandemic and show how consular intervention became essential in protecting stranded citizens and facilitating their return. Taken together, these studies highlight persistent weaknesses in migrant protection systems and the need for more coordinated and sustainable policy approaches across sending and destination countries.

From a legal perspective, Rahayu et al. (2024) argue that undocumented status should not be treated as a minor administrative issue. It is a legal condition that increases exposure to coercive enforcement and limits access to legal remedies. Other studies outside Saudi Arabia support this broader concern. Hayanda and Azizah (2024) show how the Indonesian mission in Mindanao assists undocumented Indonesians through legal support and documentation cooperation, while Salam et al. (2024) highlight how overstayers in Japan face fines, deportation, and re-entry bans. These studies show that weak documentation and safeguards often lie at the center of migrant vulnerability.

Regional research helps explain why these issues persist. Kneebone (2010) shows that labor migration governance in Southeast Asia has developed through overlapping national, bilateral, and regional arrangements rather than through a strong regional regime. Auethavornpipat (2017) argues that ASEAN migrant worker norms have developed through socialization and negotiation, but their implementation remains limited. Ford and Piper (2020) similarly show that migrant labor governance in Southeast Asia is fragmented and heavily shaped by domestic political institutions. Rother (2018) adds that ASEAN has created regional space for discussion and agenda-setting, but not a strong enforcement mechanism. Taken together, these studies suggest that ASEAN matters mainly as a normative and discursive framework, while protection outcomes still depend heavily on domestic administrative capacity and political will.

Despite these valuable contributions, two major shortcomings remain in the literature. First, immigration documentation is often treated as a technical or secondary administrative issue rather than as a central instrument for protecting the citizenship of undocumented persons. Second, there is limited discussion of how institutional arrangements between immigration authorities and citizenship authorities affect protection outcomes. As a result, many studies focus on visible outcomes such as exploitation, detention, or repatriation without closely examining the administrative processes that determine whether undocumented citizens maintain their legal identity, access consular services, or avoid the risk of statelessness. This gap is especially important in ASEAN-linked migration corridors, where governance is regional in norm but national in implementation.

This study addresses these gaps by examining the state's duty to protect citizenship through the lens of immigration administration and consular practice. Focusing on the Indonesian Consulate in Jeddah, it analyses how travel documents, including ordinary passports and Travel Document in Lieu of a Passport (Surat Perjalanan Laksana Paspor - SPLP), and related protection mechanisms are used in practice to protect Indonesian citizens who are not legally resident. It also contributes to ASEAN Studies by showing that effective protection in irregular migration corridors depends heavily on coherent domestic governance, especially the integration of citizenship administration and immigration documentation. The comparison with Malaysia and Saudi Arabia is used to show that similar governance constraints recur across ASEAN-linked migration corridors, especially in relation to documentation, coordination, and host-state cooperation.

Research Method

This study uses a qualitative research design to examine how the Indonesian state protects the citizenship status of undocumented nationals and citizens in illegal stay abroad. It focuses on immigration documentation as a practical instrument of citizenship protection rather than merely an administrative requirement. The unit of analysis is the legal and administrative process through which Indonesian authorities issue and manage travel documents, provide consular protection, and carry out regularisation or amnesty measures for undocumented nationals.

Furthermore, the study draws on four types of evidence. First, it examines primary legal materials on foreign relations, citizenship, immigration, and consular protection. Second, it uses institutional materials and administrative records from the Indonesian Consulate in Jeddah, including 2023 statistics on Indonesians in the consular jurisdiction and deportation records for 2017–2018. Third, it uses semi-structured interviews with five key informants involved in immigration services, consular protection, and overseas citizen assistance. These five informants include individuals interviewed in 2015, 2019, and 2024, including the Assistant Immigration Attaché in Kuala Lumpur and the Immigration Consul in Jeddah, who were interviewed on 20 December 2024. Fourth, it uses academic literature on migrant protection, undocumented migration, and ASEAN migration governance to place the case in a broader analytical context.

