

STATELESSNESS AMONG THE RURAL INDIGENOUS PEOPLE OF SARAWAK

BY

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ABSTRACT

This study addresses the often overlooked and understudied issue of statelessness among indigenous communities in Sarawak, particularly those living in rural areas. Sarawak's historical and cultural dynamics have resulted in the marginalization and dispersion of ethnic minorities, making statelessness a constant and challenging issue. The primary objectives of this study are to investigate the causes and repercussions of statelessness among indigenous people, comprehend the viewpoints of a various of stakeholders, including NGOs, researchers, activists, and government servants, and emphasize the socio-legal obstacles that these communities encounter in their pursuit of citizenship. This research utilizes a qualitative methodology, incorporating ethnographic techniques such as in-depth interviews, participant observations, and case studies to fully understand the lived realities of stateless people and families. The research comprises accounts from various individuals to illustrate the complex nature of statelessness in Sarawak. The primary findings indicate that statelessness within Sarawak's indigenous groups is profoundly entrenched in historical, legal, and administrative subtleties. Major contributing causes include the intergenerational transmission of statelessness, a lack of birth registration, complexities arising from religious conversions and reversions, and unrecorded *adat* (customary) marriages. Geographical isolation, poverty, and restricted access to information and government services have contributed to the severity of these issues. The repercussions are wide-ranging, affecting access to education, healthcare, employment, and fundamental human rights, resulting in persistent cycles of poverty, social marginalisation, and psychological misery. Insights from stakeholders, including NGOs, researchers, activists, and government officials, reveal the structural obstacles and legal uncertainties perpetuating statelessness, which underlines the necessity for more inclusive and culturally sensitive policy initiatives. The study contributes anthropological insight into the intersection of legal frameworks with cultural practices and identity politics, providing a comprehensive understanding of statelessness in Sarawak. The study presents a thorough examination of the topic, advocating for specific legislative reforms that acknowledge the distinct challenges encountered by indigenous populations. It advocates for a methodology that honours cultural variety and advances social justice, intending to educate policymakers, NGOs, and stakeholders on efficacious measures to mitigate and diminish statelessness in the region.

خلاصة البحث

تتناول هذه الدراسة قضية انعدام الجنسية التي غالبًا ما يتم التغاضي عنها وعدم دراستها بشكل كافٍ بين المجتمعات الأصلية في سراواك، وخاصة تلك التي تعيش في المناطق الريفية. أدت الديناميات التاريخية والثقافية في سراواك إلى تهميش وتشتت الأقليات العرقية، مما جعل قضية انعدام الجنسية مشكلة دائمة ومعقدة. تهدف هذه الدراسة بشكل أساسي إلى التحقيق في أسباب وتبعات انعدام الجنسية بين الشعوب الأصلية، وفهم وجهات نظر مجموعة متنوعة من الأطراف المعنية، بما في ذلك المنظمات غير الحكومية والباحثين والنشطاء وخدام الدولة، وإبراز العقبات الاجتماعية والقانونية التي تواجهها هذه المجتمعات في سعيها للحصول على الجنسية. تستخدم هذه الدراسة المنهجية النوعية، حيث تعتمد على تقنيات إثنوغرافية مثل المقابلات المعمقة، والملاحظات المباشرة، ودراسة الحالة لفهم الواقع المعاش للأفراد والعائلات عديمي الجنسية بشكل كامل. وتشمل هذه الدراسة شهادات من مجموعة متنوعة من الأفراد لتوضيح الطبيعة المعقدة لقضية انعدام الجنسية في سراواك. تشير النتائج الأساسية إلى أن انعدام الجنسية داخل المجموعات الأصلية في سراواك متجذر بعمق في التعقيدات التاريخية والقانونية والإدارية. وتشمل الأسباب الرئيسية المساهمة في ذلك انتقال انعدام الجنسية عبر الأجيال، ونقص تسجيل المواليد، والتعقيدات الناشئة عن التحولات والارتدادات الدينية، والزواج غير المسجل تحت عادات "القانون العرفي". وقد ساهم العزل الجغرافي والفقر والقيود للوصول إلى المعلومات والخدمات الحكومية في تفاقم هذه القضايا. وتظهر النتائج أن تبعات انعدام الجنسية شاملة، حيث تؤثر على الوصول إلى التعليم والرعاية الصحية والتوظيف والحقوق الإنسانية الأساسية، مما يؤدي إلى دورات مستمرة من الفقر والتهميش الاجتماعي والمعاناة النفسية. وتكشف وجهات نظر أصحاب المصلحة، بما في ذلك المنظمات غير الحكومية والباحثين والنشطاء والمسؤولين الحكوميين، عن العقبات الهيكلية والشكوك القانونية التي تؤدي إلى استمرار مشكلة انعدام الجنسية، مما يؤكد على الحاجة إلى سياسات أكثر شمولاً وحساسية ثقافية. تساهم هذه الدراسة من منظور الأنثروبولوجيا في تسليط الضوء على تقاطع الأطر القانونية مع الممارسات الثقافية والسياسات المتعلقة بالهوية، مما يوفر فهماً شاملاً لقضية انعدام الجنسية في سراواك. وتقدم الدراسة تحليلاً شاملاً للقضية، حيث تدعو إلى تنفيذ إصلاحات تشريعية محددة تعترف بالتحديات الفريدة التي تواجه المجتمعات الأصلية. وتدافع عن منهجية تحترم التنوع الثقافي وتعزز العدالة الاجتماعية، بهدف توجيه صانعي السياسات والمنظمات غير الحكومية وأصحاب المصلحة نحو اتخاذ تدابير فعالة للحد من مشكلة انعدام الجنسية في المنطقة.

APPROVAL PAGE

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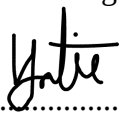
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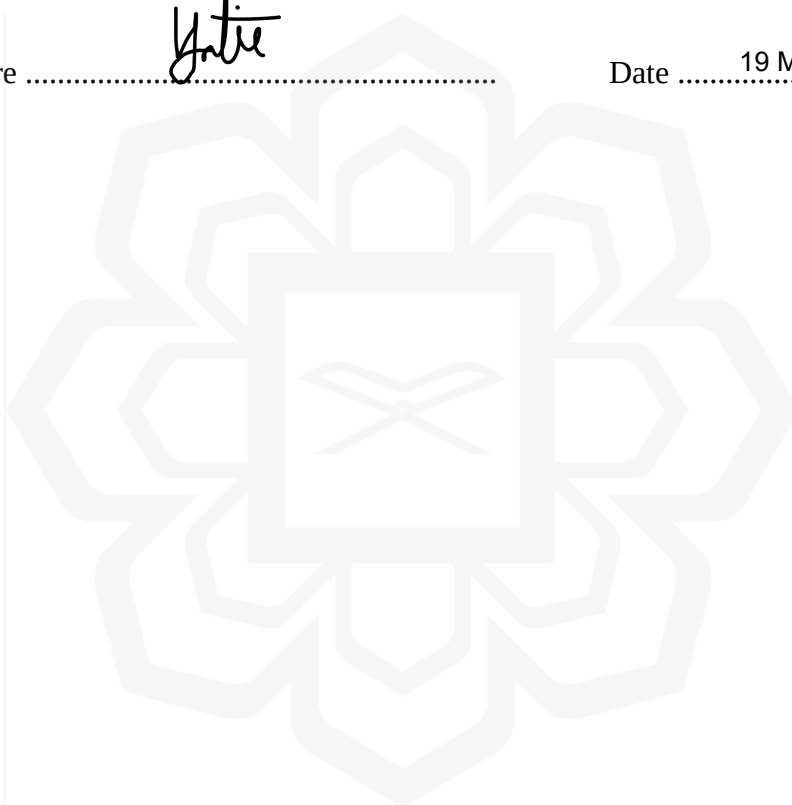
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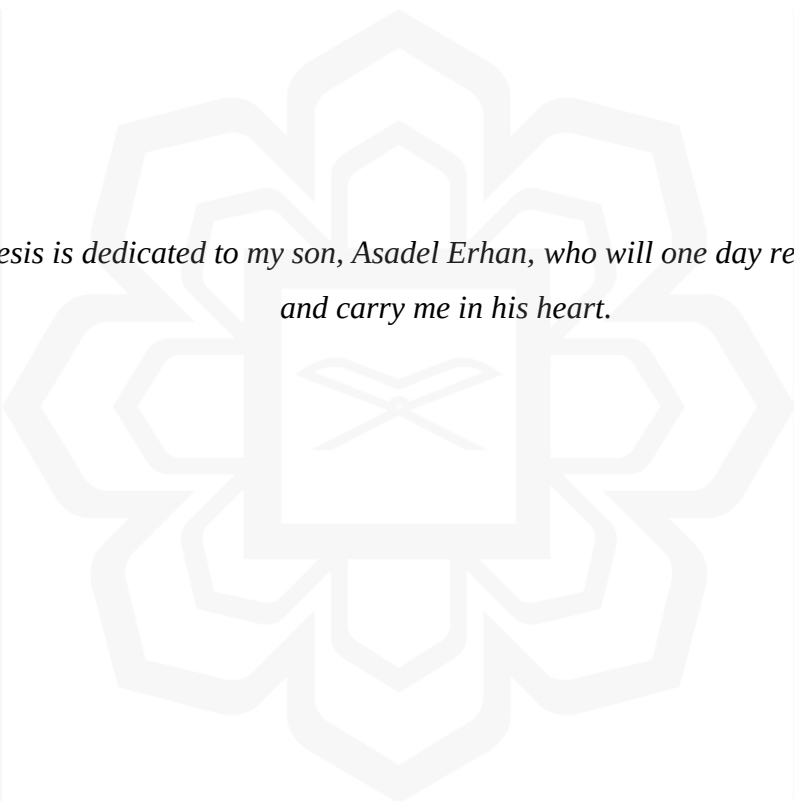
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*This thesis is dedicated to my son, Asadel Erhan, who will one day read these pages
and carry me in his heart.*

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LIST OF ABBREVIATIONS

BKP	Bantuan Kecil Pendapatan (Small Financial Assistance)
IC	Identity Card
JAIS	Jabatan Agama Islam Sarawak
MAIS	Majlis Adat Istiadat Sarawak
MOHA	Ministry of Home Affairs
MyKad	Malaysian Identity Card
NGO	Non-Governmental Organization
NRD	National Registration Department
PT3	Pentaksiran Tingkatan 3 (Form 3 Assessment)
QR	Quick Response
SPM	Sijil Pelajaran Malaysia (Malaysian Certificate of Education)
STPM	Sijil Tinggi Persekolahan Malaysia (Malaysian Higher School Certificate)
UNHCR	United Nations High Commissioner for Refugees
UPSR	Ujian Pencapaian Sekolah Rendah (Primary School Achievement Test)

CHAPTER ONE

INTRODUCTION

1.1 BACKGROUND OF THE STUDY

Statelessness is a cross-cutting phenomenon that extends beyond international borders and continues to impact the lives of stateless populations around the world. At present, there is a varying approximation of the number of statelessness populations provided by several international non-governmental organizations dealing with statelessness issues. For instance, in 2005 Refugees International reported an estimated 11 million stateless people worldwide, whereas the total global figure was estimated at 5.8 million by the end of 2006 by United Nation High Commissioner for Refugees (UNHCR) (Van Waas, 2008). At the end of 2018, a total of 3.9 million stateless people was reported in UNHCR published data (Institute on Statelessness and Inclusion, 2018).

There are still many cases of statelessness around the world that remain unreported and uncaptured by the official statistics, hence the number could be higher because the published data is defined as “provisional, incomplete, subject to change and estimates” (Van Waas, 2008). Although the exact figure of stateless population is likely to be estimated, the data presented from a range of studies have proven that statelessness is truly a global problem, and there is no part of the world excluded from statelessness. This devastating reality is evident in UNHCR's Global Statelessness Questionnaire which illustrates that 59.4 percent of the countries participated in the survey acknowledged that their facing statelessness issues (UNHCR, 2004). A more recent data published by UNHCR Global Trends Report has been obtained from 78 countries, thus indicating the highest number of states for which statistics on stateless population have ever been recorded (Institute on Statelessness and Inclusion, 2019).

It is important to note that, Asia region emerged as a host to the largest number of stateless populations in the world with a total of 906,635 stateless populations reported in Bangladesh alone during the end of 2018 (Institute on Statelessness and Inclusion, 2019). In Bangladesh, the root cause of statelessness among the Bihari refugees of Pakistan is related to forced population displacement due to state partition in India (Rahman, 2003; Paulsen, 2006; Farzana, 2008). This situation subsequently led

to denationalization of Biharis by Pakistan which rendered them as *de facto* stateless refugees (Sen, 1999). Whereas in Myanmar, the widespread of Rohingya refugees fleeing to neighboring countries is to avoid persecution by their own government and the enactment of the Myanmar Citizenship Act of 1982, which deprived the Rohingya of their nationality and declared them legally stateless (Abdullah, Dali, & Abd Razak, 2018). In Middle East, stateless populations such as Palestinian, Kurdish and Bidoon were affected by war and state formation. The politics of state formation resulted in exclusion of at least 500,000 stateless persons in Saudi Arabia known as the Bidoon (Blitz & Lynch, 2009).

The issue of statelessness is not peculiar to Malaysia. According to UNHCR, Malaysia is one of the Asia Pacific countries with over 10,000 stateless persons besides Myanmar, Thailand, Uzbekistan, Brunei Darussalam and Tajikistan (Institute on Statelessness and Inclusion, 2014). At the end of 2019, UNHCR reported a total of 13,100 individuals affected by statelessness residing in West Malaysia. There are various historical contexts that characterize the emergence of stateless populations in Malaysia, such as British colonialism in the mid-18th century and the Spanish colonial period in the Philippines during the 16th and 17th centuries, which have caused waves of migration into this region. A study by Duraisingam (2016) has shown that historically, the arrival of Bajau Laut to East Malaysia of Sabah was brought by the Spanish conquest in the Philippines island, followed by the Mindanao insurgency which brought yet another wave of migration of Bajau and Suluk refugees to Sabah between 1970 and 1977. Meanwhile, the Tamil labourers from India to West Malaysia were brought in by the British way back in 1786 to work in rubber plantation (Duraisingam, 2016).

Several scholars have generally agreed that statelessness can occur in two different contexts: in the migratory context and statelessness in situ (Gyulai, 2012; Liew, 2019). Although Malaysia is as a host to more than 1.9 million undocumented migrants, Liew (2019) argues that not all statelessness cases that occur in this country are linked to migration, but his study reveals that it also happens among those who have significant or stable ties with Malaysia through birth, long-term residence and birth to a parent with citizenship. In this context, while stateless people in a migratory context are persons who are migrants or have a migratory background, statelessness in situ may affect indigenous people who refer to any persons living in Malaysia that identify

themselves as Orang Asli, Orang Ulu or Bumiputera ethnic minorities Sabah and Sarawak. Hence, the author suggests that people who are stateless in situ have ties with the country in which they live and have no real connection with another country, therefore citizenship should be granted to them.

Although currently there is no official figure on stateless population data in Sarawak, NRD Sarawak disclosed that from 158 outreach programmes carried out in 2015 to 2017 to resolve identity documentation issues statewide, a total of 6,784 applications have been received. Of the total, 4,554 applications have been received for processing while the remaining 2,230 applications have not been approved for numerous reasons (SUARAM, 2017). Several task-force comprising human rights groups such as SADIA (Sarawak Dayak Iban Association), S4S (Sarawak For Sarawakians) and SAS (*Saya Anak Sarawak*) that are working with NRD and the Ministry of Welfare, Community Well-being, Women, Family and Childhood Development to reduce statelessness in Sarawak reported that this problem is particularly prevalent among the indigenous communities such as Iban, Bidayuh and Orang Ulu because many of these ethnic groups living in rural and isolated areas, thus facing obstacles to obtain identification documents (Borneo Today, 2018). According to the report, a large proportion of more isolated communities from Kapit to Ulu Baram, remain undocumented hence a systematic procedure must be developed by NRD as well as the Sarawak ministries to ensure equal access to all communities. *Suara Rakyat Malaysia* (SUARAM), human rights group also highlighted that in the context of Sarawak, indigenous people living deep in remote areas without accessible road, transportation as well as information on the proper registration procedure are often denied the rights to citizenship (SUARAM, 2017).

Historically, remoteness has long been attributed to Sarawak development because in the past when tribal warfare was common among the indigenous community, living in a remote area would ensure security and protection (Windle & Cramb, 1997). Approximately 75 percent of Sarawak rural population is widely dispersed throughout the rural areas, whereas 25 percent live in major cities such as Kuching, Miri, Sibu and Bintulu (Walton, 1990; Sarawak Economic Planning Unit, 2007). Remoteness becomes a major obstacle to growth and development in rural areas both because it hampers rural population access to resources and facilities that are mainly centered in urban areas and limits understanding of the nature of rural poverty.

Furthermore, the biased development approach introduced during Brooke colonial regime that focused mainly on developing profitable urban or city areas led to spatial and development inequality in Sarawak (Echoh, Md Nor & Masron, 2015). Not only remoteness and development inequality adversely affect rural communities' access to social and economic benefits, but it also led to increased poverty rate and high gap of income distribution between urban and rural population (Minos, 2000; Berma, 2004). The latest available statistic in 2002 illustrated that 36.4% of Iban, 33% of Melanau and 28% of Other Bumiputera, compared to 16.5% of Malays and 4.3% of Chinese, still live below the official poverty line (Berma, Shahadan & Gapor, 2006). Hence, several reports and studies associated citizenship problems among the indigenous communities to rural poverty (Berma et al., 2006; Jayasooria, 2014; Duraisingam, 2016; SUARAM, 2017; Liew, 2019).

1.1.1 The Demographic and Geographical Overview of Sarawak

The demographic history of Sarawak is tightly connected to its colonial past and patterns of migration. Sarawak was originally inhabited by indigenous peoples and then witnessed the migration of Malays and Melanau throughout the 15th and 16th centuries. Meanwhile, Chinese immigrants settled in Sarawak in two major waves, one in the mid-18th century and another in the early 20th century. From 1841 until 1946, the Brooke family, also referred to as the White Rajahs, ruled Sarawak, influencing the state's political and social climate (Ooi & Lim, 2018). Sarawak was occupied by the Japanese during World War II and then became a British colony before becoming a part of Malaysia in 1963.

As of July 2023, the population of Sarawak is predicted to be at 2.51 million people, indicating marginal growth compared to prior years (Department of Statistics Malaysia, 2023). The state is a home to an ethnically diverse population comprising more than 27 distinct ethnic groups. The primary ethnic groups comprise the Iban, Chinese, Malay, Bidayuh, and Melanau. Meanwhile, minority and subethnic groups in Sarawak, such as the Penan, Kayan, Kenyah, Kelabit, Lun Bawang, Punan, Bisayah, Berawan, Tering, Kajang, Kejaman, Lahanan, Sekapan, Tatau, and Ukit, each contribute to the state's diversified cultural fabric with their own languages, traditions, and lifestyles.

According to the Sarawak Government official statistics of 2020, the Iban, comprising over 30% of Sarawak's population, are the largest ethnic group, while the Chinese make up around 24% of the population. Similarly, the Malay population accounts for approximately 23% of the total, while the Bidayuh community, comprising around 8%, is primarily located in western Sarawak. The Orang Ulu, which includes ethnic groups like as the Kayan, Kenyah, and Lun Bawang, make up approximately 6.3% of the total population (Sarawak Government, 2021).

In terms of geographical structure, as Malaysia's largest state, Sarawak is administratively divided into 12 divisions, each of which is further subdivided into 40 districts (Refer Figure 1). The most prominent division is the Kuching Division, which includes the state capital Kuching, as well as districts such as Bau and Lundu, as well as Samarahan, Asajaya, and Simunjan. This division functions as the primary economic and cultural centre of Sarawak. Moving northeast, the Sri Aman Division includes the districts of Sri Aman and Lubok Antu. This division is distinguished by its agricultural



Figure 1.1 Map of Sarawak, Showing Administrative District's Boundaries
(Source: Abazue, Choy & Lydon, 2019)

pursuits and extensive cultural heritage. The Betong Division comprises the districts of Betong and Saratok, which are predominantly rural and are involved in local industries and cultivation (Sarawak Government, 2021).

The districts of Sarikei, Meradong, Julau, and Pakan are included in the Sarikei Division. This division is renowned for its contributions to Sarawak's agricultural output, with a particular emphasis on pineapple cultivation. A significant commerce and business centre, the Sibu Division is home to the commercial town of Sibu along the Batang Rajang River, as well as the Kanowit and Selangau districts. The coastal and fishery activities of Mukah, Dalat, Matu, and Daro districts are well-known in Mukah Division (Sarawak Government, 2021).

The industrial center of Bintulu Division, which encompasses the districts of Tatau and Bintulu, is home to significant oil and gas operations. Kapit Division encompasses the municipalities of Belaga, Song, and Kapit. This division is primarily inhabited by indigenous communities and is distinguished by its remote location. Miri Division, which encompasses the Miri and Marudi districts, is an additional critical economic hub, distinguished by its proximity to national parks and hydrocarbon industry (Sarawak Government, 2021).

Finally, Limbang Division, which includes the Limbang and Lawas districts, is situated in the northern region of the state. It is distinguished by its strategic location on the boundary with Brunei and its diverse cultural landscape. This exhaustive administrative framework guarantees that Sarawak's urban and rural regions are effectively managed and developed, thereby fostering the state's overall growth and sustainability (Sarawak Government, 2021).

1.1.2 The Citizenship Law of Malaysia

An individual is classified as stateless in the absence of citizenship, and they are not considered to be members of a country (Weis, 1979). Therefore, in Malaysia, statelessness is significantly correlated with citizenship, as evidenced by the Federal Constitution (DHRAA, 2022). The Federal Constitution of Malaysia is one of the most fundamental components that shaped Malaysian citizenship law.

The legal provisions and procedure pertaining to citizenship acquisition can be found in the Federal Constitution under Articles 14-22, Part I and II of the Second Schedule, whilst citizenship termination is mentioned under Articles 23-28. Meanwhile, other conditions concerning citizenship are covered in Articles 29-31, Part III of the Second Schedule. Within the framework of the Federal Constitution, there are four pathways for a person to obtain citizenship in Malaysia: through the operation of laws or automatically, through registration, naturalisation, or incorporation of territory. The first three paths to citizenship in Malaysia are briefly summarised in the Table 1.1.