The interviews are designed to clarify implementation processes that cannot be fully understood from legal texts or administrative statistics alone. They focus on five issues. Those are pathways into undocumented or illegal-stay status, barriers to document renewal, the use of passports and SPLP in protection and repatriation cases, the implementation of regularisation and amnesty programmes, and coordination problems between immigration and citizenship administration. Interview evidence is used to confirm legal and administrative materials, explain how protection mechanisms work in practice, and interpret the institutional effects of fragmented governance. For confidentiality and institutional sensitivity, most interviewees are identified by institutional role rather than by full personal profile.

The study combines qualitative content analysis with process tracing. Content analysis is used to interpret the legal and policy framework for documentation and citizenship protection. Process tracing is used to examine how specific policy tools operate in practice in the Jeddah corridor, especially regularisation programmes, consular outreach, passport issuance, and SPLP-based repatriation. The study also uses a focused comparison between regularisation practices in Malaysia and Saudi Arabia. The purpose is not to make broad causal claims, but to identify common governance patterns and policy constraints across ASEAN-linked migration corridors. This approach fits the regional literature, which shows that migration governance in ASEAN is best understood as an interaction between regional norms and domestic implementation rather than as a system of strong regional enforcement (Auethavornpipat, 2017; Rother, 2018).

Several limitations should be noted. Consular and administrative data likely undercount undocumented populations because irregular residents are difficult to observe and many cases are never reported. In addition, the study focuses on institutional and legal-administrative processes rather than on long-term socioeconomic outcomes for affected individuals. The findings should therefore be read as evidence about governance design and implementation rather than as a direct measure of welfare effects.

Analysis

Comparative Analysis: Documentation Pathways as Instruments of Protection

Table 1 shows that regularisation and amnesty programs in Malaysia and Saudi Arabia are best understood not as isolated interventions, but as recurring governance tools used to bring undocumented nationals back into the state's administrative reach. Moreover, Table 1 summarizes the main features of these programs and shows how documentation channels work as a practical safeguard mechanism, supported by institutional coordination and guarantees from the host country. This approach is consistent with recent studies that use nationally based cases to address broader regional governance challenges, particularly where domestic institutional coherence shapes regional outcomes (Abimanyu et al., 2025).

In both cases, access to documentation is decisive. In Malaysia, the large-scale issuance of ordinary passports under the Workforce Recalibration Program 2.0 allowed undocumented

Indonesian workers to enter formal administrative channels and regularise their status. In Saudi Arabia, ordinary passports and SPLP have repeatedly been used to resolve detention, deportation, repatriation, and overstaying cases (Assistant Immigration Attaché, Personal Interview, December 20, 2024). Documentation therefore functions not only as an administrative requirement, but also as a practical gateway to legal recognition and protection. Overall, the comparison shows that, despite different policy environments, both Malaysia and Saudi Arabia rely on access to Indonesian travel documents as the main gateway to protection, whether through legalization or managed return. The analysis suggests that documentation, rather than enforcement alone, plays a decisive role in determining whether undocumented Indonesian nationals remain protected or become administratively excluded.

Interviews with consular and immigration officials in Jeddah show that regularization outcomes depended not only on host-country policy, but also on whether Indonesian authorities could verify identity, issue the required travel document, and coordinate quickly enough to prevent people from remaining trapped in prolonged irregularity (Republic of Indonesia, 2013; Republic of Indonesia, 2011; Republic of Indonesia, 2024; Consular and Immigration Officials, Personal Interview, 2020–2024). Interviews are therefore used not simply as illustrations, but as evidence to explain how administrative processes worked in practice and why documentation could either support legalisation or fail to prevent continued exclusion.

This comparison reinforces the article's central argument that travel documents are proof-of-citizenship instruments, not merely tools for cross-border movement (Republic of Indonesia, 2013; Republic of Indonesia, 2024). It also shows recurring implementation problems, including identity verification difficulties, coordination failures, sponsor-related barriers, and operational bottlenecks during periods of high demand. These constraints matter because they shape whether undocumented nationals are treated as rights-bearing citizens or remain effectively unreachable within administrative systems. This comparison has direct relevance to ASEAN. It suggests that regional protection outcomes depend less on occasional amnesty programs than on the strength of domestic governance. This is consistent with the regional literature, which shows that ASEAN migration governance works through persuasion, socialisation, and agenda-setting rather than strong enforcement, leaving implementation heavily dependent on national institutions and administrative capacity (Auethavornpipat, 2017; Rother, 2018). The Malaysia and Jeddah cases therefore show that regional norms matter, but their practical effects are filtered through national documentary capacity, consular reach, and inter-agency coordination.

Table 1. Regularization and amnesty as tools to protect undocumented Indonesian nationals:
A comparison of Malaysia and Saudi Arabia

Aspect	Malaysia: Workforce Recalibration Programme 2.0 (2023)	Saudi Arabia: Amnesty Programs (2013; 2017; 2021–2022)	Comparative Insights
Main purpose	To legalize undocumented workers and improve labour administration.	Resolving overstaying and undocumented cases while reducing enforcement pressure.	Amnesty can serve not only enforcement goals but also protection through legalization.
Main actors involved	Malaysian immigration authorities, Indonesian mission, labour agencies.	Saudi authorities, Indonesian mission (KJRI Jeddah), and detention and repatriation units.	Protection depends on the cooperation between the host states and the Indonesian missions.
Who can participate	Undocumented or irregular workers are defined by the program.	Overstayers, undocumented persons, problematic itama holders, and detainees.	Program rules determine who gains access to documents and protection.
Indonesian issued documents	Ordinary passports are issued in large numbers (76,777 reported cases).	Ordinary passports and travel documents in lieu of passports (SPLP).	Travel documents function as proof of citizenship, enabling protection or return.
How services are delivered	Large-scale service points with a coordinated administration system.	Large-scale services with operational risks (e.g., overcrowding in 2013).	Service design affects access, safety, and protection outcomes.
Protection vs. enforcement	Strong focus on regularization; central to labour governance.	Combination of regularisation and deportation management.	Amnesty programs combine protection and enforcement and require safeguards.
Key implementation problems	Data verification, identity confirmation, and agency coordination.	Identity verification, sponsor (<i>kafil</i>) issues, and coordination of detention	Identity resolution and fragmentation are common challenges across corridors.
The main policy lesson	Documentation reduces vulnerability when coordination works well.	Documentation prevents exclusion but requires strong operational capacity.	Integrating the functions of immigration and citizenship is critical for protection.

Source: Analysis based on consular data, interviews, and relevant regulations.

The Legal and Administrative Dimensions of the Jeddah Case

The consular jurisdiction of Jeddah illustrates how long-standing migration corridors can produce both legal and administrative governance challenges. Social and religious ties between Indonesia and Saudi Arabia have developed over decades, shaped by labor migration, pilgrimage routes, and the presence of Indonesian-descendant communities. These connections create a dense mobility environment in which irregular status can accumulate over time, especially when gaps in documentation and residence permits arise at the intersection of labor migration and pilgrimage (Agustin & Trilaksana, 2019; Diahwahyuningtyas, 2024; Vlekke, 2008).

Law-enforcement actions against foreign nationals in Saudi Arabia include the deportation or repatriation of Indonesian nationals with legal or administrative problems back to Indonesia. These issues include immigration violations, labor disputes, and the return of individuals who have served prison sentences under final and binding judicial decisions. Repatriation in such cases is facilitated through the issuance of an SPLP (Nurbaya & Zahidi, 2023).

Interview evidence helps explain what these categories mean in practice. Many cases begin with legal entry but later shift into irregular residence because permits expire, documents are lost, sponsors become inaccessible, or people enter *hurub* status. The distinction between overstayer, illegal stay, and undocumented national is therefore not merely descriptive. These categories reflect different stages of administrative exclusion, each of which may require a different intervention.