Table 1.1 Malaysian Citizenship Acquisition Based on Federal Constitution of Malaysia
(Source: Federal Constitution of Malaysia, 1957/2020)

Acquisition of Citizenship	Articles
By Operation of Law (Automatically)	Article 14 of Federal Constitution a) Every person who was born in Malaysia on or after Malaysia Day, 16 September 1963, and at least one parent is a citizen. b) Every person who was born on or after Malaysia Day, 16 September 1963 and has any of the qualifications specified. The provision above should be read with Part II, Schedule III, which reproduced as follows: a. Subject to the provisions of Part III of this Constitution, the following persons born on or after Malaysia Day are citizens by operation of law, that is to say: b. every person born within the Federation of whose parents one at least is at the time of the birth either a citizen or permanently resident in the Federation; and c. every person born outside the Federation whose father is at the time of the birth a citizen and either was born in the

	Federation or is at the time of the birth in the service of the Federation or of a State; and d. every person born outside the Federation whose father is at the time of the birth a citizen and whose birth is, within one year of its occurrence or within such longer period as the Federal Government may in any particular case allow, registered at a consulate of the Federation or, if it occurs in Brunei or in a territory prescribed for this purpose by order of the Yang di-Pertuan Agong, registered with the Federal Government; and e. every person born in Singapore of whose parents one at least is at the time of the birth a citizen and who is not born a citizen otherwise than by virtue of this paragraph; and f. every person born within the Federation who is not born a citizen of any country otherwise than by virtue of this paragraph
By Registration	Article 15 of Federal Constitution 1) Any married woman who has lived in Malaysia for two years before the date of application and her husband is a Malaysian citizen at the start of October 1962. 2) Any person under the age of 21 years old, who at least one parent or guardians (or was at the time of the death) a citizen to be registered as citizen upon application made to the Federal Government by his parent or guardian. 3) Any person under the age of 21 years old, born before the beginning of October 1962 and whose father is a citizen at the beginning of that month. Article 15 (A) of Federal Constitution

	• The Federal Government has the power to grant any person under the age of 21 years as citizens, if the government deems that there are special circumstances for registering such persons as citizen. Article 16(A) of Federal Constitution Resident in Sabah Sarawak on Malaysia Day • Any person who was living in Sabah and Sarawak on Malaysia Day and was at least 18 years old is eligible for citizenship by registration if they can prove to the government that they have lived in the Federation for at least seven years in the ten years before the date of application, including the last twelve months. Article 18 General Provisions as to Registration (1) All persons over the age of 18 years old must take an oath specified in the First Schedule to be registered as citizen. (2) Any person who has renounced their citizenship or been stripped of it is not eligible for citizenship by registration without the approval of Federal Government. (3) Citizenship through registration takes effect on the day of registration.
By Naturalization	Article 19 • Non-citizens of or over the age of 21 can get a certificate of naturalisation from the Federal Government if the applicant has lived in the Federation for at least ten years

	in the twelve years before the date of application, including the twelve months before the application.
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As stated in Article 14 of the Federal Constitution, a person is a citizen by operation of law if one of their parents was a Malaysian or permanent resident at the time of their birth, or if they were born in Malaysia and were not born a citizen of any other country. However, this article must be read in conjunction with the Second Schedule, which restricts the ability of Malaysian mothers to confer their citizenship on their children born abroad by operation of law. Therefore, Malaysian mothers are required to follow the procedures outlined in Article 15(2) in order to register for citizenship. According to the 2019 Child Rights Coalition Malaysia (CRCM) status report, these procedures have not always been successful and are frequently beset with delays.

Hence, there are two critical aspects in relation to the acquisition of citizenship by operation of law. First, it is evident that the Federal Constitution forbids mothers who are legally married from passing on their nationality to their offspring who are born abroad or outside of Malaysia after September 1962 on the same basis as a father who is legally married.

Malaysian mothers are only allowed to pass their nationality to their children who are born abroad through “registration” under Article 15(2) of the Federal Constitution. Even though there are discretionary registration provisions that may allow children born abroad to be granted Malaysian nationality, the data from Ministry of Home Affairs of Malaysia (MOHA) shows that these applications have a very low success rate. The second aspect is in relation to Article 15(A) which stated a special discretionary power to grant citizenship to any person under the age of 21 years old and this provision applies to many children with non-citizen parents as well as foundlings. However, there are no other details which specify criteria of person who are eligible to acquire citizenship under this Article apart from maximum age limit.

In the case of children under the age of 21 who are not otherwise eligible for citizenship, the Federal Constitution has a provision in Article 15(A) that offers a safety net for children who are in vulnerable situations due to their legal status. This provision

may apply to foundlings and adopted children whereby Article 15 (A) specifically stated:

Subject to Article 18, the Federal Government may, in such special circumstances as it thinks fit, cause any person under the age of twenty-one years to be registered a citizen.

Obtaining citizenship through this provision may seem like a reasonable option, but it is ultimately up to the Minister's discretion and lacks the legal force in comparison to obtaining citizenship by operation of law (Liew, 2019). In contrast to other provisions concerning citizenship acquisition by registration, there is no details which specifies what are the 'special circumstances'. The following are the statement in regard to the meaning of 'special circumstances' in a parliamentary reply given by the former Prime Minister, Tun Haji Abdul Razak:

I cannot, of course, state here the circumstances. If the Government thinks that a child probably has no parents here, or who obviously has attachment to this country, in such case possibly the Government will register him as a citizen. This is merely to give discretion to the Government in cases of hardship and in cases where Government thinks that it is in the best interest of the child and the country that the child be registered as a citizen.

As shown in Figure 1.2 a total of 111,142 citizenship applications were submitted under each Article of the Federal Constitution of Malaysia between 2013 and 2018, with the percentage of approved applications being slightly lower at 24,327 (21.9%) than rejected applications at 26,222 (23.6%). Meanwhile, there is a large percentage of rejected applications submitted under Article 15A (39%) which is catered for those below the age of 21 under special circumstances followed by applications under Article 19 (naturalization) with a total of 38%. Similarly, a huge percentage of in-the-process applications 27,835 (51%), was under Article 15A, also followed by Article 19 (naturalisation), under which there were 12,458 (23%) applications. The chart also reveals that a percentage of 10% were applications under Article 15(1), which pertains to women who are married to Malaysian citizens, while 9% were applications made under Article 15(2), which applies to individuals below the age of 21 with at least one parent who is a citizen.

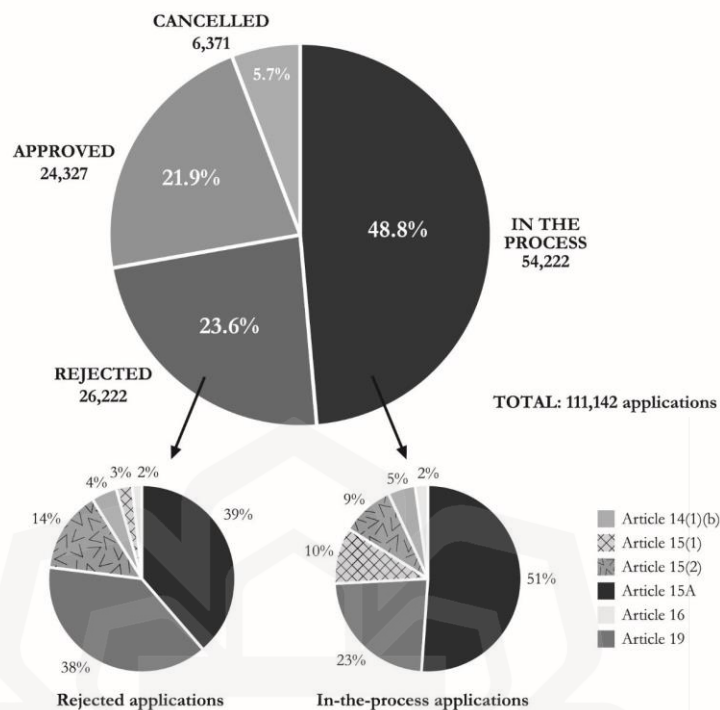


Figure 1.2 Citizenship Applications (2013-2018)

Source: (Adapted from Child Rights Coalition Malaysia Status Report, 2019)

A total of 2,558 applications, which accounts for 5% of the total number of applications, were in the process of being reviewed under Article 14(1)(b). This particular provision pertains to individuals born in the country between 1 October 1962 and 15 September 1963, who have at least one parent holding citizenship or permanent residency status. A small number of 1,147 (2%) applications were in the process of being evaluated under Article 16, pertaining to individuals aged 18 years and above who were born in the country prior to Independence Day.

During the period of 2017 until 2022, a total of 22,701 citizenship applications were submitted under Article 15(A) of the Federal Constitution as announced by Deputy Home Minister II Datuk Jonathan Yasin (NST, 2022). The Ministry of Home Affairs (MOHA) also reported that a total of 9,259 citizenship applications were received for children under the age of 18 years old from Sabah and Sarawak during the said period and only 198 applications are approved in 2022.

In order to resolve the statelessness issue in Sarawak a Special Committee on Citizenship (SCC) was formed in 2016. By 2019, the committee had received a total of 723 applications, and as of 2023, 900 citizenship cases are still pending (Borneo Post, 2023). It should be noted that the establishment of the SCC was not permanent, as it was given a deadline until December 2017 to resolve the documentation issues and the committee would look into the details of applications, such as documentary evidence or other materials that prove the applicant's citizenship is genuine. When accepting applications, the committee would take into account two important criteria: the applicants and their parents are born in Sarawak.

1.1.3 Malaysian Civil Registration Procedure

In order to address the underlying cause of registration problems that result in statelessness or the risk of statelessness, it is crucial to understand Malaysia's civil registration procedures. The significance of civil registration in this context cannot be overstated. In accordance with Regulation 3 of the National Registration Regulations 1990 (Amendment 2007), it is mandatory to formally document all births, deaths, adoptions, marriages, and divorces involving Malaysians or occurred within Malaysia. Registration of these events is the responsibility of the NRD, which is under the Ministry of Home Affairs. In addition, the NRD is responsible for determining citizenship status and issuing identification certificates for individuals who meet the eligibility criteria (NRD, 2007)

Birth registration is a critical step that serves as a gateway to legal identity and citizenship. As a key determinant of fundamental human rights, it is important in the effort to ensure that no one is left behind. With indicator for target 16.9 on the provision of legal identification for all and target 17.19 on statistical capacity, birth registration is vital to attaining the Sustainable Development Goals. And since 1960s, Malaysia had made a significant progress in improving civil registration system (AbouZahr & Boerma, 2005). It must be noted that all births and deaths in Malaysia are recorded at the NRD offices using a centralized computer database in accordance with the Births and Deaths Registration (Amendment) Act 2016. Given the importance of civil registration, it must be understood that the consequence of delayed registration will result in complexity of obtaining citizenship status. In 2019, a report indicated that

Sarawak has the highest rate of late birth registrations with atleast 3,000 late birth registrations annually (DayakDaily, 2019).

Previous studies have shown that the absence of birth registration, particularly in combination with other factors such as migration, discrimination, or intergenerational lack of documentation, does give rise to complications concerning nationality recognition (Genugten et.al, 2014). Frequently, this results in a scenario where the state refuses to acknowledge an individual's national identity, despite the fact that they meet the legal requirements for nationality.

According to the Births and Deaths Registration Act of 1957, the NRD must register and issue birth certificates to all children who are born in Malaysia, regardless of the nationality status of their parents. Before 2010, all birth certificates issued by the NRD were green, irrespective of the holder's citizenship status. However, under current procedure, a child's nationality status is indicated on a coloured birth certificate that was introduced in July 2011 (Table 1.2).

Table 1.2 Citizenship status on Malaysia Birth Certificate

Source: (National Registration Department, n.d)

Category	Requirements
Citizen (<i>Warganegara</i>)	• Citizenship status on the Birth Certificate is clear. • A child is a citizen if both parents are Malaysian citizens or if one of the parents is a citizen through a lawful marriage. • If a baby is born outside of a legitimate marriage and the mother is registered as a single mother, the baby will acquire citizenship based on the nationality of the mother. • A baby born to the spouse of a permanent resident ID card holder, also known as a red ID card holder, or one

	of the spouses of the card holder in a lawful marriage is entitled for Malaysian citizenship.
Non-citizen (<i>Bukan Warganegara</i>)	• This Non-Citizen Status is given because there are records and information of the mother and father that show they are foreigners. • As for determining the awarding of citizenship status to individuals, it is subject to the birth being either registered first according to the provisions of the birth law in force in the country or otherwise. Therefore, it is the responsibility of both the child's biological parents to manage the identity documents and travel documents with the consulate of the child's country of origin through their respective country's embassy. • This non-citizen status can be converted into a citizen in some circumstances. For example, a married couple where the husband is a Malaysian citizen while the wife is a non-citizen and they get married abroad, either in the wife's country or in another country, the marriage needs to be confirmed according to Malaysian law. If at the time of the child's birth, the marriage confirmation has not been obtained, then the child is not a citizen at the time of registration because it follows the mother's nationality. However, if the marriage is confirmed according to Malaysian law, then the child can get Malaysian citizenship. The most important criterion is that the birth of a child must

	occur after a valid marriage to obtain Malaysian citizenship.
Not yet Determined (<i>Belum Ditentukan</i>)	• For individuals who have a Birth Certificate with the status of Undetermined citizenship status, this is due to unknown parents, no identity document, no travel document, no citizenship status and the parents' marital status is not obtained or incomplete and the details of the child's birth itself is not obtained. • Since the proof to determine citizenship status rests with the applicant, the 'undetermined' status on the Birth Certificate aims to give space, opportunity, and time to prove whether they are Malaysian citizens or not citizens based on documents and evidence submitted to JPN.

1.2 STATEMENT OF THE PROBLEM

According to UNHCR year-end report in 2019, the exact number of individuals or groups in Sarawak who may be affected by statelessness and its geographical distribution is unidentified. Hence, the profile of the affected population, including its demographic makeup with gender and age-disaggregated data, has still not been made available anywhere in the national housing or population census. In addition, there is not only a lack of systematic attention provided to documenting reliable statistics but also understanding of whom to be included when documenting stateless persons. According to Van Waas (2008), continuous disagreements over what constitutes as stateless individuals means that various organizations and states tend to adopt a distinct approach not only to define statelessness, but also in terms of determination procedure of "stateless person status". Hence, lack of data on stateless populations is commonly related to the lack of coherent definition and obscurity surrounding the categorization of statelessness which result in difficulties in determination process of stateless persons according to international law. Due to this, it is not surprising that providing a precise

number of stateless populations has become an inherent problem in statelessness research. This research seeks to acknowledge the present issues relating to the lack of reliable data on stateless population and bring awareness of its occurrence in Sarawak.

Although stateless communities are often hidden and remain unidentified, it has been argued that indigenous community are particularly vulnerable to statelessness (Berma et.al, 2006; Jayasooria, 2014; Duraisingam, 2016; Liew, 2019). As clearly stated in Article 15 of the Universal Declaration of Human Rights (UDHR), and Article 6 of the United Nations Declaration on The Rights of Indigenous Peoples (UNDRIP), everyone's have the right to nationality regardless of race and religion. However, socio-economic status, cultural norms and institutional factors make indigenous communities less powerful actors than other majority groups in Malaysia, thus raising a need to pay special attention to their plight. Furthermore, the interface between the marginality faced by Sarawak rural community and statelessness is largely an unexplored territory.

Liew (2019) study identified two instances of statelessness that affected indigenous people. In the study, one paralegal described his 6 months experience providing paralegal assistance to 150 Iban community in Sarawak to obtain identity cards. The reasons why statelessness affected these communities are not only related to their rural location, but also contributed by the lack of awareness on the importance of obtaining citizenship and refusal of the village chiefs such as *ketua kaum* or *penghulu* to sign a statutory declaration to attest the individuals were community members living in the village (Liew, 2019). Another related report on statelessness also indicated that the politically affiliated or government-appointed village chiefs in Sarawak had caused a great deal of tension within the communities who disagree with the village chiefs, who have been appointed to promote the interests of the State and not necessarily that of the development of the indigenous community (SUARAM, 2017).

Despite the government's efforts made through a special task force to handle issues of personal identification such as identity cards, marriage certificates and birth certificates in 2015 (Malay Mail, 2017) and a second temporary task force to process birth certificates for stateless children in 2016 (The Star, 2016), human rights activists and non-governmental organizations dealing with stateless communities are concerned that these efforts are still insufficient to reach those living in the interior of Sarawak (SUARAM,2017). In SUARAM Human Rights Report 2017, the temporary task force

approach was deemed as 'ad-hoc and lackadaisical' and activists have stressed a lack of publicity from the government taskforce to rural communities as well as the arbitrary and selective nature of government registration drives. Case in point, Mykad applications tend to be managed on a case-by-case basis or accepted by government initiatives targeting selected locations on specified dates which was done mostly without sufficient notice and broad announcement. Other than poor infrastructure access in rural Sarawak, other causes attributed to statelessness are incorrect documentation due to illiteracy problems, parents without legal documents to prove citizenship and many other unidentified problems. And new cases are being created even in modern day by an inflexible attitude to the situation of the rural people of Sarawak and a lack of education in rural communities on the proper procedure (Borneo Today, 2018). It can be argued that obtaining Mykad, which is a fundamental right, has become a luxury and privilege in Sarawak. As a result, this problem has turned into a vicious cycle where not only does statelessness affect one generation, but it also carries on to the next generations, leaving the whole family uncertain about their future.

The devastating effects that caused by statelessness not only further marginalized the native and rural population but also contributed to deprivation of human rights fulfillment such as the right to work, to get education, to access proper health facilities, to get married, to vote for election, to travel abroad, to register birth, to buy properties and even to open a business. These restrictions influence people's daily lives and how they give meaning to their lives (Gubena, Groothuysen & Feenstra, 2017). In other words, statelessness interferes with the fulfillment of human life and prevents them from securing any opportunities to improve standard of living. Moreover, as ethnic minorities living in the rural area for generations, indigenous community constantly face the added barrier to essential services such as birth and marriage certification, which consequently prevented them from obtaining legal documentation for citizenship. As of now, it is sufficient to say that the existence of these large populations of stateless persons, including the worldwide incidence of sporadic cases, provides a strong argument for a closer look at the issue (Van Wass, 2008). In particular, there is a need for a better understanding of the complexity of the issue within a specific cultural, political and social context. Moreover, ignoring the severity of statelessness would further marginalize and add to the affected populations and individuals' invisibility.

With regards to research topic, this is a novel area of research, and little is currently known regarding the issue of statelessness among indigenous community in Sarawak. No known work seems to exist which address factors and consequences of statelessness among the indigenous community in rural area of Sarawak. And given the magnitude of statelessness problems among this population, there is still a lack of clarity on this issue due to limited studies conducted on Sarawak context. Much of the potential of anthropological approach remains unexplored to investigate statelessness issue in this region hence this study will employ narrative method to understand the lived experiences of those affected by statelessness. Therefore, this research is a first step towards a more profound understanding of statelessness in Sarawak using anthropological concepts. Having said all these, this research seeks to contribute to the existing corpus of knowledge that highlights the prevalence of the statelessness issue in this region, as there have been no investigations or empirical studies conducted thus far to understand the stateless situation particularly among indigenous community in Sarawak.

1.3 RESEARCH OBJECTIVES

The study aimed to achieve the following objectives:

1. To examine the root causes of statelessness and its repercussions through the narratives and lived experiences from the perspective of stateless people and their families.
2. To analyze the barriers to citizenship acquisition among the indigenous communities in rural Sarawak from the perspective of stakeholders and authorities.
3. To identify the practical and on the ground solutions to overcome challenges in mitigating the issues of statelessness in Sarawak.

1.4 RESEARCH QUESTIONS

1. What are the primary causes and consequences of statelessness, as seen through the perspectives of stateless people?

2. How do stakeholders and authorities perceive the challenges that indigenous groups in rural Sarawak face in obtaining citizenship?
3. What are the practical and on the ground solutions to overcome challenges in mitigating the issues of statelessness in Sarawak?

1.5 RESEARCH METHODOLOGY

I utilized a qualitative methodology in this research, incorporating a narrative approach to investigate the lived experiences of stateless individuals and various stakeholders. Bernard (2011) highlights the use of narrative analysis in anthropology, emphasizing its importance in understanding the meanings and interpretations that individuals assign to their experiences. It includes telling stories, recounting how people make sense of events and actions in their lives (McAlpine, 2016). The most important thing about narrative research is the opportunity it presents to value different ways of understanding, which allows researchers to capture diverse and varying interpretations of experience, both inside and between people (Pinnegar & Daynes, 2007). This method is especially useful for researching marginalized or stateless communities since it captures the complexity and nuances of their lives. And given that the narrative research report can converge multiple perspectives on experiences encountered by stateless persons and various stakeholders, I am able to provide a richer and more plausible representation of lived experiences. Hence, consistent with the narrative approach employed in this study, I conducted in-depth interviews with stateless persons and their families, as well as various stakeholders, primarily local non-governmental organizations (NGOs), to gain a detailed understanding of their experiences and context in relation to statelessness in Sarawak.

The process of gathering research data began in June 2021 and continued until September 2023. Due to travel restrictions that were largely affected by the Covid-19 pandemic, this process involved a combination of online and face-to-face interviews. And the initial proposed research locations in Serian, Tebedu and Lubok Antu district were relocated to Kuching, Kota Samarahan, Lundu and Sibu instead. Even though Sarawak implemented the Conditional Control Movement Order (CMCO) effective January 18th, 2021, and it has been extended up until May 29th, there are several districts and localities in the state that were under enhanced MCO (EMCO). Several

longhouses in Serian, Tebedu and Lubok Antu were placed under EMCO during this period. Furthermore, following an increase in Covid-19 cases in several rural villages in Sarawak, the government has imposed stricter Standard Operating Procedures (SOPs), making inter-district travel prohibited unless permitted by police. The social stigma associated with Covid-19 became an added barrier for me in gaining access to longhouses located in rural areas during the initial period of my fieldwork. As a result, early in the study, I conducted several interview sessions with stakeholders in June 2021 who are NGO workers using online platforms such as Zoom meetings to gather background information on the statelessness situation in Sarawak.

After the travel restrictions were completely lifted in April 2022, I was able to conduct fieldwork, which involves participant observations and face-to-face, in-depth interviews with stateless persons and their families at their respective residences located in Kota Samarahan, Lundu, and Sibul. Meanwhile, interviews with stakeholders were mainly conducted in several locations in Kuching. I was able to schedule interviews with my informants through referrals, emails, and phone calls. However, my attempts to arrange interviews with authorities and policymakers were less successful than those with civil society and stateless people.

An interview protocol with semi-structured questions was developed to guide the interviews and ensure comparability. Specifically, an interview schedule comprising both closed-ended and open-ended questions was used. This included questions on citizenship status or statelessness, the consequences of statelessness, challenges, and related broader issues. Meanwhile, interviews with stakeholders consisted of questions related to their work experiences with stateless people, details of statelessness cases among indigenous people to identify contributing factors to their situation, the challenges they faced while assisting stateless individuals, the strategies they developed to address statelessness, and the policy and practice recommendations they made to resolve statelessness.

A total of ten informants were included in in-depth interviews: five of them were representatives of non-governmental organizations, activists, and local academics, while the remaining informants consisted of stateless individuals and their families. Despite the small number of participants, the amount of data collected was sufficient as it reached saturation point after the tenth interview. Studies found that data saturation

often occurs within the first 12 interviews, with basic elements for meta-themes present as early as six interviews (Guest, Bunce, & Johnson, 2006 & Cresswell, 2007).

The study utilized snowball and purposive sampling methods to identify stateless persons, as well as local activists who are actively involved in providing support to stateless individuals. As statelessness covers sensitive and frequently stigmatized issues, purposive sampling ensures that the participants are willing and able to share their experiences in an honest and open manner thereby protecting both the informants' wellbeing and ethical concerns (Mack et al., 2005). Furthermore, Neuman (2006) states that purposive sampling is valuable in exploratory studies where the focus is not on producing a representative sample, but rather on gaining a comprehensive understanding of the topic being investigated. This strategy is particularly useful in qualitative research, as it allows for the exploration of new areas or the investigation of challenging issues that necessitate detailed insights from persons with unique expertise. Purposive sampling, in practice, includes various techniques such as maximum variation sampling, expert sampling, and snowball sampling. The latter involves the key informants assisting in the identification of more participants who meet the study criteria. Hence, prior to the fieldwork, I contacted key informants, who are predominantly local activists and NGO representatives, to identify individuals and families impacted by statelessness. This is necessary due to the lack of official data that could provide information about these individuals, making them largely undetected and invisible. Key informants serve as important intermediaries for indigenous communities and play an important role in providing information on the stateless situation that affects individuals residing in certain areas. It must be noted that this inevitably results in the inclusion of participants from multiple locations, which is indicative of the interconnectedness and expanse of the social networks involved. By including informants from various locations, the study can reduce the impact of local anomalies or unique situations that might skew the results if only one location were studied (Creswell & Poth, 2017).

Additionally, the researcher utilized the participant observation approach to acquire more comprehensive and firsthand data regarding the identified issues. This approach necessitated engaging in and carrying out tasks alongside stateless individuals or groups in order to gain a deeper understanding of their daily lives and the challenges they faced due to their stateless status. I also gathered primary information on laws,

regulations, and practices that were introduced or changed to better understand the causes, circumstances, and responses to the stateless situation in the form of newspaper articles, memorandums, speeches, declarations, and guidelines produced by the government and stakeholders. These were regularly distributed via government websites, internet bulletins, and magazines.

The written notes collected during the interviews were promptly transcribed into written research documentation. Following the collection of all the data, a comprehensive and focused analysis of the data was carried out, employing a methodical and deductive methodology across all the instances. The viewpoints of the informants were subsequently obtained by content analysis, which was then complemented by methodological triangulation utilizing the findings from existing literature. Analyzed the responses to produce qualitative evaluations of the conditions in Sarawak, with the bulk of responses being given in English, Malay, and the local Sarawak Malay language.