Consular data from 2023 show the scale and diversity of Indonesian nationals requiring administrative and legal attention. The population includes legal residents holding *iqama*, visitors who have not returned to Indonesia, overstayers, and illegal stayers. These distinctions are analytically important because they reflect different irregularity pathways. Some individuals enter Saudi Arabia with valid travel documents but later lose their legal residence status through overstaying. Others gradually lose both their residence status and valid Indonesian documentation, placing them in a more vulnerable category of undocumented and illegal stay. Deportation records from 2017–2018 further confirm that most cases involve *umrah* pilgrims, migrant workers, and religious visitors, indicating that irregularity in the Jeddah corridor is structurally linked to specific patterns of mobility and enforcement (Consular and Immigration Officials, Personal Interview, 2020–2024).

According to data released by the Indonesian Consulate in Jeddah for 2023, 581,170 Indonesian nationals were recorded as residing within the consular jurisdiction. Of these, 361,447 held valid residence permits (*iqama*). At the same time, 21,811 individuals entered on tourist or pilgrimage visas and had not yet returned to Indonesia, while 28,744 were classified as overstayers. In the same year, 610,960 Indonesians arrived in Jeddah using pilgrimage visas, of whom 560,405 eventually returned to Indonesia.

A similar pattern appears among *umrah* visa holders. Of the total 8,619,837 Indonesian arrivals on *umrah* visas, 8,459,354 returned to Indonesia. However, 53,458 individuals remained in Jeddah, and 107,025 were classified as illegal stayers. Furthermore, 31,023 Indonesian nationals were deported, and 24,685 migrant workers were recorded as having absconded from their employers or sponsors. These figures show that irregularity in the Jeddah corridor is recurrent, large in scale, and closely tied to labour and religious mobility. They also highlight a recurring problem faced by Indonesian nationals in Saudi Arabia and other destinations in the Middle East: the transition from legal to illegal residence status. Data on deportations coordinated by Tarhil Sumayi and the Indonesian Consulate in Jeddah cover the period 2006 to 2016, with similar patterns continuing in 2017 and 2018.

Figure 1 confirms that deportation is not an exceptional event, but a structural feature of migration governance in the Indonesia–Saudi Arabia corridor. High deportation numbers

between 2006 and 2012, followed by fluctuating but persistent levels thereafter, suggest that the underlying causes of irregularity have not been addressed by enforcement alone. Deportation numbers tend to increase during crackdowns and decrease temporarily after amnesty or regularisation programs, only to rise again as undocumented status accumulates. This pattern supports the core argument of the article that irregularity is reproduced through administrative exclusion, not simply through individual non-compliance. Undocumented nationals remain exposed to repeated cycles of detection, detention, and deportation without sustained access to travel documents that function as proof of citizenship (Consular and Immigration Staff, Personal Interview, 2020–2024).

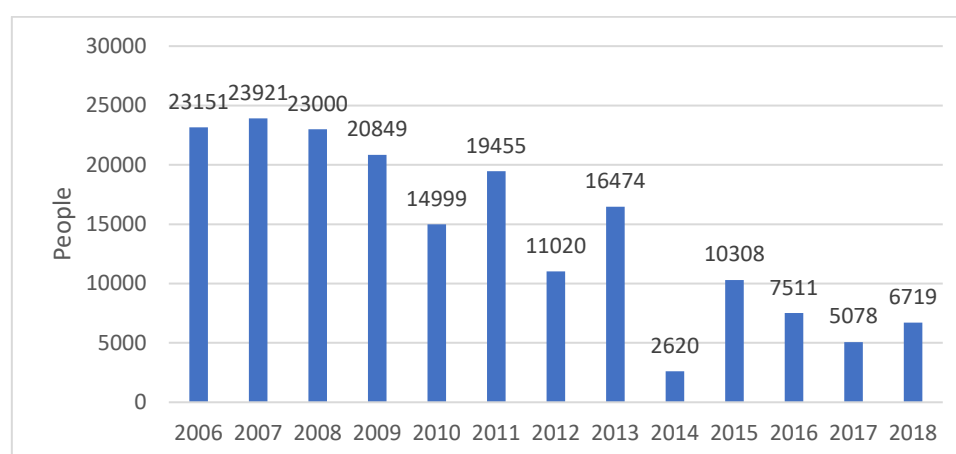


Figure 1. Annual number of Indonesian nationals deported from Saudi Arabia between 2006 and 2018

Source: Administrative records of the Indonesian Consulate General in Jeddah compiled from consular data and interviews (Consular and Immigration Officials, Indonesian Consulate General in Jeddah, Saudi Arabia, Personal Interview, 2020–2024).

Figure 1 and Table 1 clarify the link between long-term deportation trends and documentation pathways as governance mechanisms. Figure 1 shows the macro-level pattern of recurring deportation without structural decline. Table 1 explains this pattern at the micro-governance level by showing that undocumented nationals temporarily regain administrative visibility when documentation pathways are activated through passport issuance, SPLP, and coordinated regularisation or amnesty programs. This visibility enables either legalization, as seen in Malaysia, or managed return and case resolution, as seen in Saudi Arabia. However, irregularity accumulates again and feeds back into enforcement and deportation cycles when documentation systems remain fragmented, capacity-limited, or poorly integrated with citizenship administration. Together, Figure 1 and Table 1 reinforce the central claim of this article: deportation is not the opposite of protection, but a predictable outcome of weak documentation governance.

The disaggregated figures on deportations for 2017–2018 further show a concentration of irregularity in specific categories of mobility. Figure 2 presents monthly deportation rates by group and shows that a significant proportion of cases involved umrah pilgrims, migrant

workers, and religious visitors. This confirms that irregularity in the Jeddah corridor is structurally linked to specific entry channels and sponsorship arrangements and is not a marginal or random phenomenon.

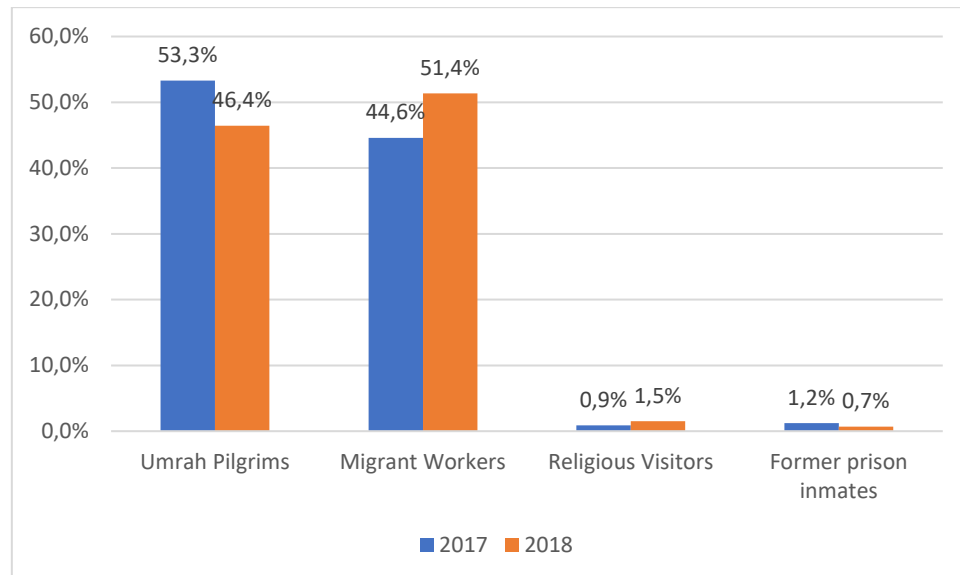


Figure 2. Composition of Indonesian nationals' deportation in the Jeddah corridor (2017–2018)

Source: Indonesian Consulate administrative deportation records 2017–2018 and interviews (Immigration Officials, Personal Interview, 2020–2024).