1.6 SIGNIFICANCE OF THE STUDY

As part of 193 United Nation Member States, Malaysia is committed to put an end to statelessness and pledged to ensure that “no one will be left behind” through the Sustainable Development Goals (SDGs). By adopting the 2030 Agenda for Sustainable Development, it shows that maximizing inclusiveness to nationality for all people especially those living invisibly and vulnerably on the lowest divisions of society is very important to help them reach their full development potential.

Furthermore, statelessness is a well-recognized issue and constantly contested concepts which necessitate diverse understanding that extend beyond its legal definition. However, understanding the issue of statelessness through legal instruments alone rarely has any impact on the day-to-day lives of stateless persons because it ignores the subjective experience of those affected by the situation. From a legal point of view, statelessness is considered as legal problem that can only be seen as one-dimensional construct. While anthropological and sociological approaches to statelessness also consider the human dimension of statelessness which focuses on the impact on individuals. Hence in terms of methodological contribution, anthropology's

emphasis on narratives gives strength to the complex realities faced by stateless persons that are often dominated by legalistic point of view.

This research intends to offer critical insights from an anthropological perspective to understand the condition of statelessness specifically in Sarawak context. In terms of academic disciplinary contributions, this research will provide valuable and comprehensive insights on how anthropological discipline contributes to a more nuanced understanding of statelessness. Additionally, it also contributes to the understanding of the impact of statelessness and highlights some debates around the discussion of this issue, particularly in the Malaysia context that can fill both theoretical and empirical gaps. Insights into these aspects are expected to open more opportunities for future research, civic engagement, and advocacy initiative to reduce and resolve statelessness in general.

1.7 CHAPTER OUTLINES

This thesis divides its organization into five chapters. First, a brief overview to the phenomena of statelessness in both global and regional contexts is provided at the beginning of the first chapter. Following this, the chapter then continues with an explanation of the problem statement, which provides an overview of the statelessness situation in Malaysia and the Sarawak landscape. Additionally, the aims of the study, the research methodology, and the significance of the research are discussed in this chapter.

The second chapter presents relevant literature and critically discusses the two dimensions found in most scholarly research on statelessness concepts and theorization. The first dimension delves into the objective concept of statelessness, while the second delves into the subjective concept of statelessness. In addition, this chapter provides a discussion of empirical findings from previous studies on the problems of statelessness faced by various ethnic groups and individuals around the world.

The third chapter extensively discusses the research findings. Within the context of their own lived experiences, the chapter investigates the factors that lead to statelessness among the indigenous people living in Sarawak as well as the repercussions of this phenomenon. This chapter focused on a multiple case study that

highlights the narratives of stateless individuals and their families to identify the root causes that contribute to their stateless condition and explain the implications of this condition for their lives.

An examination of the obstacles and difficulties encountered by indigenous people in Sarawak is presented in the fourth chapter. This chapter examines the barriers and challenges faced by indigenous people in Sarawak from the perspective of stakeholders and authorities, drawing on their personal experiences and encounters with cases of statelessness. This chapter also discusses recommendations for mitigating statelessness among the indigenous people in Sarawak by drawing on practical and on-the-ground solutions.

The fifth and final chapter concludes the preceding chapters' discussions by presenting analytic views on the issues prior to the statelessness research. This chapter, armed with new information and insights from the study, will closely examine the applicability and potential changes of current theories and ideas about statelessness. The chapter also emphasizes the study's outcome, which adds value to the existing body of knowledge, policymakers, and society. This chapter concludes with several proposals for future studies to contribute to a broad body of literature that will facilitate a better and more comprehensive understanding of statelessness issues.

CHAPTER TWO

LITERATURE REVIEW

1.8 INTRODUCTION

This section explores the objective and subjective dimensions of statelessness research. The objective dimension focuses on the legal framework, including laws and policies that define citizenship and legal recognition. The subjective dimension examines the lived experiences of stateless individuals, highlighting their sense of identity and belonging. The discussion that follows will address both perspectives to provide a deeper understanding of statelessness.

1.8.1 Legal Dimension of Statelessness

In general, there are two dimensions that can be found in most scholarly literature on concepts of statelessness (Balaton-Chrimes, 2012; Rothstein, 2018; Skold, 2019). The first dimension describes and analyses statelessness as an objective concept which provides a formal and legal conception of statelessness under international law. Article 1 of the 1954 Convention Relating to the Status of Stateless Persons provides a legal definition of a stateless person as ‘a person who is not considered as a national by any state under the operation of its law’ (1954 Convention (n 4) art 1). This international legal definition further classified statelessness as *de jure* statelessness. In this context, *de jure* statelessness is linked to legal and formal aspects of nationality.

According to Owen (2018), *de jure* statelessness results in the lack of effective nationality which is not only wrongful but also a harmful condition because it creates a vulnerable condition which exposes individuals to insecurity in terms of rights and resources. Effective nationality refers to a condition which enables a person to possess civic rights within the State’s territory of one’s nationality and most importantly it gives them the right to enter, reside and given diplomatic protection by the State’s (UNHCR, 2010).

Owen (2018) further explains the sources in which *de jure* statelessness arises. The first is structural, which stems from the fact that states have the right to adopt their own citizenship laws and leave some persons without nationality. The second one is

administrative which is related to the fact that important documents such as birth certificate are required for nationality application and these documents are produced and processed by governing bodies of the States and administrative agencies. These sources of statelessness are related to the state's lack of political will to acknowledge or redress the problem of statelessness.

Another classification of statelessness is *de facto* statelessness. Based on the 1949 Study of Statelessness, *de facto* stateless individuals were defined as those who, after leaving the country of which they were citizens, no longer benefit from the protection and assistance of their national authorities, either because those authorities choose not to provide them with such assistance and protection or because they choose to forego such protection on their own. Whereas according to The Handbook for Parliamentarians (2005), *de facto* stateless is the person who could not prove that she or he is legally or *de jure* stateless and yet has no effective nationality and national protection. While *de jure* statelessness is statelessness as of law and meet the international definition legal definition of statelessness, *de facto* statelessness definition is not included in the international law. This is due, in part, to the assumption that all people who are *de facto* stateless are refugees and are therefore not defined by Article 1 of the 1954 Convention Relating to the Status of Stateless Persons (UNHCR, 2005). However, many people may not be stateless according to the law, but they are not refugees either (Massey, 2010). As such, are considered as *de facto* stateless. And over the years, it has become obvious that there are *de facto* stateless people who do not get citizenship in their nation of habitual residence yet do not qualify as refugees or *de jure* stateless people (UNHCR, 2005).

It is notable that the majority of earlier scholarly studies on statelessness begin with an examination of international law on the subject (Manly & Van Waas, 2014). Since statelessness is mainly known as a legal notion, statelessness literature has largely evolved within the field of legal and international law. As a result, the following review of the literature reveals that the legal academy has made a considerable contribution to statelessness studies.

Additionally, it is important to understand a number of international and regional instruments addressing statelessness in order to better comprehend statelessness from a legal standpoint. The relevant international instruments includes

1930 Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws, the 1930 Hague Protocol Relating to a Certain Case of Statelessness, the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the 1967 Convention on the Nationality of Married Women, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women and the 1989 Convention on the Rights of the Child.

Two conventions that serve as a foundation and primary instruments for addressing statelessness are 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. The 1954 Convention concentrated on protecting stateless citizens and assisting stateless citizens in living secure lives, rather than calling for the reduction of statelessness, while the 1961 Convention is the main international instrument for the reduction of statelessness (Hooker, 2013).

Following the formation of UN legislation relating to the rights of stateless persons, the relationship between statelessness and international law is extensively discussed in order to comprehend why the identification of statelessness as a global problem has not resulted in the reduction of the phenomenon through international law. For instance, scholars have attempted to gain a better understanding of the responsibility of states regarding the prevention of statelessness and the preservation of the rights of stateless individuals. Consequently, the majority of the earliest literature on statelessness was authored by researchers involved in the formulation of the stateless convention, as well as representatives from NGOs and regulatory entities such as Refugees International and UNHCR. And there are few similar themes which have been widely emphasized in this literature such as citizenship or nationality as fundamental human rights, the causes of statelessness, the implications of statelessness and addressing recommendations for statelessness to the UN, states, and NGOs (Hooker, 2013). Although most of the literature has taken the form of a descriptive report which tried to set the agenda at a critical time, its strength lies in the fact that the United Nations has been able to identify causes that lead to statelessness through this report (Blitz & Lynch, 2009).

Within the field of international law, statelessness issue receives a considerable attention from legal scholars such as Van Panhuys who considered the role of nationality in international law as early as in 1959. Another notable work is Paul Weis's *Nationality and Statelessness in International Law* published in 1979. Weis's book deals with the conceptual challenge of putting nationality within the context of international law and attempts to establish typologies on statelessness (Weis, 1979). The book illustrates the conditions under which nationality may be withdrawn and multiple nationality granted however it did not pay particular attention to the cause of statelessness.

Notably, some of the most comprehensive studies on this subject which address the cause of statelessness can be traced in the work of Laura van Waas, *Nationality Matters: Statelessness under International Law* published in 2008 and *Refugees International* 2009 report 'Nationality Rights for All: A Progress Report and Global Survey on Statelessness' by Katherine Southwick and Maureen Lynch. Van Waas (2008) elaborated on the two statelessness conventions, the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to examine how these conventions dealt with the issue and prevention of statelessness. This study has made a substantial contribution in addressing the root cause of statelessness which was divided into four categories: technical causes, statelessness in the context of state succession, denial of citizenship resulting in statelessness and the so-called "new" causes of statelessness (Van Waas, 2008). In light of current developments in human rights law, Van Waas also provides a detail assessment on the relevance of the 1954 Convention and suggested implementing international guidelines to determine statelessness that will ensure individual protections.

Meanwhile, the *Refugees International* 2009 report by Katherine Southwick and Maureen Lynch provides a valuable insight into the problem of statelessness through global survey conducted in over 80 countries and also highlights cases of progress which reveals the massive denial of human rights due to loss of nationality. Similar report produced earlier in 2005 by Refugees International study entitled 'Lives on Hold: The Human Cost of Statelessness' employed the same approach in capturing data relating to stateless populations through interviews and field trips to the region. One of the main contributions of these report lies in the comprehensive historical details and

micro-level description of how human rights repression impacts the lives of individuals on the ground (Lynch, 2005).

In contrary to Van Wass (2008) and Southwick et.al (2009), Weissbrodt addressed two mechanisms leading to statelessness but not the reasons for it (Weissbrodt, 2008). The two mechanisms leading to statelessness are slavery and trafficking of human beings and the systematic eradication by the government of ethnic minority groups. And because of there are different mechanisms, he further argues that while *de jure* statelessness can happen because of administrative errors, *de facto* statelessness is usually a result of discrimination.

Also drawing from legal framework, Blitz's (2009) made a distinction between the primary and secondary sources of statelessness. The primary sources involve direct discrimination such as the denial and deprivation of citizenship as well as the loss of citizenship. Whereas secondary sources refer to the situation in which national policies are designed, interpreted and applied through political restructuring and environmental displacement as well as the construction of practical barriers that prevent people from accessing their rights (Blitz, 2009).

In the context of Malaysia, there are several academic works that examined statelessness within the legal framework (Afandi, 2012; Razali, Nordin & Duraisingam, 2015; Razali, 2017; Saman & Affandi, 2018; Dusuki, 2018; Liew, 2019; Selvakumaran et.al, 2022). For instance, Liew (2019) study sheds light on categories of stateless persons and identified six categories that characterizes persons as 'stateless' or 'being at risk of statelessness' by the operation of Malaysia citizenship law. The first category involves persons with long-standing residence since pre-independence and their descendants. Statelessness under this category is linked to a large group of Indian Tamils living in rural plantations before Malaysia gained independents. Also included under this group are those who failed to register or get documentation before independence and did not live in plantations.

The second category identified in the study are persons who lack important documents such as birth certificates or marriage certificates to obtain citizenship. Whereas the third category consists of abandoned children or 'foundlings' and adopted children. The study discovered that statelessness is prevalent among abandoned and adopted children mainly because they lack documentation and unable to provide any

information on their background. The fourth category posits that statelessness arises among the children due to mixed marriages or lack of legal status of their parents. Meanwhile the fifth category consists of indigenous persons whereas the sixth category involves refugees and children of migrant workers. It is important to note that in this study five out of six categories of stateless persons represented in this study can be said to have genuine and effective links to Malaysia or not necessarily migrants or foreigners.

Another study pertaining to the legal analysis of statelessness focused on education access for stateless children in Malaysia by assessing the statutory provision that provides general rights to education for children (Saman & Affandi, 2018). The study found that stateless children have no access to public school because the constitutional safeguard which provides access to education is not applicable for them. This study also reveals that the Federal Constitution, the Education Act, and the National Education Policy in Malaysia only uphold the citizens' rights to an education. While there is no constitutional safeguard provided for non-citizens, this does not prevent the state from extending the education access to non-citizens.

A similar study conducted by Yusoff et.al (2019) which investigates the present legislation in regard to the rights of stateless children in Malaysia to acquire nationality. Yusoff et.al (2019) deliberates on some possible recommendation to resolve issues related to birth registration that mostly affected stateless children in Malaysia. According to the study, the problem of stateless children in Malaysia may be resolved by applying Article 15A of the Federal Constitution which states the Federal Government may in special circumstances as it thinks fit cause any person under the age of 21 years old to be registered as citizen. The author concluded that in order to address the issue of stateless children in this country, a strong political will on the part of the government is important because ultimately, the conferment of nationality rest on the discretionary power of the executive.

Meanwhile, another related study on legal perspective of statelessness reveals the legal barriers related to birth registration and citizenship acquisition for stateless and undocumented children in Malaysia. The study comprehensively analysed the situation by presenting examples of court cases to demonstrate the extent of legislative challenges encountered by stateless children in Malaysia. It is important to recognise that

statelessness is a direct result of nationality laws and state legal provisions pertaining to the acquisition of citizenship. Therefore, this study provides a useful legal understanding of the circumstances that affect Malaysia's stateless population.

Literature on statelessness in Malaysia that discusses current law and nationality policy are also available from both regional non-governmental organizations (NGO) and international organizations such as the UNHCR. One example is a publication by Development of Human Resources for Rural Areas (DHRAA). Established in 2014 to address statelessness problem in West Malaysia, DHRAA compiled a database of statelessness cases and released two series of a handbook to raise awareness. The first series entitled *Understanding Statelessness in Malaysia* provides useful baseline data on the definition, classifications, and causes of statelessness in Selangor, Negeri Sembilan, Perak, and Kedah acquired via community-based paralegal aid services and registrations. The series, which is organized in the form of graphic information, shows several categories of statelessness in Malaysia and demonstrates how discriminatory nationality laws can lead to statelessness. In this context, the handbook explains that the Federal Constitution prohibits males from transferring their nationality to their children if the child is born out of a lawfully registered marriage. Similarly, the mother cannot transfer her nationality if she is herself stateless, and the mother country's laws prohibit her from conferring her nationality in certain circumstances. Furthermore, another series of the handbook titled *Resolving Statelessness in Malaysia* provides a detailed graphic illustration of the gaps in Malaysia's current nationality policy and how procedures implemented by the NRD and the Ministry of Home Affairs may have inadvertently produced the condition of statelessness.

1.8.1.1 The Concept of Nationality

It is critical to note that the objective and legal conception of statelessness involves the understanding of nationality as a legal bond between an individual and the state. Indeed, the International Court of Justice (ICJ) provides a definition of nationality where it clearly stated that “Nationality is a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments together with the existence of reciprocal rights and duties” (International Court of Justice, 1955, pg.23).

The concept of nationality differs between international law and national or domestic law within this legal dimension. Under domestic law, nationality is a legal bond that exists between an individual and the state which determines his or her individual rights. Whereas international law specifies that nationality determines which states to allocate an individual and often defines different rights and obligations between states (Hellborg, 2015).

Samore (1951) paper extensively discusses statelessness as a result of conflict in nationality law and illustrates how the failure to obtain nationality at birth leads to statelessness. According to the citizenship law in most countries, there are three traditional pathways to citizenship which are *jus soli*, *jus sanguinis* and naturalization (Lynch, 2008). Alternatively, a newborn child obtains nationality from the country of birth regardless of parental citizenship through citizenship by birthplace (*jus soli*). Whereas *jus sanguinis* dictates that a newborn child may acquire nationality through one or both parents by citizenship by blood. One can also obtain citizenship through naturalization, a process by which a state regulates how a person can change from one nationality to another. Conflict in nationality law happens when a child of parents who are nationals of states that follow the *jus soli* principle is born on the territory of a state where nationality at birth is determined by *jus sanguinis*. As a result, the country of the parents does not grant nationality because the child was not born on its territory, and the country where the child was born similarly denies nationality because the parents are foreign nationals. In this context, Samore (1951) posits that the use of both systems at the same time may result in stateless circumstances.

1.8.1.2 The Concept of Citizenship

Statelessness is mainly caused by a loss of citizenship. Therefore, in addressing the issue of statelessness within the legal framework, the concept of citizenship is often intertwined with the concept of nationality where both are the main prerequisite for the access to basic human rights and political membership (Blitz & Lynch, 2009). The terms citizenship and nationality are often used interchangeably in most of the academic literature (Bianchini, 2015). According to Sadiq (2008), citizenship is widely accepted as a legal status and is linked with a set of legal rights and obligations. Thus, the legal aspect which primarily defines citizenship is the formal relationship between an

individual and the state as well as the privilege status given to an individual in exchange of his or her allegiance to a specific political community. In relation to this, an individual's status as a citizen is defined as the obligation to demonstrate loyalty to a particular state and the opportunity to enjoy the rights and privileges that are granted by that state.

1.8.1.3 Gender Discriminatory Law

In relation to gender discriminatory nationality law, there are 27 countries which retain nationality laws that restrict women to confer their nationality to their children on an equal term with men such as The Bahamas, Bahrain, Barbados, Brunei, Burundi, Iran, Iraq, Jordan, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mauritania, Nepal, Oman, Qatar, Saudi Arabia, Sierra Leone, Somalia, Sudan, Suriname, Swaziland, Syria, Togo and United Arab Emirates (UNHCR, 2014). Although statistics on statelessness are difficult to find, women are estimated to make up 71-78 per cent of the world's stateless population. In countries with true *jus sanguinis* nationality laws where citizenship is dependent on husband, women are particularly vulnerable to becoming stateless after divorce or widowhood, as these conditions may remove their identity and nationality (Shaheen, 2018).

Following to that, there have been several studies on statelessness that draw attention to gender discriminatory law in specific region. For instance, Petrozziello (2019) draws upon research findings from the Dominican Republic (DR) where gender discriminatory nationality law based on true *jus sanguinis* principle is causing matrilineal transmission of statelessness among the Haitian migrants and their descendants. Particularly, the research reveals how gender and ethnic discrimination have effectively results in inaccessibility to the Dominican civil registry for children of undocumented Haitian migrant women even though their fathers are documented Dominican citizens. In the study, ten out of 34 women unable to declare the birth of their children because the birth declaration process contingent on the mother's documentation status has created an administrative blockage to Dominican fathers passing on their nationality via *jus sanguinis*. Without any evidence to establish the birth of a child, the mother cannot obtain a birth certificate from any country which leaves the child stateless. The study argues that this form of matrilineal transmission of

statelessness has intergenerational effects, perpetuating poverty, multiple forms of discrimination, and social exclusion.

In Nepal, Nowack (2015) research illustrate how gender discriminatory nationality law placed the social positioning of women and girls as inferior within the Nepali patriarchal society. According to Article 11.3, Nepali women should both establish evidence of the citizenship of the child's father and that the offspring was born in Nepal in order to obtain citizenship by descent. Not only this constraint applies only for the children of Nepali women and not of Nepali men, but it also implies that the sons and daughters of mothers who have undergone abuse, who have fled to other countries, who have been trafficked, left by their boyfriends or spouses, who are married to foreigners or who are stateless and/or in relationships with stateless men or refugees, may expect that requests for Nepali citizenship by descent would be denied on behalf of their children.

Lee (2005) in his study among irregular migrant workers from Burma (Myanmar) in Thailand many of whom include ethnic minorities such as the Karen, Shan, and Mon, points out that patriarchal views of gender roles meant that women and children could be rendered legally stateless when their husbands and fathers lost their citizenship rights under the domestic nationality law. This happens because women and children are seen as dependent on their husbands and fathers. Lee (2005) also argues that the gendered aspects of nationality laws in Asian countries are mostly influenced by Western societies, and this has largely affected the lives of women in this part of country. And one of the major impacts of gender-based statelessness is that it prevents women from enjoying and exercising their basic human rights, including their civic, economic, cultural, political, and social rights.

1.8.2 Subjective Dimension of Statelessness

As previously mentioned in this chapter, the concept of statelessness has two dimensions. The second dimension on the concept of statelessness focuses on subjective notion of statelessness which addresses the phenomenon as a diverse and complex condition beyond legalistic concept. Herein, statelessness concept is approached in a broader context not limited to judicial and legal framework. Gubena, Groothuysen, and

Feenstra (2017) argue that to grasp the conceptual definition of statelessness, one must first critically examine the concepts of state, nation, and citizenship as social constructs.

According to a renowned anthropologist Radcliffe-Brown (1994), the state does not exist in the real world but is an entity above group of society that are connected by complex system of relations. And when society sees themselves as a cohesive entity connected by the same cultural and historical background, they form a nation. The process of industrialization and capitalization brings about socio-cultural and economic changes in society that lead to the erosion of geographical boundaries and the standardization of languages through printing press. As a result, the rise of nationalism as ideology binds people together despite geographical or physical boundaries and creates a sense of togetherness or belonging which an anthropologist Benedict Anderson (2006) coined as “imagined community”. It can be argued that nationalism as ideology is constantly destabilized by the process of globalization through global migrations across and within national boundaries which consequently results in the fading of national borders and affects people’s attachment to soil and territories (Appadurai, 2006).

When the idea of imagined borders and collective identity are constructed to form a state and nation, it becomes the basis of inclusion and exclusion process (Gubena, Groothuysen & Feenstra, 2017). Stateless people constantly face exclusion because they do not belong to any state or nation and therefore suffer problems related to their sense of belonging and identity. Not only do stateless people suffer emotional and social problems due to statelessness but also lack of citizenship.

Hence, citizenship as legal concept can be understood as formal and legal connection between people and the state (Malkii, 1995; Saddiq, 2008). In this sense, citizenship is a legal status that confers rights on the individual who has it, but in exchange for those rights, the citizen is required to fulfill obligations to the state. According to this perspective, having citizenship status bestows the "right to have rights," as Hannah Arendt (1968) famously phrased, and having citizenship status serves as a prerequisite to a variety of civil, political, and social rights (Marshall 1992). Meanwhile, anthropologists are getting more involved in the academic debate about citizenship, highlighting the need to look beyond the political definition of citizenship as legal status, rights, and membership within a community (Lukose, 2005). This

dimension viewed cultural aspects of citizenship as no less important than the legal and political aspects (Miller, 2007; Ong, 1996; Hall & David, 1989).

As the preceding paragraph suggests, state, nation, and citizenship are not only social constructs that consist of physical, social, and cultural borders based on ethnicity, religion, and gender, but these concepts are also interrelated to describe group membership as well as exclusion. Statelessness on the other hand is a formal description of lack, which refers to those denied group membership and therefore denied the opportunity to develop a sense of belonging. Kerber (2007) states that statelessness is also a condition that evolves over time, dynamically constructed, and reconstructed by sovereign nations in pursuit of their own interests to differentiate between the vulnerable and invulnerable. Hence, citizenship can be revoked and reconfigure as a strategic political tool, and consequently a process of social construction to categorize between 'insiders' and 'outsiders' (Blitz, 2006).

Several empirical studies on statelessness reveal that various concepts have emerged from multiple academic disciplines, illustrating how statelessness is conceptualized as a subjective condition by focusing on the lived experiences of stateless persons (Cheong, 2014; Lori, 2017; Allerton, 2017; Rothstein, 2018; Parsons & Lawreniuk, 2018). These kinds of research employ a transdisciplinary and interdisciplinary approach to investigate statelessness to better understand its subjective dimension (Sköld, 2019; Jónsdóttir, 2016; Bloom, Cole & Tonkis, 2017; Petrozziello, 2019; Baluarte, 2019; Kingston, 2019). For example, Sköld (2019) explains that statelessness needs to be addressed in its full complexity where theory and practice cannot be limited to the dominant legalistic framing of the issue but must incorporate sociological understandings in order to be able to challenge underlying hegemonic assumptions of the international state system and of the state as an emancipatory actor on which the existence of statelessness rests. In other words, Sköld (2019) argues that it is necessary to consider a sociological understanding of statelessness without ignoring legal understanding of the issue in order to address the complexities of statelessness. Furthermore, Sköld (2019) has added that citizenship is considered a concept beyond formal legal status and as one heavily intertwined with notions of nationhood, and as a concept which can be utilized as a political tool.

Conceptually similar work has also been carried out by Jónsdóttir (2016) in which the importance of moving beyond the political and legal notion of citizenship has been emphasized to reveal the various forms of cultural and social dimensions embedded in citizenship in the contemporary setting. Particularly, Jónsdóttir (2016) attempted to explore the different dimensions of anthropological knowledge and theorization on the notion of belonging, the nation, the community and the inclusion and exclusion of citizens as linked to the concept of citizenship. The study reveals that there are many forces which affect how people perceive their membership and inevitably results in the creation of hierarchical systems within communities aided by the institutionalized and sovereign nation-state.

In an attempt to "humanise" statelessness, Rahman (2020) explored an art-based approach to demonstrate how it may be utilised to generate alternative perspectives on statelessness. This study explains how art "humanise" the subject of statelessness by generating empathy for stateless individuals through addressing their vulnerability, acknowledging their agency, and connecting with their aspirations. In other words, this approach strives to interpret the different experiences and conditions of stateless individuals through artistic performance and artworks so that a larger audience develops empathy and connection with stateless people. It has been noted that even though artworks can successfully represent and express statelessness in a distinctive way, it rarely criticizes or strives to alter dominant discourses. In this context, the use of the arts to generate empathy for stateless persons may achieve its ultimate objective and reveal the human aspect of the issue, which the legal method has failed to do, but it does not aid in resolving the issue of statelessness on a legal ground.

On the other hand, Manly and Van Wass (2010) proposed using the human security framework to examine how statelessness affects the exercise of specific human rights in order to understand statelessness beyond legal frameworks and emphasize the human aspect of the issue. As evidenced by the study, stateless persons are denied a wide variety of human rights, including the ability to vote, the right to work legally, the right to receive healthcare and education, and the right to own property. And this deprivation of human rights threatens human security. Additionally, the study argues that instead of focusing on rather complex international legal procedures, the impact of statelessness on the individual and, by extension, the community is the place to start. The role of international law in preventing and resolving such situations might come

into focus once the individual's plight and influence on society are understood. The study did, however, acknowledge the limitations of utilizing a human security paradigm to address statelessness because human security may not be indicative of the issues faced across the broad range of statelessness scenarios.

Once the situation of the person and its effect on society are recognized, the focus can shift to the role of international law in preventing and resolving such conditions. Meanwhile, a study by Rothstein (2018) introduced a two dimensions of statelessness as conceptual framework; hard and soft statelessness to explore the lived experience of young Moroccan migrants' situation in Sweden and their inability and/or unwillingness to return to Morocco. The hard statelessness concerns the notions of legal and political statelessness consists of judicial (e.g *de jure* and *de facto*) and political analysis of stateless situation, while soft statelessness concerns notions of identity and (dis)belonging demonstrated through personal narratives of the young migrants. The author explained that soft statelessness can be described as a sense of dis-belonging and emotional rejection by the home-country among the Moroccan youth migrants which also justify the reason for their unwillingness to return home. While hard statelessness affects those without a state that is willing to protect and care for them. It is not only about losing the right to citizenship, but it can also affect those who, by nationality law, is a rightful citizen but lacks effective citizenship.

Another example of a similar approach can be found in a conceptual paper on stateless situation in Sabah. Applying the "two social reality" context; the "authority-defined" social reality and, the "everyday-defined" reality, the paper demonstrates the various perspectives of those belong in the dominant power structure (authority-defined) and those engaged with statelessness issue on the ground (everyday-defined) (Ong P.L, Selvadurai, Ong P.H, Radzi & Ong P.T, 2015). Hence, the paper was divided into two important sections, the first section consists of discussion on statelessness issues in Sabah by official representatives of governmental organizations such as the NRD of Sabah and Immigration Department. Meanwhile, the second section comprises of discussion and research findings by academicians, researchers and NGO representatives who are directly involved with stateless children's issues. The paper recognizes that there is a conflicting definition between authority and the general public on what constitutes 'statelessness'. Therefore, a further investigation on this area will

remain necessary to provide a better contextual understanding of the stateless definition, especially in Malaysia.

According to Cole (2017), there are two views to understand statelessness in relation to global political order. The first view considers statelessness as a residue which exists outside of the international system of sovereign states while the second view see them as structural failure. Whether the exclusion of certain groups such as women, the physically disabled, non-white 'ethnic' groups, migrants and stateless people are considered as residual or structural, the focus of this essay is to provide a theoretical discussion of how these groups have been excluded at the level of liberal political theory and not how the condition of statelessness is produced.

Another essay which provides a theoretical discussion on statelessness highlights the importance of treating the issue not merely as a legal problem, but it should be extended through social, political, economic, moral, demographic, ethical, and psychological perspectives. In their essay, Reddy and Ramaprasad (2019) presented an ontological framework that introduces the use of supra-legal perspective to better understand a complex problem such as statelessness. An ontological framework aims at figuring out what factors are used to determine a person's residential status, how a person's status can change from being stateless to not being stateless, and what are the process involved for those changes. Furthermore, the framework also addresses the impacts of statelessness locally, nationally and internationally. This essay provides a very useful epistemological discourse as well as practical framework by using four dimensions such as impact, geographical unit, status and grounds to address and determines the problem of statelessness. However, despite of its pragmatic approach, it focuses mainly on the macro-level dimension to address statelessness issue while this research focuses specifically on the micro-level conditions to understand statelessness through the narratives of stateless persons.

Recognizing that statelessness leads not only to loss of citizenship, but also in loss of voice due to person's invisibility. Refugees International produced a comprehensive report that compiled narrative accounts of the Bidun, the most widely documented group in the Middle East (Barbieri, 2007). In the report, the Bidun described their daily struggles as a result of statelessness which are surrounded by fear, concern, insecurity, and vulnerability. Similarly, the works of Ali (2006) and Rizzo

et.al (2007) research the problem of statelessness among the Bidun in Kuwait. Meanwhile there are other studies which examined the plights of the Palestinian-Arab citizens of Israel (Molavi, 2013). In most of the literature, research on statelessness in the Middle East sheds light on the instances of discrimination based on nationality.

Meanwhile Eliassi's (2015) study combines a theoretical examination of statelessness and citizenship with empirical studies based on the narratives of the Kurdish living in Sweden and the United Kingdom. Several interviewees indicated that not only do they frequently experience difficulties in clarifying who they are or their identity in everyday life due to their statelessness, but that being questioned about their identity or status adds "insult to injury." In other words, statelessness is viewed as a crime for which individuals must continually demonstrate their innocence. This study provides very important insights into how statelessness is experienced by drawing on the voices of stateless Kurdish people living in Sweden and the United Kingdom.

On the contrary, Fiddian-Qasmiyeh (2016) study among the stateless Palestinian in Europe, reveals how the notions of statelessness as a marker of identity are negotiated, mobilize, or resist, and ultimately problematize. In this sense, statelessness is understood as a condition and label that removes the ability to speak and be heard. The author reiterates that 'the label 'stateless' is not perceived as offering protection, but potentially as erasing existing identity markers and forms of attachment, and, indeed, of negating the right to self-determination itself, as a collective right that would provide both collective and individual remedy to disenfranchisement and erasure' (Fiddian-Qasmiyeh ,2016, pg.318).

In a study by Cheong (2014) on the subjective experiences of formerly stateless Chinese-Bruneian living in Vancouver, there are two themes that emerged to understand the emotional and material implications of statelessness as well as informants' perceptions of citizenship and civic behaviour. The first theme reveals Chinese-Bruneian immigrants' understanding of Bruneian citizenship as instrumental and exclusive because of the restrictive policies imposed by the Brunei government that limits the material privileges and benefits access for certain groups in the country. Meanwhile the second theme reveals the respondents' perceptions of Canadian citizenship as symbolic and inclusive which focuses on civic participation and democratic freedom instead of material benefits. In this context, the study reveals how

the subjective notion of citizenship and statelessness can be examined through oral history methods and by focusing on the lived experience of the formerly stateless persons. While the study examines how statelessness is understood and experienced in everyday life using individual narratives, the historical context and socio-political factors that led to their condition differ from the Sarawak context. Hence, there is a need to investigate statelessness through individual narratives in the Sarawak setting, as no such study has been conducted thus far.

Another study that examined the narratives of stateless people recounted the experience of the stateless Chinese population in Kolkata by accumulating personal accounts, fieldnotes of shared experiences, and interviewees' responses to questions regarding past events. Stateless Chinese population narrated their traumatic experience of being tortured, harassed and separated from families. Even though they have now broken down all interethnic barriers inside the host society, yet they are still stateless (Ghatak & Chatterjee, 2018).

Using the framework of liminal statelessness, Parsons et.al (2018) study combines the elements of the liminal citizenship and mobilities literature to demonstrate the experience of *de facto* statelessness among the Phnom Penh's ethnically Vietnamese communities. In this sense, the concept of liminal statelessness highlights the gray areas between statelessness and citizenship to address the various factors beyond document and legality that combine to influence interaction between communities and the state. The study found that statelessness is experienced communally or collectively rather than experienced individually among the Vietnamese Cambodian. In this sense, the consequences of statelessness or lacking citizenship are not necessarily immobility or isolation, but precarity and informality. In the case of Vietnamese Cambodians, "precarity and informality" are often manifested through their limited access to formal employment, housing, and legal protection, which stem from their statelessness.

Stateless persons usually face a precarious condition as result of their ambiguous and temporary legal status. In order to demonstrate this condition, Lori (2017) study introduced a concept of precarious citizenship which refers to the structured uncertainty of being unable to secure permanent access to citizenship rights. According to the study, precarious citizenship is experienced by individuals who are unable to obtain citizenship rights and thus hold ad hoc and provisional legal statuses for protracted periods. The

study identified two groups who experienced precarious citizenship, and they are (1) migrants which includes forced migration due to political crisis or natural disaster and voluntarily migration such as for economic reason and (2) internal 'others' who are not recognized by the states in which they reside. In this sense, internal 'others' refers to those who are denied access to citizenship permanently although they have never left their birthplace or crossing a border such as minority ethnic groups or indigenous people.

The first category refers to individuals who are unable to obtain national identity documents in their country of birth and become stateless. While the second category refers to individuals who may possess identity documents but lack residency authorization and thus considered as 'illegal'. This category of people is in a precarious situation because they are unable to rely on protections of any states, not only are they subject to arrest due to illegal status, but they also face a lack of certainty on a daily basis. The lack of certainty or liminal condition experienced by stateless persons also reveals some of the risk associated to stateless status such as persecution, deportation and detention by authorities.

1.8.2.1 Identity Documents and Statelessness

As demonstrated in the numerous statelessness research, documenting practises and politics of proof draw a great deal of attention as topics of interest (Lawrance & Stevens, 2017). These studies illustrate that not only does emphasising identity documents cause "evidentiary burdens" on stateless people, but that documents are not neutral or merely tools of bureaucratic organisations (Sadiq, 2008; Kingston 2017; Flaim 2017; Lawrance et.al, 2017; Cheva-Isarakul, 2020). As put by Hall (2012), documents manifest the organizations bureaucratic laws, philosophies, knowledge, conventions, subjectivities, objects, outputs, as well as the organisations themselves.

According to Sadiq (2017), distribution of identity cards in developing countries such as Malaysia especially after decolonization was critical in order to ensure the immediate delivery of welfare. Historically, the practice of producing documents in a form of identity cards allows individuals to gain access to variety of government subsidized services such as healthcare, welfare, housing, food and employment. This practice requires standardization and gathering of information and therefore will

determine who enjoys more rights compared to those without identity cards. The author argues that the enforcement of standardized and formalized documentation to signify citizenship is a form of administrative citizenship which sometimes becomes an obstacle to those who are eligible to claim citizenship by birth and descent. The actual lived realities of those belong in the margin of societies such as undocumented natives, immigrants, minorities, and the poor are excluded because their complex situation unable to fit the standardized norms determined by the state hence producing effective statelessness among otherwise legal citizens. For instance, state only recognize legal marriages and children who were born out of legalized marriages did not fit the standardized norms. This study not only highlights the importance of documentation in proving one's citizenship, but it also shows how the emphasis on identity documents directly or indirectly contributes to the problem of statelessness.

Similar issue was also addressed in Allerton's (2014) study, where the term "documentary pragmatism" is used to highlight the significance of identity and legal documents to escape the condition of irregularity experienced by the refugee and migrant families in Sabah. In this context, irregular refugees and migrants in Sabah constantly face the risk of being caught or detained by authorities because in comparison to regular refugees, those who holds irregular migratory status often used unauthorized or illegal methods upon entering a country. Among the children, irregularity usually means being confined to a squatter settlement because without a 'pas' or any valid documents they are afraid of being caught by the authorities. Additionally, the author found that migrant family's preferences towards IMM13 cards (a valid document recognized by the UNCHR given to Filipino refugees) lead to documentary pragmatism, which refers to acquisition or borrowing of documents only to escape irregularity rather than a moral obligation to attain legal identity. However, challenges underlying the documentation issue show that obtaining citizenship is not a straightforward process due to bureaucratic documentary practices.

In the majority of developing nations, the emphasis on documents as a main signifier of citizenship not only contributes to the problem of statelessness but is also a major reason that illegally acquired documents among the illegal immigrants is prevalence. According to Sadiq (2008), this phenomenon is known as documentary citizenship. In order to illustrate this phenomenon, Sadiq (2008) analysed three of the four major immigration cases according to United Nation and there are the Bangladeshis

in India, Indonesians and Filipinos in Malaysia, and Afghans and Bangladeshis in Pakistan. In his study, he argues that there are two-ways in which illegal immigrants were able to acquire documentary citizenship such as the existence of networks of complicity and the existence of blurred membership.

Meanwhile, Amanda Flaim (2017) ethnographic research among the highlanders in Northern Thailand specifically on the Akha and Lahu communities indicates that the allegedly logical documentary practices used to register and recognize highlanders perpetuate bias and discrimination in the otherwise progressive administration of nationality law. In this regard, the stateless highlanders often faced “problems of evidence” despite of providing strong evidence to citizenship claims due to political biasness and discrimination which further perpetuate the condition of statelessness. Additionally, the research reveals that the government had trouble putting together and interpreting key pieces of evidence during regularised civil registration procedures, and that highlanders also had trouble getting to and understanding those pieces of evidence. Several factors have contributed to such inconsistencies, including a lack of birth registration due to rural location and discrepancies in registration procedures that are often not well understood by highlanders.

Another related study by Cheve-Isarakul (2019) among the Hmong and Karen groups of indigenous community in Thailand used anthropological framework of state illegibility to reveal the systemic violence and burden of proving citizenship experienced by stateless persons due to conflicting and inconsistent bureaucratic practices of the State. The author illustrated several forms of state illegibility that have been manifested through documentary practices. The first form demonstrates the state’s uneven identity documents registration practices. In this context, not only errors in producing legal documents are not being acknowledged and dismissed, but it was normalized without considering the possible psychological effect it has on stateless individuals. The author argues the state’s emphasis on treating legal documents as objectively produced evidence is not only considered as state illegibility but also subtle abuse which ignored the lived reality of stateless individuals.

The second form is related to the fragility of the documents, which validity can change over time. For instance, in some cases, even if the Thai state has previously issued identity documents to stateless individuals, these documents may cease to be

valid in the future. Whereas the third form is related to stereotyping practices which illustrate the unwillingness to believe the authenticity of Thai identity documents acquired by highlanders. The author argues that the assessment of evidence is not an entirely objective process but also depends on the state's agent perception of 'Others'. In relation to this, anthropological study which focuses on the materiality of identity documents as state artifact reveals that its unstable aspect not only reflects structural violence, but also provides opportunities for individual exploitation (Sadiq, 2008; Laungaramsri, 2015; Cheva-Isarakul, 2019).

Inconsistencies in terms of documentation required for civil registry and claims of citizenship were also pointed out by Bhabha's (2017) research among stateless Roma in Europe. In the study, Bhabha used the concept of "legalised illegality" to highlight the gaps in civil registries and discrepancies between registry entries and the documents the Roma hold such as different spellings or dates of birth that make it difficult for them to receive health care, an education, a job, or a place to live. As noted by the author, access to important documentary evidence is a very political process and technical errors in documents are not spread equally among citizen populations. Instead, this situation reveals a deeply ingrained exclusions of fundamental rights.

Additionally, a study by Stasiulis (2017) reflects on the sociology of statelessness, looking at how statelessness is formed and how it is linked to a larger network of social and material connections. Actor-Network Theory (ANT) is employed in the study to look at how legal documents and networks of people and things like a "legal technicality", have been used to make a legal decision about a person's citizenship status. In this instance, networks of legal documents played a significant part in the formation of a lived status of citizenship, only to be replaced by another network of documents and other forces that generated the condition of statelessness. The author contends that it is critical for developing socio-legal understanding of statelessness, highlighting how the social and legal worlds interact and intertwine to form legal and social identities. The study considers the network of relationships between various documents such as birth certificates, job contracts, and witness affidavits that may be translated into evidence for a case that demonstrates legality (Stasiuli, 2017).

The lack of documentation poses a great challenge in acquiring citizenship and this has been widely remarked as one of the contributing factors to statelessness in

Malaysia (Allerton, 2014; Razali, 2017; Liew, 2019). Based on an empirical study by Baltazar, Abu Bakar and Wan Hassan (2019) on statelessness among Filipino-descent migrants in Sabah, research participants reported that incomplete documents, a rigid and complicated application process and long procedures leaves their children without any legal documentation or at-risk of statelessness. The interviews revealed that in order to provide documentary evidence, they have to travel to Philippines from Sabah which requires a lot of money. This process is further complicated by the fact that there is no Philippine Embassy in Sabah and as a result Filipino migrants have to fly to Philippine Embassy in Kuala Lumpur to get their documents. The study also shows that if there is insufficient documentary evidence, a child has to apply for a citizenship which takes 2 to 3 years, and it is difficult to approve unless all documents are in order. And parents usually gave up obtaining documents for their children because they either lacked any evidence of linkages to Philippines or have lost important documents in a fire or flood.

On similar note, Duraisingam (2016) stated that documentation issues among stateless persons in Malaysia are linked to the lack of knowledge and awareness on the importance of obtaining documents such as birth and marriage certificate, illiteracy and inherent cultural patterns of certain communities. For instance, low literacy rates among the Orang Asli residing in West Malaysia make filling up registration forms a challenging task in the process of obtaining identity document. Furthermore, lack of knowledge about the importance of registering birth and obtaining documents is widespread among communities living in rural areas (Jayasooria, 2014; Duraisingam, 2016; Liew, 2019).

Duraisingam (2016) further elaborated that there are internal and external factors that leads to statelessness among stateless persons in Malaysia. Although the author did not include any stateless population from East Malaysia of Sarawak, the study comprises four stateless groups residing in the region namely Filipino migrants in Sabah, Tamil labourers from India, Rohingya from Myanmar and Orang Asli in West Malaysia. According to the author, internal factors refer to either, the inherent nature, characteristics or circumstances of the stateless person which associated to lack of knowledge and awareness on documentation process and its significance. Meanwhile external factors refer to 'matters that arise by virtue of external circumstances that are beyond the control of the stateless person but predominantly within the control of the government' (Duraisingam, 2016, pg. 294). These include difficulty in gaining access

to the Registration Departments due to remote or inaccessible location. The study found that inaccessibility to Registration Department which located in town areas prevents immigrants in Sabah and Orang Asli community in West Malaysia residing in remote area to obtain identity documents as the cost of transportation may be hard to bear.

1.8.3 Statelessness Among Marginalized Communities in Malaysia

It is important to note that the majority of literature on statelessness in East Malaysia has focused on the situation in Sabah. One of the works that specifically examine the statelessness situation in Sabah discusses the condition of the Bajau Laut community, a nomadic marine population that inhabits the maritime border region of Southeastern Sabah (Acciaioli, Brunt & Clifton, 2017). The study contends that the process of exclusion that led to the statelessness of the Bajau Laut is a form of "paranoid nationalism" that explains the persistent fear of external threats that could compromise national border security. In this context, the Bajau Laut are frequently viewed as trespassers in the areas where they have resided, therefore continue to face obstacles in acquiring citizenship. The state actions that prevent the Bajau Laut from acquiring legal citizenship, despite having historically resided in the maritime region of Sabah for centuries, demonstrate the denial of political belonging because their nomadic mode of life is not only untenable but also a clear security risk.

In relation to that, Wan Hassan and Peters (2020) found that the status of Bajau Laut as a stateless, nomadic community rendered them not only more vulnerable, but also susceptible to exploitation because they do not pledge loyalty to anyone. According to the study, the formation of the Eastern Sabah Security Zone (ESSZone) and Tun Sakaran Marine Park by the government in 2004 had a significant impact on their means of subsistence and subsequently increased their vulnerability owing to the depletion of marine resources. Furthermore, this situation made them vulnerable to exploitation by criminal syndicates and smugglers.

Although there is limited academic literature on the statelessness situation in Sarawak, there are a number of reports and findings from research on development in rural Sarawak that briefly discuss statelessness, which mostly affected the region's indigenous population. Jayasooria (2014) study for example demonstrate a link between development issues in Sarawak and statelessness using a Suhakam micro-level

case study report of the Penans in Ulu Belaga. The Penan living in Long Singu and Long Jaik presented an extreme case of poverty that affected their lives including difficulties in obtaining legal documents such as identification cards or birth certificates. This renders them stateless and restricts their access to the public sector health, education and welfare services. Equal opportunities and access to development must be made available to all, as such the author recommended for needs basis approach anchored on human rights and empowerment that will provide stronger socio-economic development. This is because, the indigenous groups in rural Sarawak are known to suffer a longstanding history of development disparity and unable to enjoy economic benefits to improve their quality of life at par of other groups in urban areas. Thus, development programs that are tailored to specific needs of rural communities could be more effective.

Berma et.al (2006) in their study among the poor Bumiputera minorities in Sarawak have recommended that solving citizenship documents should be included in one of poverty alleviation programs among the Bumiputera minority in Sarawak. The study reveals that not only does the citizenship issues problem among rural poor in Sarawak affected the opportunities to apply jobs, scholarships, financial assistance and educational opportunities which eventually traps them in vicious cycle of poverty, but the citizenship problem also becomes intergenerational as the children will inherit stateless status from either or both of their parents.

In majority of cases, statelessness among children in Malaysia is not only cause by lack of documentation but there are various factors that lead to this condition such as conflict in nationality laws, unregistered marriages and so forth (Afandi, 2012; Yusoff, Afandi, Hashim, & Hak ,2019; Razali, 2017; Allerton, 2017; Baltazar et. al, 2019). According to Razali (2017), statelessness in Malaysia continues to affect foundlings i.e., children born to unknown parents, children separated from parents without any evidence of parentage, and children born outside of wedlock. This is because Malaysia citizenship law is based on *jus sanguinis* principle; in order to acquire Malaysian citizenship, the child concern must be born in Malaysia to legally married parents and to at least one parent that holds Malaysia citizenship or permanent residence status (Razali, 2017). According to Duraisingam (2016), unregistered and mixed marriages have a major impact on determining the citizenship status of children. For example, if the Malaysian spouse is separated from his non-citizen spouse, the non-

citizen spouse would not be able to register the birth of his or her children without providing marriage certificate. The study also found that in Sabah, stateless children or also known as street children have been left behind by immigrant parents with illegal status. Not only are these children parentless but also become *de facto* stateless.