At the operational level, the immediate drivers of irregularity are largely administrative. These include expired or missing Indonesian travel documents, expired or absent residence permits, absconding (*hurub*) without usable identity references, and sponsorship problems (*kafil*) that block status renewal. In practice, these conditions trap individuals in a cycle where lack of documentation prevents regularisation. At the same time, while illegal status discourages contact with formal institutions and increases the risk of detention and deportation (Majid, 2014).

A mapping of types of irregular immigration among deported Indonesian nationals shows three dominant categories. Those categories are activities that violate the conditions of the original visa or residence permit, possession of valid travel documents without valid residence documents, and the absence of both a valid travel document and a valid residence document. In some cases, undocumented status also affects individuals who are deported from Saudi Arabia after serving prison sentences for crimes such as theft and murder, which further complicates their administrative reintegration (Majid, 2014).

These conditions require constant attention from immigration and foreign-service officers at the Indonesian Consulate in Riyadh. Their responsibilities go beyond routine enforcement to include protecting the citizenship status of Indonesian nationals, renewing travel documents, and handling complex cases involving undocumented or illegally staying persons. In such cases, enforcement must be balanced with the state's obligation to preserve

citizenship and reduce the risk of statelessness. The central role of documentation as a tool of protection, rather than merely a means of immigration control, must therefore be strengthened.

Documentation, Citizenship Protection, and Enforcement Interface

Indonesia's obligation to protect its citizens abroad is clearly enshrined in national law. Pursuant to Law No. 37 of 1999 on Foreign Relations (Republic of Indonesia, 1999), Indonesia's diplomatic and consular missions are required to provide assistance, protection, and legal aid to Indonesian citizens overseas. However, the experience of the Indonesian Consulate in Jeddah shows that this legal mandate is subject to practical limitations when citizens lack documentation recognized by host authorities or when access to administrative procedures is restricted by irregular status. In such circumstances, protection cannot function as a normal public service. Instead, it becomes ad hoc, time-consuming, and difficult to implement on a wider scale.

Within Indonesia's immigration framework, travel documents occupy a central position as state instruments. Law No. 6 of 2011 on Immigration (Republic of Indonesia, 2011) establishes travel documents as the basic legal requirement for lawful cross-border movement. Subsequent legal developments strengthen this position. Law No. 63 of 2024 (Republic of Indonesia, 2024) explicitly recognizes Indonesian travel documents as instruments of mobility and legal proof of Indonesian citizenship. This principle is reinforced by Government Regulation No. 31 of 2013, which defines Indonesian nationals' travel documents abroad as international travel documents, personal identification, and evidence of citizenship. Taken together, these provisions underscore that documentation is not merely administrative in nature, but a key mechanism through which the state maintains its citizens' legal identity beyond territorial borders.

Failure to maintain or renew travel documents, particularly while residing abroad, can lead to serious legal consequences. Individuals may fall into an illegal stay or overstaying status and, in certain situations, face the risk of losing Indonesian citizenship under Article 23(i) of Law No. 12 of 2006 (Republic of Indonesia, 2006). Undocumented status significantly increases vulnerability over time, as it exposes individuals to coercive enforcement measures while simultaneously limiting their access to protection mechanisms. In this sense, gaps in documentation are not neutral administrative lapses. They directly shape the legal and protection outcomes experienced by citizens abroad.

The regulatory framework governing the protection of Indonesian citizens overseas reflects this logic. Ministry of Foreign Affairs Regulation No. 5 of 2018 places the issuance of passports and substitute travel documents within the scope of consular protection duties (Ministry of Foreign Affairs, 2018). The Jeddah case reveals two operational pillars of this framework. The first consists of routine and outreach-based services that aim to issue or renew travel documents across a wide range of consular jurisdictions. The second involves case-based interventions that rely on ordinary passports or SPLP to facilitate repatriation, resolve

detention or deportation processes, and support regularisation or amnesty programs negotiated with host-country authorities.