On the other hand, the nexus between statelessness and influx of migration in Malaysia was also discussed in several literature (Nah, 2007; Razali, Nordin & Duraisingam, 2015). Nah (2007) examines Malaysia border practices in relation to immigrant including asylum seekers, refugees and stateless people. Specifically, the study includes ethnic communities such as the Rohingya refugees from Myanmar, Acehnese refugees from Indonesia, and stateless persons of Filipino and Indonesian descent in Sabah. The study does not particularly address the issue of statelessness in Malaysia, but rather the difficulty caused by the rigid classification of immigrants, which dictates the entry of groups classified under this scheme. The study argues that while the sociopolitical identities of those categorized as asylum seekers, refugees, and stateless people differ from those classified as immigrants, they are all designated as "immigrants" and must rely on law enforcement and interpretation of immigration officers to determine their admission. Nah (2007) reflected on this rigid classification scheme and addressed its dysfunctionality which produced the condition of (il)legality for asylum seekers, refugees, and stateless persons in Malaysia. The findings of this study provide some context for the current border and immigration operations in Malaysian territory, which has a significant effect on the region's statelessness issue.

Meanwhile, the study by Razali et al., (2015) in their study among the Bajau Laut community in Sabah, East Malaysia, illustrates how cross border migration have created the condition of statelessness among irregular labour migrants and refugees residing in Malaysia. This phenomenon is mainly contributed by the influx of migrants coming from poorer and neighboring countries such as Indonesia, Philippines, Bangladesh, India and Sri Lanka to Malaysian borders. According to the study, forced and irregular migration has increased the susceptibility to statelessness among three groups of migrants such as irregular migrants, victims of trafficking and refugees.

In the study, Razali et.al (2015) also discussed three traditional causes attributed to statelessness. The first traditional cause is related to the conflict in nationality laws. For example, a child born in a state which practice *jus sanguinis* nationality but her or

his parents comes from a State that practices the *jus soli* nationality law. The second traditional cause is discriminatory law based on gender, ethnicity and political opinion. Whereas the third traditional cause is due to changes in territories such as dissolution or merger of a particular State.

1.8.4 The Phenomenon of Statelessness in A Global Context

A study on Thailand hill tribe children particularly the Akha, Lahu, Hmong, and Karen tribes reveals how ethnic discrimination poses a significant challenge among the ethnic minority groups to access citizenship (Park, Tanagho & Gaudette, 2009). As the largest minority group in Thailand, the majority of Thailand's hill tribe lived in remote areas in Northern Thailand. Their substandard living condition and association with a number of problems such as opium illegal trade and deforestation largely affect how they are treated by Thailand community at large. According to the study, the underlying issue behind citizenship problem among Thailand's hill tribe is not directly caused by the Thai citizenship laws but how it is implemented. Other than ethnic discrimination and prejudices, Park et al. (2009) identified several underlying causes behind ineffective implementation of these laws such as complicated legal system, corruption practices among government officials, lack of understanding on the application process by government officials and the hill tribes and language barrier.

According to Blitz & Lynch (2009), some of the statelessness phenomena in Asia region is related to protracted situation. In this situation, a displaced population ties with origin country may be lost after generations abroad and they may not be recognized as citizens, yet access to the citizenship of the host country is not guaranteed. The 1982 Myanmar Citizenship Law which confer citizenship based on ethnicity led to exclusion of Rohingya from full citizenship. Consequently, a total of 140000 internally displaced Rohingya ethnic fled their homes after being arbitrarily denied of citizenship due to collective denationalisation and systemic violence by members of Rakhine Buddhist (Norwegian Refugee Council, 2016).

Meanwhile in United Kingdom, a study by Owen (2018) on members of the Windrush generation, primarily people of Caribbean descent, who migrated to the UK between 1948 and 1971, illustrates that how statelessness arises from individual denaturalisation. Individual denaturalisation refers to denaturalization policies that sets

a new standard which could risk naturalized citizen to be stripped off their citizenship on the ground of national security. For example, in United Kingdom, criterion stated in section 56 of the Immigration, Asylum and Nationality Act 2006 and further extended in the Immigration Act 2014 allowing deprivation if a person conducted a manner that is prejudicial to the vital interest of United Kingdom and the person is able, under the law of a country or territory outside the United Kingdom, to become a national of such country or territory (Anderson, 2016). As a result, between 2011 and 2015, 72 UK citizens were deprived of their citizenship due to legal process.

Another study in MENA (Middle East/North Africa) region highlights how cultural stigma has potentially produced statelessness status among children. Fisher (2015) study on children of unwed parents in Jordan and Lebanon argues that a combination of gender-discriminatory nationality laws, strict requirements for civil registration, civil sanctions for adultery and societal norms prohibit or discourage unwed parents from registering the births of their children or transmitting their children's nationality. The author demonstrates that under those nationalities' laws, most countries in the MENA region convey nationality by default through the father. Thus, if a child results from adultery or even non-consensual sexual contact, the child will not take the mother's nationality because the father is not unknown. Furthermore, Fisher (2015) indicates that women in Saudi Arabia, including foreign migrants, may face the death penalty for having out-of-wedlock children. As such, a major obstacle to registering a birth or applying to confirm the nationality of a child becomes a prospect of facing criminal charges. In addition to that, unwed mothers face cultural stigma for having out-of-wedlock children and often deal with social isolation as well as fear of 'honour' crimes from their families. This situation eventually creates a risk of statelessness for non-marital children in the MENA region (Fisher, 2015).

In Australia, a study by van Genugten et.al (2014) on Indigenous communities such as the Yolngu in the Northern Territory and the Murris in Northern Queensland found that one of the reasons behind unregistered Aboriginal and Torres Strait Islander births in Australia is lack of access to the mainstream service to ease registration process. Even in developed States such as Australia birth registration is given a great importance in preventing statelessness and ensuring access to basic rights. The study found that the present problems concerning the right to a nationality among indigenous communities is rather solvable such as the high costs of birth registration

fees, lack of awareness on the importance of obtaining birth certificates, registering newborns, language barriers, and literacy issues and lack of confidence in dealing with authorities. As such, this study has shown the importance of effective functioning national legislation and procedures to reduce hurdles related to birth registration among the indigenous community. Otherwise, it will remain impossible for them to access other rights.

In the contexts of transnational labour migration, Ball, Butt & Beazley (2014) identified that one of the contributing factors to unregistered birth among stateless children in Indonesia is ingrained undocumented or illegal migration. Hence, the acquisition of a child's birth registration tends to have less priority than social or fiscal capital acquisition. The study reveals that migrants' fathers or mothers typically send remittances to their children in their home country and purchase luxury items such as television and handphones. Additionally, patriarchal culture affects birth registration where boys' education is prioritized over girls' education. As a result, boys are more likely to be registered than girls so the girls can help their family at home instead. The study estimated that about 90 percent of girls from low-income families do not possess birth certificate because they are expected to marry young. And the delay in child's birth registration in Indonesia is also connected to a specific cultural practice to ensure the child survives. For instance, in Lombok the parents will wait until 40 post-natal days to name and register their child which resulted in the increase of cost in birth registration (Ball et.al, 2014). This specific cultural practice is similar to Orang Asli community in West Malaysia where they normally avoid naming their child immediately after birth to avoid ill faith for the child (Duraisingam, 2016).

Similarly, numerous studies demonstrate the grave ramifications of child statelessness in European nations and how this phenomenon becomes a global human rights challenge (Kanics, 2011; Hernandez, 2011; Rozzi & Bhabha, 2011). Despite having a legal nationality, these studies have shown that majority of undocumented children experienced *de facto* statelessness due to their absence of legal migration status. According to Kanics (2011), some of the human rights issues experienced by undocumented children in Europe include being denied citizenship, being detained for extended periods of time, and being denied access to basic rights such as education, healthcare, and housing. In many circumstances, parents are deported due to immigration regulations, and their children are detained by immigration officials,

resulting in temporary family separation and, in some cases, permanent family separation. The study also discovered that in Ireland, even when undocumented children are placed under child protection authorities, they are denied equitable treatment and given a low standard of care.

Meanwhile, UNHCR (2012) estimates that around 400,000 stateless people reside within the European Union (EU) as a result of the dissolution of the Soviet Union and migration. And there are around 12 million stateless people who belong to Roma communities, making them the largest minority groups in Europe (de Verneuil, 2016). As 'transnational' or 'trans-border' minorities, stateless Roma communities have never established a homeland, nor have they claimed a territory. However, due to state dissolution and violent conflicts that followed, Roma communities were forced into internal displacement and fleeing the country as refugees. Facing exclusion and discrimination, stateless Roma constantly faces barriers to access citizenship right in the host country. For instance, a study by Sigona (2016) illustrates the administrative barriers experienced by the stateless Roma persons in Italy due to bureaucratic system. The interviews with stateless Roma reveal the frustration of being unable to obtain an ID document as a result of bureaucratic system which produced consequences that affect their life such as unable to work, no access to free primary health care except for emergency treatments and unable to travel outside Italy. Meanwhile, one of the interviewees recalled their experience of being the victim of a bureaucratic mishap where misspelled names have caused an expensive and time-consuming process of rectification.

Another relevant study by UNHCR that focuses exclusively on the issue of statelessness in South Sudan provides a comprehensive assessment of the major factors that contribute to the current state of statelessness in the nation. A variety of legislative, administrative, procedural, and contextual factors contribute to the risk of statelessness in South Sudan. Based on the study, administrative and procedural factors are associated to lack of training and understanding of nationality legislation among the officers in Directorate of Nationality, Passports and Immigration. Whereas legislative factors are related to lacks legal safeguard which prevents statelessness among children (UNHCR, 2017). Aside from a lack of awareness of the importance of nationality documents, some of the obstacles linked with contextual factors are financial and location barriers, where the cost of travel from rural areas posed significant difficulty in processing nationality

certificates in town areas. This study's findings provide important insights into some of the prevalent factors that contribute to statelessness, as well as a practical approach that can be implemented in future research.

1.8.5 Conclusion

The diversity of perspectives in the abovementioned statelessness literature, contributed by many researchers from a wide range of disciplines, has led to a substantial understanding of the statelessness phenomena by studying contextual factors that contributed to the problem in the first place. In light of the ever-changing country-specific contexts of statelessness, it must be considered that the profile of stateless persons in a particular country may be varied and evolved over time. Therefore, a few literatures as reviewed above, provide some contextualization of statelessness issue within the legal or constitutional framework as well as social and political climate in Malaysia (Duraisingam, 2016; Allerton, 2017; Liew, 2019; Baltazar et.al, 2019). Irrespective of academic tradition or subjects, the vast number of current scholarly works have shown growing concern on statelessness issues. However, there may not be enough research on statelessness in Malaysia to fully understand the dynamic condition and impacts it causes, and there are even fewer works that discuss statelessness from an anthropological and sociological perspective.

Despite the wealth of literature available in the field, there is a lack of substantial research focusing on the issue of statelessness among indigenous peoples, notably in the Sarawak region. In this regard, there is no direct study which indicative of providing an extensive and contextual analysis that examine the depth of statelessness problem among the indigenous and marginalized population in rural parts of Sarawak. Given the rising prevalence of statelessness among Sarawak's rural population, this study aims to not only address the link between rural accessibility and access to identity registration, but also to dispel the widespread misconception that statelessness occurs only among refugees and migrants in Malaysia. Hence, this study attempts to highlight the lived experience of those affected by in situ statelessness or who have lived in Sarawak for decades or generations without any legal identity and try to examine these through narrative approach.

CHAPTER THREE

ETHNOGRAPHIC CASE STUDIES ON STATELESSNESS: FACTORS AND CHALLENGES

2.1 INTRODUCTION

This chapter examines the complex problem of statelessness among indigenous people living in Sarawak. Through an ethnographic account and detailed case studies, this chapter seeks to uncover various factors that contribute to the stateless status of five individuals. It provides a detailed account of their struggles to obtain citizenship and identity documentation, highlighting the complex interrelations that characterize the various manifestations of statelessness across different individuals and contexts, which encompasses its legal and subjective dimensions. Drawing on the lived experiences of Faiz, Ila, Liman, Lia, and Flo as examples, this chapter revealed cross-cutting themes relating to the structural and contextual causes of statelessness as well as its broader implications for the lived reality of these individuals. The findings highlight the alarming intersection of legal gaps, gender-based laws, administrative barriers, and customary practices that contribute to the precarious situation of individuals, especially children, who are at risk of being stateless. The narratives bring to light the bureaucratic challenges faced by these individuals as a consequence of their limited understanding pertaining to the importance of civil registration, as well as their struggle to comprehend the complex legal requirements and evidentiary prerequisites for acquiring identity documents. In addition, the findings identify a number of challenges and impacts of statelessness status among the informants, which are classified into six categories as follows, namely, legal recognition, economy, education, health, mobility, and psychological and emotional stress. These six categories will be discussed in turn below.

1.8.6 Informants Demographic Profiles

Based on the interviews conducted, the following table provides a comprehensive overview of the demographic profiles of the informants, including key personal details such as age, gender, and ethnic background. Additionally, the table highlights the various factors contributing to their statelessness.

Table 0.1 Informants Demographic Profiles and Cause of Statelessness

No	Pseudonym/ Age	Ethnicity	Education Level	Location	Parents	Number of Siblings Affected by Statelessness	Causes of Statelessness	Categories of stateless
1	Phil/50 (father) and son Faiz/17	Bidayuh	SPM (father), son (PMR)	Lundu	Father is Sarawakian, biological mother is Indonesian Muslim (first marriage), stepmother is a Sarawakian who reverted to her original religion (Christianity)	One	Absence of <i>adat</i> marriage certificate and reversions of religious identity	Individuals who lack documentation
2	Ann/40 (mother) and daughter Ila/17	Bidayuh	SMA (mother) SPM (daughter)	Lundu	Father is Sarawakian, mother is Indonesian. Religion Christian.	Two	Misunderstanding regarding the legality of <i>adat</i> marriage certificate (administrative error)	Children from "mixed" marriages or alternative families, as well as circumstances in which children are born out of wedlock or before a

								marriage was legally recognized
3	Liman/36	Bidayuh	PMR	Samarahan	Father is Indonesian, mother is Sarawakian. Religion Christian	One	Absence of birth certificate, <i>adat</i> marriage certificate and born overseas	Children from "mixed" marriages or alternative families, as well as circumstances in which children are born out of wedlock or before a marriage was legally recognized
4	Lia/20	Iban	Diploma	Sibu	Father is Indonesian, mother is Sarawakian. Religion Christian	Three	Absence of parents' identity document	Individuals who lack documentation
5	Flo/19	Iban	STPM	Sibu	Biological mother status is unknown, adoptive parents are both Sarawakian. Religion Christian	None	Absence of valid birth certificate and biological mother information	Adopted children

Based on the details provided above, there were multiple categories of stateless people interviewed for this study. Table 3.1 above have been adapted from Liew's (2019) study on homegrown statelessness in Malaysia, which identified various cases of statelessness from extant legal cases. The first category consists of individuals who lack documentation, such as Faiz, whose parents were unable to provide a valid marriage certificate, and Lia, whose parents were unable to provide any identification documents in order to obtain their citizenship status. Within this particular category, while it is true that the absence of documentation may coincide with other factors contributing to statelessness (for example, discriminatory laws based on gender and the absence of marriage registration), it is crucial to note that documentation alone may pose a major obstacle to obtaining citizenship (Liew, 2019). Another category includes adopted children, such as Flo, who have no information about her biological mother's background. Stateless children adopted by Malaysian parents may not obtain citizenship automatically, and in many situations, they have to bear the burden of proof in order to locate information about their biological parents (Liew, 2019). Children from "mixed" marriages or alternative families, as well as circumstances in which children are born out of wedlock or before a marriage was legally recognized, fall under the third category, which may have overlapping factors with other categories described in this study. The cases of Ila and Liman serve as illustrations, wherein their eligibility for Malaysian citizenship arises from their birth to parents of differing citizenship statuses. Specifically, these cases involve individuals born to parents where the father is a Malaysian citizen and the mother is not, as well as individuals born outside of Malaysia to parents where the mother is a Malaysian citizen, and the father is a non-Malaysian citizen. For the purposes of this study, it must be acknowledged that all of the aforementioned categories have genuine and effective ties to Malaysia by virtue of their generational and long-term existence and residence in the country.

1.9 CASE STUDIES OF STATELESSNESS

1.9.1 Phil and Faiz: Legal Challenges in The Reversion of Religious Identity

I learned about a complex citizenship battle involving Faiz, 17, and his younger brother, Mark, 12 through a local NGO representative, who discovered and brought the case to the NRD. Due to the sensitivity of their situation, I interviewed both of their parents,

Phil, 50, and Nia, 42, to gain a better understanding of the underlying causes of this complex matter. The family belonged to the Bidayuh ethnic group and lived in Kampung Stungkor Lama in the Lundu district. Phil was a lorry driver, and Nia was a housewife. This family has a total of five children. The couple has three children together, and they each have one child from previous marriages. The citizenship issues involve Phil's two sons: Faiz from his previous relationship to an Indonesian Muslim woman and Mark from his current marriage with Nia. As a result, when Faiz was born, the NRD issued him a *pink* birth certificate, which is typically given to infants born in Malaysia to foreigners or people of unknown nationality, due to the fact that Phil was unable to pass down his citizenship status because he was not legally married to Faiz's mother at the time. Not only is Faiz's biological mother being a Muslim, which is why he carries a Muslim name, but his mother has also left him under the care of his non-Muslim father. As a result of this situation, the family is facing religious identity and legal dispute that arises from this complex situation.

Mark, on the other hand, had trouble registering for his birth certificate due to his mother's conversion to Islam had been reversed as well as the absence of his parents' marriage certificate. After separating from her Muslim husband, Nia remarried Phil and decided to revert back to Christianity, her former religion. Phil mentioned that he had applied for Faiz and Mark identification documents since 2018, after which NRD had advised him that he needed to provide a release letter from Jabatan Agama Islam Sarawak (JAIS) in order to proceed with his son's application. When he brought the situation to his lawyer, he was told that JAIS could not give such a letter to anyone who had decided to leave Islam after they have converted. Phil, a male, 50 years old detailed his case as follows:

First, he went to NRD to apply, and he was informed that the process would take 3 days, but instead he had waited for 3 years. And then he went to JAIS and was informed that this case had to be brought to syariah court. But when his lawyer went to syariah court, JAIS informed him that this case had nothing to do with JAIS. And because of that my lawyer informed me that he had no idea how to resolve the case. So, he suggested that I should refer my case to NRD again and try to find any NGO that could help me. So, this case was not stuck in JAIS but the issue was with NRD.

(Fieldnote taken on 8th January 2023)

As the birth of his second child with Nia is approaching, he was advised by NRD to expedite the application process by providing *adat* marriage certificate which can be issued by the *penghulu* in his village. However, he faced another challenge when *penghulu* refused to issue the certificate. He went to NRD again and was advised to go to District Office to obtain *surat akuan bersumpah* (oath/declaration). Despite these challenges, Phil was determined to apply for Faiz's citizenship because, after Faiz's mother left him in his father's care, he was aware that holding the pink certificate would present many obstacles, particularly when applying for his son's school admission. As Faiz is about to take the SPM examination and Mark is preparing for the UPSR examination, Phil expressed concern that both of his sons are constantly asking him when they can eventually obtain their identity documents.

Despite the extremely precarious situation that Phil's and his two sons have gone through, they managed to resolve the documentation problem after seeking help from the local NGO based in Kuching district. Faiz's years-long legal battle came to an end when he received his green birth certificate, indicating his status as a Malaysian citizen. The huge transition from pink to green certificate has allowed Faiz to continue his education and sit for the next SPM examination. Nia was able to officially declare her *adat* marriage at the Siburan District Office after regaining her former identity card as a non-Muslim with the assistance of an NGO. After years of legal disputes and holding status as stateless people, both applications for Faiz and his brother Mark were finally finalized in early 2022, with the whole documentation in hand. As Faiz noted, his citizenship status now allows him to travel and participate actively in school activities. While Faiz and Mark are now relieved to be able to live their lives normally with the possession of identity documents, their experiences exemplify the lack of clarity and confusion in addressing cases involving the reversion of religious identity.

1.9.2 Ila: The Unanticipated Administrative Error

Ila's case is one of many involving mixed marriages that have been stuck in bureaucratic procedures for over 17 years. Ila is the eldest of four siblings, the others being Ira, who is 15 years old, Denny, who is 11 years old, and El, who is 9 months old. Except for the youngest sibling, both Ira and Denny encountered the same issues as their eldest sister, and face challenges in acquiring their birth certificates due to delayed registration and

complications related to their parents' official marriage certificate. Ila's family is of Bidayuh ethnicity and lives in Simpang Bokah, Lundu district. My interview with Ila was accompanied by her mother, Ann, aged 40 years old, who is from Singkawang, Kalimantan and still holds a non-citizen status. Meanwhile, Ila's father is of Bidayuh ethnicity and working with Malaysia Volunteers Corps, often known as RELA. In 2005, Ann faced a predicament that compelled her to defer the registration of her firstborn's birth, a situation that continued until the birth of her third child. During the course of registering the birth of her children, Ann and her husband came across an obstacle when the *penghulu* declared their *adat* marriage certificate to be invalid. Ann outlined her circumstances as follows:

Ann and her husband were married according to *adat* in 2004. In 2005, they were informed that their *adat* marriage documents were invalid when they tried to obtain the birth certificate for Ila and that only a marriage certificate registered by NRD can be used for issuance of their child's birth certificate. With the exception of their youngest child, who was born after they had already registered their marriage under the NRD in 2011, they had not been able to obtain citizenship for three of our children since that time.

(Fieldnote taken on 21st January 2022)

The marriage between Ila's parents was registered in 2004 according to *adat* marriage customs, prior to the 2006 amendment of the law regulating native marriages. Beginning in 2006, this legal amendment prohibited unions between individuals of native and non-native status in Sarawak. Despite possessing a valid *adat* marriage certificate, the couple received advice in 2011 to formally register their marriage with the NRD. They were unaware that their decision would lead to administrative challenges that would significantly affect the process of registering their three children's births, ultimately superseding the *adat* marriage certificate. The issue stemmed from the fact that their marriage had been registered under Section 3(4) of the Law Reform (Marriage and Divorce) Act 1976 (Act 164), rather than native law. Consequently, all three of their children who were born before the marriage was registered by NRD in 2011 were deemed as 'illegitimate' children or born outside of wedlock. It is crucial to note that this status created substantial hurdles in automatically obtaining citizenship, as their mother was a non-citizen.

The unanticipated administrative error encountered by Ila and her siblings is illustrative of how a misunderstanding of the required legal procedures adversely

impacted the process of delayed birth registration. The first misinformation in regard to the legal procedures ensued when Ila's parents were informed by the *penghulu* that their *adat* marriage certificate was invalid, despite clear evidence of their marriage that took place in the village, Simpang Bokah, in 2004, preceding the amendment to the law governing the *adat* marriage in Sarawak. Unable to validate the legality of their *adat* marriage certificate with the *penghulu*, Ila's parents turned to the NRD to address the issue, where they were again misinformed and instructed to register their marriage under NRD, instead of seeking verification of their marital status from the nearest District Officer. In the interview, Ann's shared her frustration:

They used the *adat* marriage certificate issued to them in the *kampung* in 2004. However, when they attempted to utilize it, they were repeatedly told to use the NRD marriage certificate. Subsequently, they scheduled appointments to apply for citizenship for their children from 2005 until 2022, only receiving results in 2022.

(Fieldnote taken on 21st January 2022)

Ila and her parents found themselves perplexed by the complexities of this registration procedures and endured years of uncertainty until a local pastor, who helped their children register for school despite the lack of proper documentation, advised them to seek assistance from a local NGO. With the help of this NGO, the couple successfully nullified their marriage registration with the NRD and obtained verification of their *adat* marriage certificate from the Lundu District Offices. This step was taken to ensure that their *adat* marriage documents would be recognized as valid documents for obtaining their children's birth certificates, eliminating redundancy in the application process. Their situation was categorized as a correction of documents, necessitating the nullification of their NRD registration and undergoing civil processes in court for resolution.

Once all the processes were successfully completed, Ila and her siblings managed to submit their application to the NRD on August 23, 2022. On January 9, 2023, their applications were finally approved, granting them citizenship status along with their birth certificates. As a mother, Ann expressed her profound gratitude for this outcome, as possessing birth certificates now ensured their uninterrupted access to education in government schools. Ann shared her worriedness during the years of waiting for the outcome of her children's citizenship application:

She often wondered when and how they would resolve everything, and it seemed like an endless wait. Seeing other children going to school and receiving various forms of assistance, she asked her children's father what they were getting. He simply said, 'Be patient.' They had put forth their best efforts, but for years, nothing seemed to progress. They visited the NRD offices and filled out forms roughly every two years. They were told that after submitting the forms, they would receive a letter within two years, but they received nothing, so they left things as they were. It was not until they met Ila's former teacher at Sunny Hills School, who suggested seeking assistance from Madam, a human right NGO founder whom they met in 2022.

(Fieldnote taken on 21st January 2022)

The success story of Ila and her siblings was featured in a local online newspaper, highlighting the commendable efforts of the local NGO. Their unwavering determination to resolve this issue was driven by parents' fervent pleas to secure a better future for their children. For Ila and her siblings, the hope for a brighter future had finally materialized, as they now held their birth certificates in their hands.

1.9.3 Liman: Born in Indonesia, Stateless in Malaysia

Liman, a 36-year-old Bidayuh man from Kampung Quop, Kota Samarahan, endured a protracted legal ordeal spanning over three decades. His pursuit of Malaysian citizenship was halted by gender-based laws that prevented Malaysian mothers from passing nationality to children who were born abroad. Liman's situation was further complicated by the lack of a legally recognized marriage certificate between his parents. Liman's older brother, Garod, who has passed away, also endured statelessness. Ironically, out of their three other siblings Marc, 56, Nick, 54, and Kuma, 46, only Liman and Garod were stateless. Liman and Garod were born in Indonesia's Nyari, whereas their other siblings were born in Sarawak. Liman's family returned to Sarawak when he was six years old, after a 17-year residency in Indonesia. The move was prompted by their mother's illness, and they initially settled in the interior areas near Senibong road at 15 miles before eventually relocating to Kampung Quop in 1993. Upon returning to the village, Liman's parents obtained legal identities and possessed valid identity cards, including his father, who received Malaysian citizenship from the government in 1995. Nevertheless, despite his late father's newfound citizenship, Liman and Garod encountered difficulties obtaining identity cards. In the interview, Liman described his interaction with the NRD, which ultimately leaving him stateless:

When he applied for his identity documents at the NRD, his mother was interviewed alone in the room by the officer-in-charge. It was during this interview that the authorities informed him that his mother had stated he was born in Indonesia. Therefore, he was advised to obtain his birth certificate from Indonesia before processing his identity card and birth certificate application there. Upon returning with the birth certificate from the Indonesian registration department, the NRD requested 'more' proof.

(Fieldnote taken on the 5th February 2023)

In contrast, the siblings born in Sarawak obtained Malaysian citizenship by virtue of the Malaysian nationality legislation, which confers citizenship to children if their mother is a Malaysian citizen, irrespective of the legal recognition of the marriage. Nevertheless, Liman and his brother were deemed as "illegitimate" according to the law, principally due to the lack of a valid marriage certificate. Despite the fact that their mother was a Malaysian citizen, their foreign birthplace complicated their citizenship situation further. Liman was unable to give any proof of his birth in Indonesia and was advised by the NRD to obtain his birth certificate in Indonesia. Liman faced numerous obstacles in obtaining his original birth certificate in Indonesia. Without a passport and unsure of the record-keeping procedures in his distant birthplace, Liman embarked on a journey back to Indonesia in 2022 through an informal border crossing route or *jalan tikus*. He stayed at a relative's house in Nyabang for three weeks and right after two weeks, Liman obtained a birth registration document called *Akta Kelahiran* from the Registry Office in Landak Province. However, after he presented the *Akta Kelahiran* to NRD, his persistent efforts were unfruitful, as the NRD informed him to obtain another one from the embassy of Indonesia located in Kuching city. Recalling his ordeal, Liman expressed his confusion and frustration:

He had been applying since the early 1990s when he found out he needed his birth certificate to enroll in school. He submitted applications five or six times, all of which were rejected. When he applied again in early 2022, the NRD officer instructed him to obtain his birth certificate from the Indonesian government. After obtaining his birth certificate, he was told to acquire another document. He went to the Indonesian consulate in Kuching with a friend, only to be informed that they had already provided him with the document he needed, his birth certificate, and could not offer further assistance.

(Fieldnote taken on the 5th February 2023)

Liman, who is illiterate, struggled to figure out the additional documentation requested by the NRD, leaving him feeling deeply perplexed. This confusion nearly led

him to abandon his pursuit of citizenship. Despite being born in Indonesia, he firmly believes he has the right to apply for Malaysian citizenship, asserting, "I was only born in Indonesia but have lived in Sarawak my whole life."

According to Liman, he first applied in early 1990 with the intention of pursuing his secondary education after he had completed Primary 6. Over the course of more than 30 years since his initial application, Liman recalls submitting his application on more than 10 occasions, encountering rejection twice during this prolonged period. The first rejection letter, received in 2012, was followed by another rejection in 2014. Notably, the rejection letters from the NRD did not provide specific reasons for the unsuccessful application (As shown in Figure A1 in Appendix I).

Frustrated and puzzled by the rejection, Liman chose to discontinue his application for a number of years. It was only in 2021, during the COVID-19 vaccination campaign for undocumented individuals at the private healthcare center in Timberland, Kuching that he met a counselor who encouraged him to revisit the NRD and inquire explicitly about the necessary documentation for a citizenship application. Subsequently, he made the decision to return to Indonesia to obtain his birth certificates, a requirement specified by the NRD, in order to facilitate his application process, as advised during his subsequent visit to the NRD the following year. Additionally, the NRD recommended obtaining his parents' *adat* marriage certificate, a request he has made to the village chief. Liman mentioned that the *adat* marriage certificate is currently in the process of acquisition. However, he remains confused and uncertain, as the NRD has recently indicated that there are additional documents required for the processing of his application. According to Liman:

He could not recall the exact date, but it was perhaps a week or two weeks after his return to Indonesia, which would have been in January, following his December visit. He promptly visited the NRD upon his return to inquire about the contents of the documents he had presented earlier. The authorities informed him that, in addition to his parents' *adat* marriage certificate, there was another document, the nature of which he did not fully comprehend. Upon contacting the Indonesian registry department, he was informed that they were unable to issue the document.

(Fieldnote taken on the 5th February 2023)

In attempting to make sense of the situation in between Liman and the NRD, it appears that the crucial evidence requested from him may be an original version of his birth certificate issued directly by the Indonesian Government. Liman's possession of a

birth certificate, albeit obtained from the Indonesian Registry Department, raises concerns as it is a relatively simple document printed on white A4 paper, providing only basic details about his birth (as illustrated in Figure A2 in Appendix II). Notably, Liman's confidence in the legitimacy of this "*Akta Kelahiran*" document stems from reassurances by the officer responsible, who affirmed its legality and asserted that no additional documentation could be provided. Furthermore, the officer's claim that Indonesian local civil registrars started issuing birth certificates with QR codes in 2019 as an alternative to conventional authentication through signatures and stamps which explains the inclusion of a QR code on the document, to enable scanning and retrieval of full details regarding Liman's birth. When Liman was questioned about whether he understood the specific documents requested by the NRD officer, he expressed uncertainty. His recollection of interactions with the officer mostly involved a request for scanning the information from the document, which was met with refusal. Instead, the officer circled the term "*Akta Kelahiran*" on the birth registration certificate provided by the Indonesian Registry Department, emphasizing the need for him to obtain the document. In this context, Liman's predicament is compounded by his illiteracy, significantly impairing his ability to articulate and communicate his concerns effectively with the officers at the NRD. Additionally, the NRD officer's ineffectiveness to accommodate Liman's limited understanding in navigating complicated legal processes inadvertently exacerbate his current situation. Liman recalled advice given to him by a counselor he met at Timberland Medical Center:

Every time he visited the NRD, he invariably encountered front-counter personnel—junior officers in subordinate roles. It was these individuals whom he interacted with, which prompted the counselor he consulted to advise him that dealing with such officers might be challenging. Instead, the counselor recommended him to seek out higher-ranking officers directly to ascertain the specific requirements.

(Fieldnote taken on the 5th February 2023)

Despite Liman's efforts, which included taking an oath in civil court proceedings to facilitate his application, his situation remains unresolved, and he continues to grapple with the acquisition of his identity documents. The culmination of my conversation with Liman revealed the profound challenges he confronts on his arduous path to obtaining citizenship and the pervasive uncertainty that obscures his future. His desperation to obtain identity documents has reached a point where he would be grateful at the prospect of acquiring a red identity card, which is typically issued to Permanent

Residents. His biggest concern is to avoid the tragic fate that befell his sibling, who passed away without ever possessing any types of identification documents, not even a birth certificate. Liman has experienced an acute sense of confinement, akin to living in a prison with limited prospects for growth or the attainment of his aspirations. His limited access to better employment opportunities beyond the confines of his village has not only imposed financial hardships, but also taken a toll on his emotional well-being, which is marked by an overwhelming sense of uncertainty and hopelessness. When asked about his aspirations and future plans, Liman responded with despair:

He earnestly hoped to obtain these documents, as they would enable him to travel. It would make securing employment much simpler, as his current situation, which restricted him from pursuing jobs out of his village, leaving him feeling 'stuck.' He wondered how he could enjoy financial stability. He wished to earn a living like any other person and enjoyed the freedom to pursue his goals. While others enjoyed the freedom to pursue their desires, he remained constrained while wishing for the same opportunity.

(Fieldnote taken on the 5th February 2023)

In conclusion, Liman's narrative highlights the inescapable obstacles encountered by stateless individuals in their pursuit of identity, as well as the profound impact of their uncertain status on their livelihoods and mental health.

1.9.4 Lia: Stateless across Generations

Lia is a 20-year-old Iban teenager living in Pasai Siong, Sibul, recently completed her foundation studies in accounting at the local university. Despite lacking an identity card, Lia excelled in her STPM exams, enabling her to pursue higher education at a local higher learning institution. Lia's family, including her two brothers and parents, grappled with statelessness. Her mother, an Iban native from Sibul, and her father, originally from West Kalimantan, have never possessed identity cards throughout their lives. On the other hand, their customary marriage was never officially documented. In Lia's case, along with her three other siblings, they possess a variety of birth certificates, reflecting the peculiar yet common scenarios encountered by stateless families in Malaysia:

Among her siblings, each holds a different type of birth certificate. Her eldest brother possesses a green birth certificate designating him as a Malaysian citizen. Her second brother initially had a green birth

certificate indicating an undetermined citizenship status, but after losing it and obtaining a new one, it was changed to a pink birth certificate, classifying him as a non-citizen. Her youngest brother and she hold identical birth certificates designating their citizenship status as undetermined.

(Fieldnote taken on the 28th August 2023)

To address their predicament, the NRD suggested that Lia's mother apply for MyKas, a green temporary resident identity card issued by the Malaysian government. Initially, they were directed to visit the NRD headquarters in Kuching for resolution. However, upon arrival in Kuching, they were redirected to apply for MyKas at the NRD office in Sibul. In mid-2023, Lia's mother successfully obtained her MyKas, and her citizenship application is now in progress. Once her application to change MyKas to Mykad (a blue identity card) is approved, Lia and her siblings will be able to proceed with their applications, as the NRD informed them that the process cannot be undertaken simultaneously.

Lia's protracted situation can be attributed to the intergenerational transmission of statelessness, stemming from her mother's lack of evidentiary documents to prove her origins. During Lia's interview, she explained that her grandparents, who were native to Sarawak, had passed away before having the chance to apply for identity cards for her mother. This complicated her mother's struggle to obtain identity documents. After seeking advice from NRD, the only available option was for Lia's mother to apply for citizenship by providing proof of familial connection with her grandparents' siblings who were still alive. According to Lia:

Her grandparents both lost their identity documents, and because it had happened a long time ago, the NRD could no longer trace their documents. The only evidence she had of her grandparents' citizenship status was their death certificates, which stated their status as undetermined. At that point, she could only apply for citizenship for her mother. She didn't know how the NRD would handle the application, as they had been told that, in reality, her mother was not eligible to apply for citizenship due to her grandparents' passing. Even though her grandparents had been natives of Sarawak, she had no evidence to prove that, as they had also lost their identity documents long ago, except for their death certificates. So, the only way had been to apply through her grandparents' siblings, who were still alive at the time.

(Fieldnote taken on the 28th August 2023)

It is hardly surprising that Lia's mother's siblings, who reside in the same longhouse, also struggle with statelessness given the circumstances surrounding their

grandparents. Lia's uncle possesses only a birth certificate with an undetermined status, while her auntie lacks any identity documents. Lia went on to explain that her uncle, who married a native with identity cards, was able to secure identity documents and citizenship for his children, as their status followed their mother's citizenship. In contrast, her auntie's children could only obtain Mykas, as their mother had no identity documents at all. They were advised to undergo DNA testing to establish the sibling relationship between Lia's mother and her sister, which would enable Lia's auntie to obtain her identity document and her auntie's children to change their Mykas to Mykad as well.

When Lia received an offer to pursue her degree at the local university after completing her foundation studies, she had one pressing concern: would she be able to continue her studies and secure employment once she completed her degree without citizenship status? Fueled by this concern, Lia decided to raise awareness about her situation through a TikTok video in the hopes of gaining national attention and reaching responsible parties who could assist her. When asked about the inspiration behind creating and sharing the video on the internet, she explained:

She really wanted to make the video and asked her brother to join her, but he refused. This thought constantly weighed on her mind before going to sleep. Eventually, she found the courage to record the video herself.

(Fieldnote taken on the 28th August 2023)

Following the viral success of her social media video, Lia was approached by various individuals, including the local assemblyman, a State Minister of Women, Early Childhood, and Community Wellbeing Development of Sarawak, a representative from the NRD, a reporter, and several representatives from NGOs. Not only did she secure special admission to her degree program in September 2023 without requiring an identity card, but she also received a scholarship from the university's bursary. Additionally, she was invited to a meeting with the minister at a local hotel to discuss her situation and that of her family. Lia explained that, after years of struggling with rejections and unresolved issues, her situation gained media coverage and prompted rapid developments, stating:

Since she was in year 6, she started to apply for identity cards, and her mother applied for Mykad as well, but it was rejected and could not be

accepted. However, after the viral video, her Mykads were immediately released, followed by public statements from the NRD regarding her situation. According to her, the public statements were made regarding the application status of Lia and her family, where the NRD would speed up the process due to her case.

(Fieldnote taken on the 28th August 2023)

Lia's journey, marked by determination and a viral video, underscores the power of social media as a platform for advocacy and change. Her story reflects the potential of digital activism to shed light on longstanding issues and mobilize support from various stakeholders. Lia's ability to secure admission to her degree program and obtain a scholarship highlights the impact of raising awareness about statelessness and bureaucratic challenges. It is important to note that Lia's situation also unveils the complex issue of intergenerational statelessness transmission, where her mother's lack of evidentiary documents, compounded by the historical absence of identity documents for her grandparents, contributed to her stateless status. While her case represents a positive turn of events, it also underscores the need for broader systemic reforms to address the plight of stateless individuals in Malaysia and beyond. Lia's experience serves as a testament to the resilience of those who face statelessness and their capacity to drive transformative change when their voices are heard.

1.9.5 Flo: Adoption and Missing Roots

My encounter with Flo was made possible by my previous interaction with Lia, who, following her extensive media coverage and subsequent viral presence on social media, had received inquiries from individuals facing similar circumstances, including Flo. Flo, is a 19-year-old of Iban ethnicity from a longhouse in Sungai Aup, Sibü. During the interview, Flo was in her second semester of studying for her STPM. Her life journey began in 2004, with adoption by an Iban couple when she was merely one month old. Unfortunately, she has never had the opportunity to meet her biological mother. During our conversation, Flo shared two key documents in her possession that signify her adoptive status. The first document was an extract from the central register record of birth, a certified copy containing specific information extracted from her original birth certificate. The second document was her adoption certificate, known as *sijil anak angkat* (as illustrated in Figure B1 and Figure B2 in Appendix III and Appendix IV).

Although the adoption certificate included information about the child and biological parents, such as names and addresses, it notably omitted details regarding the parents' identity cards. Similarly, the extract of the birth certificate failed to disclose detailed information about the biological parents, presenting only essential details such as name, date of birth, place of birth, and gender. To date, Flo and her family continue to search for her biological mother as her information is imperative for obtaining crucial identity documents, including birth certificates and identity cards. Throughout her life, Flo has relied solely on her adoption certificate for school admissions, which has presented a multitude of challenges given its limited legal identification value. Furthermore, Flo finds herself in a stateless predicament, lacking the legal identity necessary to establish her citizenship definitively. Her adoptive status, despite her adoptive parents being Malaysian citizens, does not guarantee automatic citizenship rights.

In 2015, Flo sought to obtain a MyKad in anticipation of her UPSR examination. Her initial application was impeded due to the absence of her birth certificate, and she was instructed to return after several years for further processing. Flo provided a detailed account of her unsuccessful attempt as follows:

She applied for Mykid in 2015 before sitting for the UPSR examination. However, after being informed by the NRD officers that she could not proceed due to the absence of a birth certificate, they advised her to return in a few years for the application to be processed. Three years later, her adoptive mother revisited the NRD because she was preparing for her PT3 examination. During that visit, they were informed by the NRD officer that they were encountering difficulties with her application. Consequently, they were directed to contact the NRD headquarters in Kuching. Unfortunately, even the NRD officer in Kuching faced similar problems in processing the application for them. Finally, they were given two options: locate her biological mother or wait for a few more years before submitting another application. Despite their efforts, news of her biological mother's whereabouts remained unknown in the subsequent years. So, they chose to wait and filled in several forms and provided them with the serial number of her application.

(Fieldnote taken on the 5th February 2023)

Throughout this protracted bureaucratic ordeal, Flo and her family's hopes of attaining legal status in order to guarantee a brighter future were challenged by the burden of proof. The quest to locate her biological mother was fraught with disappointment, as her biological parents had divorced and relocated from their long

houses in Rantau Panjang, Sibu, shortly after her adoption. Despite her adoptive family's efforts, including public announcements in local newspapers and on the radio, her biological mother remained untraceable. This disheartening experience left Flo feeling disillusioned and frustrated with the existing system.

Living without any identity documents undoubtedly creates a profound sense of hardship and vulnerability not only due to its legal ramifications but also because Flo's situation is heightened by the elusive identity of her biological mother, leaving her questioning her own roots. While she holds on to the hope that she will one day reconnect with her biological mother, Flo is optimistic that the legal system will eventually recognize the plight of adopted children like herself and implement effective measures to address identification issues affecting innocent children who, unfortunately, bear the burden of proof involuntarily. In our conversation, Flo expressed her aspirations as follows:

She hoped that the 'stateless' issue could be resolved, enabling her to pursue her dream of becoming an educator, continuing her education at the highest level, and achieving financial stability. Furthermore, she envisioned a brighter future for stateless individuals, particularly for students, children, and women, protecting them from victimization. This extended to men, ensuring they were not exploited in their employment. She also hoped that stateless individuals could pursue their studies and live in peace without constant worries about their security and financial status. It was important that the responsible authorities improved the system to prevent the exacerbation of the statelessness issue, as prolonged inaction could have posed significant challenges for the government in mitigating this problem.

(Fieldnote taken on the 5th February 2023)

Flo's experience highlights the significant emotional and practical challenges related to these particular circumstances, as well as the long-lasting effects it has on an individual's sense of identity and security. Flo's desires for a resolution to the issue of statelessness and her aspirations to pursue a career in education exemplify the tenacity and positive outlook that many others in comparable circumstances uphold. Finally, the narrative of Flo serves as a compelling reminder of the significance of inclusive and empathetic policymaking in order to guarantee that no one is left behind in the endeavor for equality and dignity.

1.10 DISCUSSION AND ANALYSIS

The foregoing case studies have discussed several significant issues, including religious identity, birth certificates, the complexities surrounding marriages, administrative issues, intergenerational transmission of statelessness and legitimacy status. These challenges will be examined in detail below.

1.10.1 Religious Identity

Based on the preceding discussion of the case study, it is apparent that the reversion of religious identity poses significant challenges to the acquisition of citizenship status for children born from marriages of different religious backgrounds. It is important to recognize that in Sarawak, there is a prevalent practice of intermarriage between individuals with different backgrounds, which is a result of the region's longstanding multiethnic populace. In such unions, however, it is mandatory for a non-Muslim partner to convert to Islam and formally proclaim their faith prior to the solemnization of the marriage. This is due to the prohibition of interfaith marriages under Syariah Law for Muslims. Therefore, it is not unusual to witness a significant number of incidents where individuals who are not of the Muslim faith choose to embrace Islam primarily for the purpose of entering into a marital union.

It must be noted that approximately 44% of Sarawak's population is Christian, mainly from the Iban, Bidayuh, and other indigenous groups. This indicates that Sarawak's ethnic and religious landscape differs significantly from Peninsular Malaysia. Historically, Sarawak has been the only state in Malaysia without an official religion since joining the Malaysian Federation in 1963. However, in the 1970s, the state's constitution was amended to strengthen the role of Islam and the authority of Shariah courts under the leadership of Chief Minister Rahman Yakub (Ali & Ahmad, 2021). This amendment has had a major effect on the rules and regulations around religious affairs in Sarawak, thereby strengthening the prominence of Islam in the state (Ali et.al., 2021 & Amri B., 2014). In the context of a pluralistic society, while Islamic law does not apply to non-Muslims, these changes have impacted the dynamics of families and non-Muslims in Malaysia (Samuri & Khan, 2020).

Interviews provided crucial insights into situations of religious reversion experienced by Nia, who seeks to leave Islam following her divorce with Muslim

spouses. The interview revealed that it is not within the jurisdiction of *Jabatan Agama Islam Sarawak* (JAIS) to issue release letters or make any legal decisions concerning religious reversion. Hence, the family has appointed a lawyer to fight their case in the Sharia court, as it is the only court with exclusive authority over matters involving religious conversion and renunciation of Islam. However, their case was unsuccessful as the lawyer advised them to bring the issue to NGOs instead. The primary reason for this problem is that, unlike in other states, the Sharia court in Sarawak is not granted civil jurisdiction to determine the religious status of a Muslim under Section 10 of the Sharia Court Ordinance 2001 (Nasir & Ismail, 2016). This situation added complexity to their predicament, as the NRD mandated such documentation for the official reinstatement of Nia's religious status on her identity card.

The dissolution of marriages and religious reversion not only impacts the denomination listed on identity cards but also exacerbates the negative outcomes of legal and identity conflicts on children's acquisition of citizenship. The narratives of Faiz, Phil and Nia exemplify a situation where existing legal frameworks prove inadequate in addressing cases involving affected individuals and children. According to Phil, he fervently contested to officially reverse his wife's religious identity on the identity card. This was crucial, as the unresolved matter halted the acquisition of birth certificates for their children, particularly Mark, who had remained unregistered since birth. When asked if they understood the importance of birth registration, Phil stated that he purportedly delayed Mark's birth registration as below:

He understood the importance of registration. However, if he hastily proceeded with his registration at that time, all of his children would share the same last name, Abdullah. He added that it would be difficult to bring them 'out' if they had 'entered' (Islamic faith).

(Fieldnote taken on 8th January 2023)

While explicitly affirming their absence of personal animosity or aversion towards the Islamic religion, Phil emphasized that the decision at hand was necessitated by their awareness of potential challenges Mark might encounter, akin to those faced by his brother, Faiz. Faiz faced a complex situation, compelled not only to align with his biological mother's citizenship status but also to adhere to her religious identity as a Muslim. The issuance of a pink birth certificate, emblematic of his non-citizen status aligned with his biological mother's citizenship, highlighted the deficiencies within the

prevailing legal framework in addressing cases where a non-citizen biological mother leaves a child in the full custody of their Malaysian father.