Outreach services for ordinary passport issuance are often conducted outside normal office hours and under urgent circumstances, such as cases involving health emergencies, Hajj and Umrah pilgrims, or other exceptional situations. Beyond service delivery, protection mechanisms include the use of SPLP to enable the repatriation of Indonesian nationals facing deportation or legal-administrative problems, as well as participation in amnesty or regularisation schemes for overstayers, illegal stayers, and undocumented nationals. Indonesian missions may issue ordinary passports based on formal guarantees provided by host-country authorities in coordination with the Government of Indonesia, allowing individuals to resolve identity and status issues legally.

Ministry of Foreign Affairs Regulation No. 5 of 2018 also provides for the designation of certain missions as Integrated Protection Representatives based on criteria such as the number of cases, population size, legal framework, and territorial coverage (Ministry of Foreign Affairs, 2018). The countries designated under this program are Malaysia and Saudi Arabia. This institutional arrangement allows for a more consistent and structured approach to protecting the citizenship status of Indonesian nationals who are undocumented or illegally staying. At the same time, implementation remains highly dependent on the host country's legal framework and administrative practices, which require continuous adaptation and coordination at the operational level.

This also has broader ASEAN implications. In a sovereignty-sensitive regional setting such as ASEAN, undocumented nationals are unlikely to gain protection through strong supranational enforcement. Protection is more likely to improve through practical coordination, such as easier access to documentation, more responsive consular services, and better alignment between domestic institutions responsible for status verification and legal identity. The Indonesian case therefore contributes to ASEAN policy debate not because it offers a ready-made regional model, but because it identifies the domestic capacities most necessary for regional protection commitments to have practical effect.

Root Cause of Governance: Fragmentation Between Citizenship and Immigration Functions

The findings indicate that the main challenge is institutional rather than purely technical. Citizenship law, foreign relations law, and immigration law are closely connected at the normative level. However, their implementation becomes fragile when citizenship administration and immigration documentation operate in parallel rather than in coordination. This problem is particularly visible in overseas contexts, where the legal consequences of status loss are concrete and immediate. Provisions on the potential loss of citizenship due to prolonged residence abroad without fulfilling declaration requirements are difficult to apply to irregular residents who lack stable addressability and are reluctant to approach formal institutions (Republic of Indonesia, 2006). The legal framework remains

intact in such situations, but its practical application becomes uneven because the administrative conditions for compliance are weakest among those most in need of protection.

The issuance of ordinary passports and SPLP has become a central tool of protection in this context. As international travel documents, proof of identity, and formal evidence of Indonesian citizenship, these documents provide a practical pathway for maintaining legal status and resolving cases involving undocumented and illegal-stay populations within the Jeddah consular jurisdiction (Republic of Indonesia, 2013; Republic of Indonesia, 2024). In practice, documentation often determines whether a case can move forward towards regularization, repatriation, or legal resolution, or remains stalled within enforcement processes.

Despite this operational importance, institutional and regulatory separation continues to hinder coordination. Citizenship administration and immigration functions were historically managed by different organizational units, and post-2024 institutional restructuring has formalized a clearer division of policy domains across ministries. From the perspective of overseas citizen protection, the issue is not the political rationale behind restructuring, but the governance risk it creates. The protection of undocumented nationals requires continuity across multiple stages: documentation issuance, identity verification, citizenship administration, and consular case management. When these functions are separated, and data systems remain fragmented, the state may succeed in resolving immediate cases through travel-document issuance, yet fail to secure long-term citizenship administration outcomes. This gap creates renewed vulnerability and undermines the preventive function of protection regimes (President of the Republic of Indonesia, 2024a; 2024b; 2024c; Republic of Indonesia, 2024).