Despite the myriad challenges, the family ultimately found resolution through the assistance of non-governmental organizations (NGOs) and personal networks. While the exact details of the NGO's intervention with the NRD and JAIS remain confidential, it is imperative to acknowledge that the success achieved in Phil's family's case may not be universally applicable to resolving similar issues faced by others.

The entirety of Faiz's family's ordeal exposes a bureaucratic quagmire that neither the NRD nor JAIS seems adequately prepared to navigate. This leaves individuals and families undergoing circumstances akin to Phil's family in a state of profound uncertainty and insecurity within the existing sociocultural and legal frameworks. Furthermore, the case highlights the complexity resulting from diverse state legislations regarding the renunciation of Islam in Malaysia. While Sharia High Courts in most states have jurisdiction over declaring Muslim status, they lack clear guidelines and laws to exercise this power effectively. This legal inconsistency leads to difficulties in handling cases related to religious reversion and its impact on legal and identity issues, particularly for children.

In the context of Sarawak, the enforcement of Islamic law with regard to family and religious affairs should continuously acknowledge the state's pluralistic and multiethnic population to ensure harmonious coexistence. Subsequently it must be relooked to prevent the stateless condition among individuals who are entangled in the conflict of legal and administrative discrepancies that lack clear guidelines. On a social aspect, there needs to be a greater emphasis on intercultural dialogue and understanding to mitigate the tensions arising from religious conversions and reversions. Whereas on legal aspect, Malaysia's pluralistic society and legal system must evolve to address the complexities arising from its diverse population and the increasing influence of Islamization while addressing how this process could affect the non-Muslim population in the country.

1.10.2 Birth Certificates

Due to the specific emphasis on birth registration, possessing a birth certificate is frequently considered synonymous with having legal identity, whereas lacking a birth certificate is associated with lacking legal identity. As underscored in the case studies drawn from interviews with informants, an excessive reliance on birth registration as the sole method of verifying legal identity and as a prerequisite for obtaining fundamental rights and protections has the potential to worsen the patterns of exclusion experienced by underprivileged and vulnerable communities. The absence of this documentation, in practical terms, can potentially strip an individual of eligibility for state protection and the inherent rights associated with their citizenship, thereby raising critical concerns about their legal standing and access to fundamental rights. It is evident that in country such as Malaysia, the absence of birth certificate not only obstructs educational access but also complicates the process of identity card application. Furthermore, the absence of marriage evidence for parents adds another layer of complexity to the application process.

One prevalent scenario associated with the lack of birth certificates is late registration. The NRD mandates in Sarawak that births should be registered within 14 days of occurrence (Section 9 of Cap 123; Section 10 Cap 10). Delayed registration pertains to any registration made between the 15th and 42nd days after the child's birth (Section 16 Cap 123; Section 18 Cap 10), while late registration refers to any registration made after the 42nd day, necessitating additional procedures and evidence to validate the child's particulars in the late birth registration certificate (Section 22 Cap 123; Section 24 Cap 10). The case studies of Mark (Faiz's brother), Ila, and Liman exemplify the repercussions of late registration contributing to their lack of birth registration.

Based on the interviews conducted, a number of factors commonly associated with the absence of birth certificates have been identified. These factors include unregistered marriages or marriages that have not been endorsed by Malaysian authorities, geographical barriers, lack of awareness, and insufficient documentary evidence to substantiate proof of birthplace and parental ties. It is worth noting that although Mark, Ila, and Liman's cases of lacking birth certificates stem from different scenarios, they all highlight situations where a combination of factors produce administrative and bureaucratic challenges in obtaining a birth certificate. As noted in

Flaim's (2017) ethnographic research among the highlanders in Northern Thailand, such administrative and bureaucratic challenges illustrate the "problems of evidence," revealing the systemic and structural barriers faced by marginalized and indigenous populations in obtaining legal identity. The reliance on bureaucratic evidence such as birth certificates and marriage endorsements to prove legal identity often excludes those unable to meet these criteria due to systemic barriers (Lawrance et.al, 2017).

The case of Ila and her two siblings illustrates that, despite their births occurring in Sarawak, the delayed registration process and their parents' marriages not being endorsed by Malaysian authorities resulted in Ila herself living without a birth certificate for almost 17 years. Similarly, in Mark's case, his lack of a birth certificate can be attributed to his mother's religious reversion status and the non-endorsement of his parents' marriages by authorities. As for Liman, the absence of his birth certificates is due to a combination of geographical barriers, lack of awareness, and insufficient documentary evidence to substantiate proof of his birthplace and parental ties.

It must be noted that while lack of birth certificate is strongly correlated with social exclusion and lack of access to social benefits, economic opportunities, or state protections, not having any birth certificate does not mean that they are not eligible to access other rights such as attending schools and healthcare services. In Malaysia, stateless children are still eligible to attend alternative schools and private schools provided that they are paying the non-citizen fees. However, this condition places a significant financial burden on already struggling families as well as further marginalizes children who grow up without a recognized legal identity.

The interview highlighted the critical importance of legal identity documentation, such as birth certificates, in providing access to fundamental opportunities to improve quality of life. Often known as a "gateway to life" or a gateway to benefits such as education, its importance cannot be understated. In light of this, the Sarawak state government has granted permission for stateless children who have submitted applications for citizenship to enroll in public schools. Commencing in March 2023, these children will be permitted to use temporary identification documents in order to access educational and healthcare facilities (The Star, 2023; Borneo Post, 2023).

In many developing nations, such as Malaysia, the idea that requiring birth certificates as a legal prerequisite for attaining basic rights would lead to an increased demand for birth certificates might pose a critical problem (Vandenabeele, 2011). Evidently, the findings indicate that there are unintended consequences, which may lead to the legal exclusion of children without birth certificates from accessing benefits and opportunities, consequently making them worse off than registered children. The underlying assumption that by making the possession of birth certificates as a legal requirement for accessing fundamental rights would increase the demand for birth certificates could pose a critical problem because it often has unintended consequences as they result in the legal exclusion of children without birth records from access to benefits and opportunities, making them worse off than registered children. Allowing the use of temporary documents to access education and healthcare facilities proved that the government acknowledged that the implementation of the policy mandating birth registration may have a counterproductive approach, particularly in developing countries. Hence, implementing a more comprehensive strategy to address the issue can potentially enhance the demand for birth registration.

1.10.3 Marriage

Traditional and *adat* marriages that are not legally recognized are frequently reported as a cause of statelessness among indigenous people (Loganathan, Chan, Hassan, Ong & Majid, 2022, Lumayag, 2020). The situation involving Ila and her family serves as a prime example of the complexities and inconsistencies inherent in the recognition of native customary marriages (*adat*) within contemporary legal systems in Sarawak. *Adat* marriages, which are considered valid unions by the indigenous communities of Sarawak, have strong foundations in the cultural customs, norms, and beliefs of these groups. Nevertheless, as demonstrated by Ila's case, when traditional unions encounter the inflexible frameworks of national legal systems, such as those implemented by the NRD, major conflicts emerge. The emphasis on adhering to national standards for documentation frequently overlooks the validity of local customary practices. This not only marginalizes indigenous populations but also deprives them of crucial legal acknowledgments, such as the legitimacy of their children and the subsequent entitlements to citizenship.

In relation to this, it must be noted that native customary (*adat*) law only applies to the indigenous non-Muslim population of Sabah and Sarawak. In Sarawak, marriages and divorces involving native people registered under native customary law fall under the jurisdiction of the Sarawak Native Customs Council (Majlis Adat Istiadat Sarawak or MAIS). The MAIS's jurisdiction is vested in the Majlis Adat Istiadat Sarawak Ordinance 1977, as well as three (3) other subsidiary legislations, as listed below:

- i. Native Courts Ordinance 1992
- ii. The Native Courts Rules 1993 and
- iii. Native Customs (Declaration) Ordinance 1996

Within Sarawak's native customs and traditions, MAIS plays an important role not only in reviewing and codifying the native's local traditions into customary law but also in verifying the validity of marriages and divorces under the law. Hence, a complete guideline has been outlined by MAIS to help the public understand the requirements pertaining to marriage and divorce involving the natives of Sarawak (Refer to table 4 in Appendix).

In many cases, native customary marriage with a proper document and procedure rarely poses any problem of registration when the native couple tried to register their child. This is because before 2006, all marriage according to *adat* is recognized by NRD. And according to MAIS, for those who have registered their marriage according to *adat* before the establishment of Native Marriage Electronic System (NAMES), are allowed to present their documents to MAIS to be recorded in the electronic systems. Therefore beginning 2005, all marriages among natives in Sarawak performed under the *adat* customary law have been recorded in the electronic system.

Based on the interview, *adat* marriages between natives of Sarawak and non-natives prior to 21st September 2006 are recognized as valid. For these unions, any existing evidence should be presented to the NRD to support the registration of children born after marriage, ensuring they are not deemed "illegitimate" and are eligible for citizenship if born in Sarawak. However, persistent issues arise in cases where there is no marriage evidence, or the marriage was conducted outside of Malaysia. In such situations, the marriage must be re-registered with the NRD when the couple returns to

Malaysia. Without proper evidence or re-registration, children inherit the nationality of their mother, regardless of their birthplace in Sarawak, rendering the *adat* marriage invalid. Additionally, since 21st September 2006, *adat* law no longer recognizes marriages between native and non-native individuals, restricting valid *adat* marriages to those between non-Muslim native couples. Amendment of such policies have created documentation issues among the indigenous children even though their father is Malaysian citizen, and they were born in Malaysia.

Another misunderstanding of the *adat* law which created documentation issues is in regard to the validity of marriage performed under the *adat* between a native who is non-Muslim and a native who has converted into Islam. This is because, only marriage between non-Muslim is allowed under the Native customary law. In the context of Sarawak, it can be said that there is an accidental gap which exist between the native customary law which governed the law of *adat* marriage among the native of Sarawak and the civil law. Although the Sarawak government recognizes native customary laws relating to marriage and has long acknowledged the concept of *adat* marriage among the indigenous populations, "problems of evidence" frequently occur in practice. These evidentiary issues are particularly pronounced in cases of cross-border marriage. Even when legal evidence from outside Malaysia is produced, further investigations are often initiated to verify these claims and prevent document falsification. In numerous instances, such as those involving Ila, Liman, and Lia, despite their parents having conducted *adat* marriages, whether documented or not, the NRD often requires additional evidence, such as witness verification. Regrettably, it is the children who suffer the consequences of these legal complexities.

The issues between the recognition of *adat* marriage among Sarawak's indigenous communities and the regulatory demands of the NRD revealed the challenges that arise when national laws aimed at standardizing legal identity recognition clash with deeply entrenched local customs. It has been argued that historically, these communities have maintained *adat* practices autonomously, without the constraints of the formalized systems introduced by state formation and legal policies. This concept, which Sadiq (2008) describes as "administrative citizenship," highlights the state's push towards formalizing and standardizing identification systems, often leading to discrepancies and inconsistencies. Such misalignments are particularly

pronounced in Sarawak, where traditional practices frequently conflict with the state's bureaucratic requirements.

Expanding on this, the concept of "documentary pragmatism" as discussed by Allerton (2014) suggests that individuals and communities often navigate these bureaucratic barriers by pragmatically engaging with documentation processes to mitigate the risks associated with statelessness or unrecognized status. This approach involves understanding and manipulating the documentary requirements imposed by authorities to secure recognized legal status, albeit sometimes only temporary or superficially. Consequently, the NRD recognised this tendency and responded by instituting harsher restrictions and frequently requiring more evidence, understanding applicants' desperate need to verify their claims.

There is often a significant gap in understanding how to bridge local traditions with the formal requirements imposed by the state. This lack of knowledge on navigating the bureaucratic system can exacerbate the clash between the formalized system and adat practices. Such gaps not only perpetuate the cycle of statelessness but also highlight the need for policies that better accommodate the unique cultural and administrative landscapes of indigenous populations. The ongoing struggle to align national policies with local realities reveals a critical need for a more inclusive and flexible approach to citizenship and identity recognition in Sarawak.

1.10.4 Administrative Issues

Numerous studies have shown that administrative requirements for documenting citizenship can reproduce statelessness, especially among populations with limited access to bureaucratic resources and legal advocacy (Lawrance et.al, 2017). Consequently, the following discussion aims to highlight how the administrative procedure for acquiring citizenship, which is undeniably "illegible" (Cheva-Isarakul, 2020), bureaucratic, and inflexible, has exacerbated the statelessness condition among the informants in this study.

The interview with stateless individuals revealed that the process of applying for citizenship can indeed present significant administrative challenges. These challenges are frequently the result of stringent documentation requirements,

inconsistent application of laws, and bureaucratic inefficiencies, all of which may lead to the challenges that stateless individuals encounter in obtaining legal recognition and rights.

As revealed by the majority of informants, stringent documentation requirement is one of the primary administrative barriers in the citizenship application process. Frequently, applicants are required to provide valid documentation indicating their birth records and marriage certificates of parents. Meanwhile, for late birth registration, the NRD requires the presence of two witnesses who are at least 15 years older than the applicant. For many, particularly those from indigenous communities or those whose statelessness has persisted for generations, obtaining such documentation is either impossible or exceedingly challenging. While various situations result in the inability to produce evidence and required documents, such incidents are not uncommon among the indigenous population of Sarawak. The case studies presented earlier in the chapter illustrate how the evidentiary burden has left many in protracted situations for long periods of time. While some cases have found solutions, others, including those of Lia, Liman, and Flo, remain unresolved.

On the other hand, one of the most quoted inefficiencies in the application system practiced by NRD is the lack of transparency in providing explanation to the applicants on the status of their application. In the rejection letters sent to applicants, the NRD often fails to provide any reason or justification, even for cases where applications have been repetitively rejected. Without detailed feedback on what is missing or incorrect in their applications, applicants are at risk of repeating the same mistakes in their resubmissions. This lack of transparency severely impedes their ability to access education and employment opportunities within the Malaysian system. These issues are depicted by Liman's case. He has not received any explanation from the NRD for the repeated rejections of his citizenship application. The lack of clear guidance on what should be rectified for a successful application driven him into a cycle of uncertainty and exclusion. The logistical challenges of travelling back and forth to obtain verifiable documents from his village in Kota Samarahan and Indonesia add to the obstacles, as he did not have an identity card and passport, which made it practically impossible for him to rectify his situation. This opaque nature of citizenship application forces stateless individuals and families to deal with a time-consuming process without guidance, which in the end often results in giving up on obtaining citizenship.

Furthermore, the interview revealed that this lack of transparency not only limits applicants' ability to make adjustments to their applications but also weakens trust in the administrative system. As noted by Liman of his encounter with the NRD procedure:

Liman stated that when submitting his application, he encountered various officials who provided varying requirements, which confused him. Because he had never met their superior, he found it difficult to deal with those who appeared to have little understanding of his situation and the urgency of his application. Furthermore, he stated that, despite having obtained the necessary documents, he received different instructions and decisions about his application status when he returned to the NRD. This inconsistency affected his trust in the system.

(Fieldnote taken on the 5th February 2023)

Inconsistent application of laws, which is closely linked to administrative inefficiencies and bureaucratic barriers, also results in varying outcomes for citizenship applications under similar circumstances. This variation can lead to family members having varied legal identities and rights, which can have a substantial impact on family dynamics and access to services and rights. The discretionary nature of citizenship laws can result in the unequal treatment of similar cases due to the diverse interpretations and applications adopted by different officials.

The ethnographic cases highlighted in this study have shown that the difference in citizenship status among family members is a reflection of the broader issues of governance, legal inconsistencies, and administrative deficiencies that are frequently observed in developing nations. This not only affects the rights and opportunities of individuals but also places a strain on family units, frequently causing them to deal with a labyrinth of legal obstacles that can have lasting impacts across generations.

It must be noted that in the context of Malaysia, the Federal Constitution's Article 15A allows for the discretionary granting of citizenship to stateless children under specific circumstances. However, this provision's discretionary nature and lack of transparent criteria lead to arbitrary decisions. This leads to a situation where some applications receive preferential treatment, while others, like those from Lia's family, do not, despite sharing similar characteristics. The absence of clear regulations for discretionary powers leads to inconsistency and unpredictability in the enforcement of laws, resulting in legal and administrative discrepancies within families.

The prevalence of administrative inefficiencies in the citizenship application process frequently results in extended waiting periods, missing applications, and a lack of communication from authorities. The findings revealed that these inefficiencies may prevent them from obtaining citizenship because they perceive the bureaucratic system as either indifferent or obstructive, making their efforts seem pointless. Considering long processing times involving late registration cases and incomplete documentation, it can be argued that the current procedure in NRD-MOHA at federal and state level did not reflect the effectiveness of the upgraded system. DHRRA claims that while some may surpass four years, the average processing period could be three years. In average, all informants interviewed in this study have waited more than years since their first submission of applications (DHRRA, 2019).

1.10.5 Intergenerational Transmission of Statelessness Status

In the context of this study, intergenerational transmission of statelessness refers to the phenomenon in which statelessness is passed on from parents to children, often as a result of legal, administrative, and societal hurdles to obtaining citizenship. To borrow what Sigona (2019) termed as ‘status reverberations’, statelessness as a *de facto* condition frequently persists across several generations, often impacting more than three generations. A notable study conducted by the UNHCR (2017) highlights that in countries where nationality is only obtained through descent, individuals can inherit statelessness if their parents are stateless or encounter legal obstacles in passing on their nationality. The situation is further complicated by factors like the absence of birth registration, displacement, and discriminatory laws that are based on factors such as gender, race, or religion (UNHCR, 2017). For example, Lia and her siblings are not just stateless, but their mother and grandparents are also without legal identities due to a lack of birth certificates and other identity documents proving their nationality. In relation to this, Lia, aged 20, narrated to me as follows:

His father should have obtained an identity card (IC) back then, but he didn't follow the others' example, which would have streamlined the process. His mother had not been knowledgeable about the process of obtaining an IC. His grandparents' siblings had all possessed ICs. The difficulty arose because his mother's parents were unable to secure their ICs before their early deaths, which complicated the process for his mother to obtain one. If his mother had an IC, all her siblings would have

also obtained one, as the NRD relies on the mother's side when a marriage certificate is unavailable.

(Fieldnote taken on the 28th August 2023)

In Malaysia, the principle of *jus sanguinis* regulates the acquisition of nationality, which means that citizenship is typically passed down from parent to children. However, in the event where parents are unable to provide the requisite documentation to establish their citizenship, their children are also at risk of remaining stateless. As mentioned in the previous discussion, this situation is further exacerbated in regions such as Sarawak, where families encounter substantial challenges in obtaining legal identity documents due to administrative barriers and legal inconsistencies. The juxtaposition of national policies and local reality has frequently resulted in the exclusion of individuals who do not fit neatly into the bureaucratic frameworks established by the state.

As evident in the interviews, intergenerational transmission of statelessness is not only a legal problem but also a complex social phenomenon that continues a cycle of disadvantages on different levels, including economic and social status. The intergenerational transmission of statelessness can be seen as a deficit in social and cultural capitals which are important for upward mobility (Bourdieu, 1986). As noted in the interviews with Lia who inherited her stateless status from her families, the economic and social impact of intergenerational statelessness is profound. Conversely, the absence of cultural capital would lead to challenges in navigating systems that provide access to economic and social privileges. These findings will be further explored in the subsequent chapter, which details how informants interviewed in this study described the impact of statelessness on their lives.

1.10.6 Illegitimacy Status

The social and legal challenges that illegitimate children encounter, particularly in the context of statelessness, are fundamentally influenced by the concept of *filius nullius* (son of nobody). These children are essentially denied the social and legal recognition that is granted to those born within matrimony, a concept that is rooted in historical and legal traditions. The consequences are severe and wide-ranging, resulting in both legal invisibility and social ostracism. The case of Faiz indicates that the social implications

of his illegitimate status are equally constraining and detrimental as the legal repercussions. According to Faiz, aged 17, in his interview below:

Because of his legal status, he was unable to complete his studies alongside other children in the neighborhood, which meant he had fewer friends than other children his age and was unable to participate in numerous school-organized activities, such as football matches or visits to places in Kuching.

(Fieldnote taken on 8th January 2023)

The legal status of illegitimacy in Malaysia is determined by both common law and specific statutes. Legitimacy, in common law, is contingent upon the marital status of the parents at the moment of the child's birth. In Malaysian law, the term "illegitimate child" is not clearly defined in most statutes (Thambapillay & Mohd Yusoff, 2012). However, the Evidence Act 1950 establishes a presumption of validity for children born during a lawful marriage or within 280 days after its dissolution, unless there is evidence to the contrary about the parents' lack of access to each other.

Statistics highlight the extent of illegitimacy and its associated risks in Malaysia. From 1999 to 2003, Sarawak recorded 617 cases of illegitimate children, a significant figure given its population size, and the socio-economic challenges faced by indigenous communities (Thambapillay et.al, 2012). This problem has emerged from the traditional customary marriage practices that do not comply with formal marriage and birth registration standards. As previously stated, this misalignment results in numerous instances where children from these unions are not recognized by the state, furthering their marginalization and statelessness.

1.11 CHALLENGES OF STATELESSNESS

The discussion below highlights several challenges of statelessness, including lack of legal recognition, limited access to education, restricted healthcare services, economic hardship, and limited mobility. It also touches on the emotional and psychological toll experienced by stateless individuals, who often face exploitation, social exclusion, and uncertainty about their future.

1.11.1 Legal Recognition

There are two primary challenges in relation to legal recognition for stateless individuals:

fear of authority and increased vulnerability, and reliance on social and familial networks to overcome legal barriers.

1.11.1.1 Fear of Authority and Increase Vulnerability

The absence of legal protection specifically addressing statelessness perpetuates a state of legal ambiguity for stateless persons, engendering challenges that affect their daily lives profoundly. In this note, one of the main challenges faced by stateless individuals is the need to hide and live invisibly due to their lack of legal status. This situation then led to a constant fear of authority and a pervasive sense of insecurity. For instance, Liman recounted his recurrent encounters with police roadblocks, necessitating evasive actions due to his undocumented status:

When he travelled to the 11th mile and 8th mile areas, the police stopped them and asked for his friend's license, as he was riding as a passenger. He was stopped on two occasions, and each time they approached a roadblock, they either took alternative routes or made a U-turn because he had no form of identification. As a result, his friends became hesitant to have him accompany them to work, especially since the police frequently patrolled their nearby housing area. This partly explained his reluctance to work in housing areas; he preferred to work in village areas instead.

(Fieldnote taken on the 5th February 2023)

This overwhelming fear of encountering authority figures due to the absence of legal identity creates a distressing reality for stateless individuals, forcing them to constantly conceal their identity and, in this case, evade authorities whenever possible. Simultaneously, the lack of any legal identity renders stateless individuals susceptible to exploitation and fraudulent activities, as they exist in the shadows with limited avenues for seeking assistance or protection. Flo's narrative illustrates this precarious existence:

Coming from a low-income family, with an illiterate father and a mother in poor health, she contemplated what the future held. If she were married off or forced into marriage, what recourse would she have for herself and her future children? In the event of domestic violence, how could she defend herself? Yes, perhaps at that age, she should have focused on her

studies, but her future was difficult to predict. Once, she and her friends spoke about her difficulties, and their curiosity led to questions that profoundly altered her perspective on her future. They asked, 'Flo, without an identity card, how would the police identify you if something were to happen to you?' 'In your case, what if you were abducted or fell victim to human trafficking? Do you think the police could trace your whereabouts in any country?'

(Fieldnote taken on the 5th February 2023)

Flo's contemplation underscores the stark reality that lacking legal identity not only denies access to remedies protecting her rights as a citizen but also exposes her to potential harm, with her unidentified status rendering difficult to trace. It creates opportunities for unscrupulous individuals or organizations to exploit individuals like her. Lia's account further exemplifies this vulnerability:

Once, an individual who claimed to be an official offered to expedite her mother's identity card application in exchange for a payment to fast-track the process. Throughout their lives, her mother had spent considerable sums, even thousands, in the belief that this person could ease their situation. Driven by desperation, they did not exercise caution and simply entrusted their funds to this individual. Subsequently, she became acutely vigilant and refrained from engaging with such individuals.