By law, every citizen is entitled to protection regardless of location. Diplomatic and consular representatives are tasked with defending national interests and ensuring the protection of Indonesian citizens and legal entities through formal relations with host countries and international organizations (Roy, 1995). As the juridical vessel of its people, the state holds responsibility for their welfare and legal security. This obligation is realized through diplomatic channels and supported by a comprehensive legal framework. Accordingly, all relevant regulations should be seen as manifestations of the state's commitment to uphold the rights of citizens abroad, particularly in addressing legal or humanitarian challenges. By ensuring universal protection and access to assistance, the state reinforces its role as a guardian of citizenship and legal certainty beyond its territorial boundaries.

The obligation to protect Indonesian citizens abroad is firmly grounded in constitutional principles and statutory law, particularly Law No. 37 of 1999 on Foreign Relations (Republic of Indonesia, 1999). In operational terms, immigration officers and foreign-service officials are mandated to perform immigration services and supervision abroad with an explicit protection function (Republic of Indonesia, 1999; Republic of Indonesia, 2011). Consular services, especially the issuance of travel documents, therefore function as a frontline mechanism for protecting citizens, including those facing detention, deportation, repatriation, or the need for

documentation to access regularisation pathways. Although immigration and consular functions are already integrated in practice, stronger alignment with citizenship administration remains necessary to ensure consistent and sustainable protection outcomes, especially for irregular populations.

Protection of citizenship is also included in the Indonesian human rights framework, including the principle that no one should be stateless (Republic of Indonesia, 2006). In Jeddah, this commitment is reflected in concrete measures such as regular and information-oriented services, the issuance of documents, and the handling of cases through regularization and amnesty programs supported by host-country guarantees and bilateral coordination. However, if institutional coordination is not reinforced, these efforts will remain partial. Effective protection requires that short-term administrative solutions, such as issuing passports or SPLP, be connected with long-term citizenship management, ensuring that the resolution of an immediate case also secures legal status and prevents renewed vulnerability.

In this context, citizenship protection requires more than case-by-case intervention. It requires stronger institutional alignment between immigration, consular protection, and citizenship administration. From an ASEAN perspective, this supports a central point in the regional literature: where regional governance remains non-binding and state-centered, domestic institutional coherence becomes the real condition for protection (Bal & Gerald, 2020; Rother, 2018).

Conclusions

This study shows that consular commitment alone cannot fully protect undocumented Indonesian nationals abroad. Protection also depends on whether domestic governance can connect citizenship administration, immigration documentation, and consular implementation in a consistent way. When these functions operate in silos, protection becomes partial, reactive, and vulnerable to repeated cycles of administrative exclusion. The Jeddah case therefore shows that irregularity is not only an immigration problem, but also a citizenship-governance problem.

The findings also matter beyond Indonesia. They suggest that ASEAN's formal commitments to migrant protection remain difficult to translate into effective safeguards for undocumented nationals because implementation still depends heavily on national documentary capacity, consular access, and institutional coherence. This conclusion is consistent with wider scholarship on ASEAN migration governance. The Indonesian case therefore contributes to ASEAN Studies by showing that regional protection gaps are often reproduced through uneven domestic administrative systems rather than through the absence of regional principles alone.

The policy implication is not that ASEAN needs supranational enforcement. A more realistic path lies in practical regional cooperation that strengthens the administrative conditions needed for protection. These include easier access to documentation, stronger consular outreach and service capacity, better information-sharing and status verification, and

minimum practical coordination standards across important ASEAN-linked migration corridors. For Indonesia, closer institutional and regulatory integration between immigration and citizenship functions is needed not only for administrative efficiency, but also for legal certainty, rights protection, and the prevention of statelessness.

Future research should examine how such integration affects service delivery, supervision, and protection outcomes, particularly for citizens who face overseas legal or administrative constraints. Ensuring that these individuals can retain Indonesian citizenship and avoid statelessness requires governance arrangements that connect short-term case handling with long-term legal status management. As with ASEAN economic governance, where domestic institutional coherence often determines regional outcomes, protection for undocumented nationals is ultimately shaped by how national institutions work together in practice.

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