(Fieldnote taken on the 5th February 2023)

These narratives shed light on the intricate interplay of fear, vulnerability, and exploitation that characterizes the lives of stateless individuals. They reveal that statelessness represents both a legal and existential condition, where the absence of identity documents not only fosters a feeling of invisibility but also signifies a lack of state protection.

1.11.1.2 Overcoming Legal Barriers via Social and Familial Networks

In the absence of legal recognition, stateless individuals often rely on their familial and friends' networks to overcome various legal barriers. For example, they may need assistance in accessing basic services such as healthcare, education, or employment. The findings of this study found that informants often rely on their families and friends to help them navigate the complex bureaucracy and obtain the necessary documents for these services. Liman's predicament, for instance, forced him to seek his niece's assistance in securing a motorcycle loan since he remained unable to obtain a driving license or mortgage. Meanwhile, Lia's family's statelessness had dire consequences.

They were entirely excluded from accessing bank accounts and other forms of financial assistance contingent upon identity documents. Instead, Lia revealed a distressing pattern of borrowing neighbors' ATM cards to facilitate online transactions, given their inability to open their own bank accounts. The present-day reliance on online financial services intensifies the demand for legitimate identity information, further compounding the challenges faced by stateless individuals. Lia shared her struggles during her secondary school years:

At that time, there was a program called Bantuan Kecil Pendapatan (BKP) that provided approximately RM70 per month to eligible students. In Form 1, her teacher encouraged her to apply, but she refused because she understood that without a bank account, she could not receive the funds. However, by the time she reached Form 2, her teacher persuaded her to apply, and her application was approved. She continued to receive the BKP until she reached Form 5. During this time, her teacher managed to open a bank account for her using only her birth certificate. Unfortunately, she still could not access the funds because she lacked an ATM card to withdraw money from the account. Today, the bank account remains dormant, with the funds untouched. To activate and withdraw her funds, she is still required to present her identity card.

(Fieldnote taken on the 28th August 2023)

The reliance on informal networks represents a double-edged sword for stateless individuals like Liman and Lia. On one hand, these networks offer a lifeline, enabling access to resources necessary for survival in a hostile environment. However, on the flip side, this reliance fosters a dangerous sense of dependency and vulnerability, as stateless individuals find themselves perpetually dependent on others for their fundamental needs. Moreover, these support networks are far from foolproof and may prove unreliable or unsustainable, exacerbating the overall uncertainty and stress experienced by stateless individuals.

1.11.2 Economy

The discussion below addresses the economic challenges faced by stateless individuals, particularly their limited access to formal employment and financial services.

1.11.2.1 Limited Income and Livelihood Opportunities

As exemplified by Liman's case, formal employment opportunities have remained obscure, compelling him to toil in the informal sector, where wages are paltry, and working conditions are subpar. Due to his illiteracy, he often found himself labouring as a construction worker, and he supplemented his income by collecting pepper seeds and cacao with the assistance of his local network of friends, earning a mere RM7-8 per day. In his discussions, he frequently conveyed his aspirations for securing higher-paying work that would allow him to break free from the confines of his village in pursuit of improved economic prospects. However, Liman lamented the challenges he faced in doing so:

It is difficult for him because he cannot venture too far, say to Serian or urban areas, due to his fear of encountering roadblocks. Sometimes, he finds himself sitting at home, watching his friends secure distant jobs in places like Sibu and Miri, but he cannot do anything about it.

(Fieldnote taken on the 5th February 2023)

The confluence of limited economic opportunities and the financial hardships wrought by statelessness compounds the struggles of individuals like Liman. Their undocumented status renders them ineligible for government financial aid, leaving them to grapple with the burden of higher costs for essential services such as healthcare, education, and public facilities, all billed at non-citizen rates. Given that the majority of these informants hail from low-income families, even seemingly straightforward procedures requiring nominal fees, such as obtaining verification, documents, or official stamps for their identity card applications, result in delays as they scrounge for the necessary funds. Ann, for instance, shared that despite her children now possessing birth certificates, the application for their identity cards had to be postponed due to the need to accumulate sufficient funds for processing. According to Ann:

She lamented that everything demands money nowadays. Even securing verification from the penghulu required having '*modal*' (money) to make the journey, especially since she resided far away in the village. Additionally, each child needed a photograph for the forms, which incurred additional expenses.

(Fieldnote taken on 21st January 2022)

Liman, too, faced economic hardships as he embarked on a costly expedition to Indonesia to obtain his birth certificate, a requirement imposed by the NRD. He recounted spending approximately RM2000 on travel and associated expenses, a

staggering sum given his limited income. These accounts provide compelling evidence that the intertwined challenges of limited economic opportunities, financial hardships caused by statelessness, and the daunting costs associated with even basic administrative procedures continue to afflict individuals like Liman and Ann, impeding their aspirations for a better life and reinforcing the cycle of vulnerability they face.

1.11.3 Education

The section below discusses the significant barriers that stateless individuals face in accessing formal education. It highlights how the absence of identity documents leads to discontinued studies, frequent disruptions, and an overall uncertainty in their educational pursuits.

1.11.3.1 Discontinued Access to Formal Education

The section below discusses the significant barriers that stateless individuals face in accessing formal education. It highlights how the absence of identity documents leads to discontinued studies, frequent disruptions, and an overall uncertainty in their educational pursuits. Access to education is a paramount concern among the informants, as they recognize its pivotal role in opening doors to opportunities and securing a better future. Each informant expressed deep apprehension about their inability to continue their education due to the lack of identity documents. While their educational levels vary based on individual circumstances, they unanimously reported that identity documents are consistently required for secondary and tertiary education pursuits. Unfortunately, due to their unresolved legal status, some have been denied the opportunity to resume their secondary education in public schools, compelling them to discontinue their studies. Liman, for example, recounted his decision to stop attending school because of persistent inquiries from teachers regarding his missing documentation:

He discontinued his studies when he entered Form 1 (secondary school). Every day, the teacher would ask about his documents, and he eventually decided not to return to school to avoid the embarrassment of being questioned in front of his friends. Everyone had an identity card by the age of 12, but he did not.

(Fieldnote taken on the 5th February 2023)

Another informant, Flo, recounted a distressing incident in which she was required to present her identity document to continue her education, resulting in her being charged the non-citizen rate for school fees. She described the situation as follows:

She was summoned to the student affairs office (HEM), where she was informed that without proof of citizenship, her schooling would be terminated. She returned home and conveyed the situation to her mother. Following discussions with the school, her information was forwarded to the Pejabat Pendidikan Daerah Sibu (Education Department Sibu District). There, she was instructed to complete a form verifying her lack of citizenship. Consequently, each year, she was obliged to pay RM240 for school fees, with the understanding that this document was imperative for her to continue her education.

(Fieldnote taken on the 5th February 2023)

Lia's case, on the other hand, exemplifies the significance of perseverance in the pursuit of education. She was determined to continue her university-level studies despite lacking identity cards. When her situation garnered statewide media attention, she received special permission to enroll in a degree program, even in the absence of identity documents, with support from a local politician who deemed her case as 'pending' approval from the Home Ministry. Lia described her situation as follows:

Regarding the degree program, she was convinced by the politician she met that she should not be worried because she would be accepted into the program. They assured her that she would receive a 50% bursary to help finance her studies. They also told her they would try to help her find a scholarship too.

(Fieldnote taken on the 28th August 2023)

Despite the assurance that Lia will be able to continue her study, her citizenship status remains uncertain, as it depends on her mother's citizenship application, whether it is going to be approved very soon.

1.11.3.2 Cycles of Education Disruptions

All the informants attended schools with a certain level of discretion exercised by teachers and headmasters. This meant they either relied solely on their birth certificates or gained enrollment based on incomplete or absence of identity documents. However, at critical junctures, especially when national examinations approached, the requirement

to present valid identity documents became an insurmountable challenge. In cases involving unrecorded births, the absence of identity documents presented a significant impediment. Ila, for example, had to endure multiple interruptions in her education due to this issue. This predicament extended to Ila's siblings, as her mother attested. Her sister, Ira, experienced interruptions in her education until Primary 6, and her brother's, Denny schooling was similarly fragmented, with both having to skip multiple academic years due to documentation challenges. Ila further described her situation as below:

Ila recounted her own experiences, noting that her documentation-related challenges had forced her to discontinue her studies several times over a five-year period during her secondary education. She attended primary school until Primary 4; however, when she entered secondary school, she enrolled in Form 2 but had to suspend her studies midway. She resumed in Form 3 and later enrolled for the Malaysian Certificate of Education (SPM) in Form 5, which was considered a late registration because she had only just received her birth certificate.

(Fieldnote taken on 21st January 2022)

During these periods of educational hiatus, Ila described feeling overwhelmed and unsure about how to study effectively at home, fearing it wouldn't match the quality of classroom education:

She felt stressed. Even though she wanted to study at home since she could not continue her schooling, she was clueless about what to study because she was afraid it wouldn't be the same once she could resume her studies at school. So, mostly, she sat and waited, doing nothing.

(Fieldnote taken on 21st January 2022)

The stories of these informants paint a stark picture of the relentless hurdles they face in accessing formal education due to their lack of identity documents. From discontinuing studies to enduring cycles of disruptions, their educational journeys are marked by uncertainty and frustration. Education, often seen as a gateway to a brighter future, remains elusive for many due to unresolved legal status, reinforcing the urgent need for comprehensive solutions to address the challenges faced by stateless individuals in pursuing their educational aspirations.

1.11.4 Health

The following section discusses the barriers stateless individuals face in accessing public healthcare facilities and services. Despite the government's commitment to expanding healthcare, Malaysia's system primarily serves citizens and legal residents, leaving stateless individuals in a vulnerable position.

1.11.4.1 Barriers in Accessing Public Health Facilities and Services

It is important to note that access to healthcare services remains significantly segregated based on an individual's legal status, despite the government commitment to expand healthcare facilities across the country (Cheong & Baltazar, 2021). Malaysia's healthcare system is designed to primarily serve citizens and legal residents. Stateless individuals are not considered citizens, and their ambiguous legal status can lead to confusion and denial of services at government healthcare facilities. Several informants mentioned they have faced challenges in accessing public health facilities and services because of their undocumented status. Lia recounted her experiences:

She had a bad experience when she tried to get services at the clinic and hospital without an identity card, but it was worse for her brother, who held the status of a non-citizen. They were scolded by the doctor for going to the government hospital, given that they were non-citizens. In the end, they had to pay higher fees.

(Fieldnote taken on the 28th August 2023)

While some government healthcare services are subsidized for citizens, stateless individuals may be charged higher fees or denied access to subsidized services, increasing the financial burden on them. The cost of medical treatment can be prohibitive for many stateless individuals, especially those with limited financial resources. Liman's account illustrates this issue vividly, as he described his late brother being charged RM5000 for a medical procedure at a government hospital due to his non-citizen status. Rather than seeking professional medical treatment, Liman frequently pursued alternative remedies out of concern of exorbitant prices and potential issues resulting from his non-citizen status. He reiterated his situation in the following manner:

He usually just bought medicine and never went to see a doctor. That day, he fell from a langsat tree and sought people who could provide

traditional massage. Therefore, he never went to the hospital to seek treatment.

(Fieldnote taken on the 5th February 2023)

These excerpts illustrate the major barriers faced by stateless individuals in gaining access to healthcare services. The primary concern articulated by informants revolves around the financial burden they face when seeking healthcare due to their stateless status. This situation has the potential for enduring adverse consequences on their health and overall well-being as they refrain from seeking proper care and treatment from healthcare providers, driven by the fear of incurring exorbitant fees.

1.11.5 Mobility

Stateless individuals frequently experience a profound sense of being "stuck," as their physical mobility is severely hampered by the absence of legal recognition and identity documents. This feeling of being constrained in their movements and opportunities is a recurring theme among informants. Faiz and Lia shared parallel experiences where travel restrictions stemming from their undocumented status prevented them from participating in school activities. Lia recounted a poignant incident:

Her teacher had purchased a flight ticket for her to travel to Peninsular Malaysia. However, upon reaching the airport's immigration checkpoint, they were informed that while her birth certificate could be used for travel, it would significantly complicate matters for immigration authorities in Peninsular Malaysia. Consequently, she was advised not to proceed with the trip. This decision not only resulted in wasted resources but also dashed her hopes of representing her school in an innovation competition.

(Fieldnote taken on the 28th August 2023)

Similarly, Faiz, who was actively involved in school activities, found himself unable to accompany teachers to events due to his lack of identity documents. This limitation had a profound impact on his participation in extracurricular activities. Liman, on the other hand, expressed his feeling of being "stuck" in his daily life, primarily due to his restricted mobility. He explained that he was confined to traveling to the same location, up to the 10th mile, every day, which left him feeling bored and limited in his experiences. To navigate his surroundings, he heavily relied on a close friend for assistance, even for local trips. Understanding the challenges Liman faced, his friend was determined to assist him in obtaining his identity document, recognizing

the critical role it played in expanding Liman's mobility. He candidly shared his account as follows:

He stated that he has a friend who is willing to assist him in obtaining his identity document. His friend advised him that he must provide whatever the NRD requires. He is the one who consistently accompanies him and provides transportation to various places. In case he is unfamiliar with the route or gets lost, his friend is there to guide him. Even when he needs to go to nearby towns, he is not familiar with the way, and in Samarahan areas, if he ventures too far, he does not know how to return.

(Fieldnote taken on the 5th February 2023)

These accounts emphasize the profound impact of restricted physical mobility on stateless individuals, resulting in missed opportunities, unfulfilled potential, and a sense of isolation. The reliance on others for even basic travel needs underscores the urgency of addressing the mobility constraints faced by stateless individuals and highlights the pivotal role that legal recognition and identity documents play in fostering a sense of freedom and agency.

1.11.6 Emotional and Psychological Stress

This section explores the emotional and psychological toll that statelessness imposes on individuals and their families. It shows how statelessness often leads to feelings of inferiority, isolation, and anxiety as individuals struggle with the lack of legal recognition and the resulting societal exclusion.

1.11.6.1 Fraught with Emotional Anguish and Inferiority

The condition of statelessness places a significant emotional weight on persons who are impacted, manifesting as a deep sense of detachment from the society in which they are living. The state of isolation engenders feelings of insecurity, worry, and a pervasive sense of marginalization. Stateless individuals are constantly reminded of their lack of identification documents, a source of emotional anguish that erodes their sense of self-worth. Lia's story exemplifies the emotional turmoil experienced by stateless individuals. She described the distress she felt during the event where she was required to present her identity documents, leaving her with a sense of inadequacy and difference. The pressure to navigate an environment where others possessed legal

identities took a toll on her self-worth, highlighting the psychological strain imposed by statelessness. Lia shared her experiences, stating:

When she was in Form 3, she began to feel extremely stressed, especially during the PMR examination when everyone was required to present their IC (identity card), but she did not have one. Consequently, everyone started looking at her in a strange way because she could not provide an IC. Even during her SPM examination, she had to use only her birth certificate.

(Fieldnote taken on the 28th August 2023)

Similarly, Flo's narrative underscores the emotional exhaustion endured by stateless individuals when confronted with the lack of identity documents. The constant scrutiny and prodding from educators and peers intensify feelings of isolation, exacerbating their emotional distress. Flo recounted her own struggles, saying:

When she was in Form 2, the school discovered that she lacked any identity documents to prove her citizenship status. Once the teachers became aware of this, she found herself being consistently questioned about it. To be honest, the emotional and mental toll became overwhelming as these individuals continued to ask and press her to resolve this problem as quickly as possible.

(Fieldnote taken on the 5th February 2023)

In an environment where legal identity is the standardized norm, informants consistently express feelings of despair and a deep sense of not belonging. They may internalize these negative perceptions, leading to a diminished sense of self-worth. These emotional struggles take a significant toll on their mental well-being, potentially leading to long-term psychological scars.

1.11.6.2 Losing Sight of Future Prospects and Hope

Over time, the emotional toll exacted by statelessness can lead to depression and a pervasive sense of hopelessness. The absence of a recognized nationality effectively hampers the ability to plan for a secure future with any degree of confidence. The experience of feeling disconnected and grappling with the persistent ambiguity surrounding one's prospects can result in profound psychological stress. Flo's narrative illustrates this sense of hopelessness and uncertainty regarding future prospects:

Someone told her that her future is so gloomy, and she is a useless person. This is because without an IC (identity card), she will encounter obstacles

in pursuing higher education and considering marriage. Her difficulties also caused financial problems for her parents, particularly her mother, who manages all her official documents. She is deeply concerned about her future because, as she often reminds her, she is growing older, not younger. She feels a profound sense of guilt for the sacrifices her mother has made on her behalf. There was a time when she almost gave up on her education, but after achieving outstanding examination results, her parents and family provided her with immense motivation to persevere. She obtained 5A's in her PT3 exam and straight A's for her SPM results. Yet, despite these achievements, she continues to grapple with feelings of depression when contemplating her future.

(Fieldnote taken on the 5th February 2023)

The narratives of other informants also underscore that statelessness is not merely an individual problem; it casts a shadow over entire families. Parents, in particular, bear the weight of concern for their children's education and well-being due to documentation issues. On a similar note, Phil and Ann's interviews exemplify these scenarios, revealing their profound apprehension about the future of their children in the absence of identity documents. This concern not only exacts a financial toll but also inflicts deep emotional and psychological distress.

The emotional and psychological impacts of statelessness extend beyond the individual, permeating family units and affecting their collective well-being. These narratives illuminate the profound human cost of unresolved legal status, emphasizing the urgency of addressing this issue comprehensively.

1.12 CONCLUSION

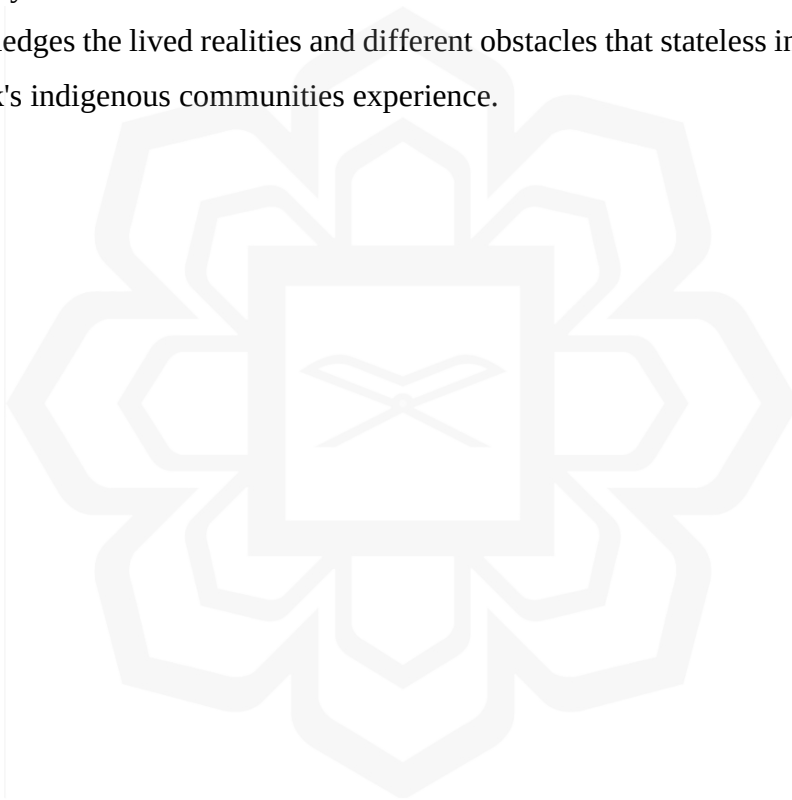
The findings presented in this chapter provide insights into the enduring and varied nature of statelessness among the indigenous populations of Sarawak. In the course of doing ethnographic case studies on Faiz, Ila, Liman, Lia, and Flo, I have come to the realization that statelessness is not the result of a single, isolated set of circumstances; rather, it is the result of a complex combination of legal, administrative, cultural, and socio-political issues. The personal accounts presented here shed light on the ways in which the intersectionality of legal gaps, gender-based legislation, administrative inefficiencies, and customary practices contribute to the perpetuation of the cycle of statelessness. This cycle has profoundly ingrained repercussions for the day-to-day lives of individuals as well as their future prospects.

The experiences highlight the flaws and limitations of the existing legal system in resolving issues connected to religious identity, birth registration, intergenerational transmission of statelessness, and the recognition of *adat* weddings, which are customary marriages. For example, the case of Faiz illustrates how bureaucratic confusion regarding the reversion of religious identity contributes to the perpetuation of statelessness. On the other hand, the difficulties that Lia and Liman encountered are illustrative of how the absence of clear and consistent guidelines for cross-border marriages and late birth registration can trap entire generations in a state of legal limbo. Rather than providing avenues to citizenship, the bureaucratic processes and legal requirements of the state frequently function as hurdles that compound the statelessness of indigenous populations, making their battle for recognition even more difficult.

Furthermore, this chapter provides light on the notable and frequently disregarded influence that statelessness has on fundamental rights among people. Not only does the denial of legal recognition result in a lack of access to educational opportunities, healthcare, and career possibilities, but it also contributes to the perpetuation of a cycle of socioeconomic marginalization, which in turn creates situations that are characterized by psychological distress, insecurity, and vulnerability. For instance, the emotional toll of statelessness, which is exemplified by feelings of inferiority, hopelessness, and anxiety among the informants, demonstrates how legal invisibility can manifest as a more profound existential crisis. This further supports the notion that statelessness is not merely a legal status but rather a lived reality that has severe consequences for individuals.

The discussion in this chapter provides additional criticism of the presumption that the process of acquiring legal identification documents is a straightforward administrative procedure. In its place, it draws insight into the widespread problems of bureaucratic inefficiency, lack of transparency, and inconsistent enforcement of laws. This is demonstrated by the various attempts that Liman made to obtain his citizenship, which finally reveal how administrative methods themselves become instruments of exclusion. The state's professed narrative of inclusivity is called into question as a result of this, and serious issues are raised regarding the efficiency and fairness of the regulations that are now in place in Malaysia to manage citizenship and legitimate identity.

In summary, this chapter provides a critical analysis of the ways in which the statelessness of Sarawak's indigenous peoples is maintained by structural and systemic hurdles, rather than merely being a matter of legal oversight or human shortcomings. It highlights the urgent need for structural reforms that go beyond legal adjustments and cover administrative, social, and cultural dimensions. These reforms are necessary more than ever before. In the absence of a comprehensive approach to tackling these interrelated problems, efforts to reduce the prevalence of statelessness run the risk of staying superficial, hence perpetuating cycles of marginalization and exclusion for future generations. As a result, this chapter advocates for a fundamental transformation in the way that statelessness is understood and treated. It advocates for an approach that acknowledges the lived realities and different obstacles that stateless individuals within Sarawak's indigenous communities experience.



CHAPTER FOUR

PERSPECTIVES ON STATELESSNESS: STAKEHOLDERS AND AUTHORITIES IN SARAWAK

2.1 INTRODUCTION

The perspectives of several stakeholders, including as government officials, NGOs, activists, and academics, are important for understanding the complex problems that contribute to the uncertainties surrounding statelessness among Sarawak's indigenous population. These multiple perspectives result in distinctive inferences concerning the existing legislative framework, administrative procedures, and governmental actions that are relevant to statelessness. Moreover, the complex nature of this specific issue, which is deeply influenced by historical, socio-political, and legal factors, has profound and wide-ranging impacts on marginalized communities. Examining this problem from various angles allows gaining a full understanding of its multidimensional nature and, therefore, to develop appropriate measures to address it. As these stakeholders and authorities' views in regard to statelessness cases they have encountered representing the voice of stateless individuals and communities they have dealt with, their opinions provide a grassroots insight into the root of the problem surrounding lack of legal identity among the indigenous community in Sarawak.

This chapter engenders a comprehensive discussion pertaining to the strategies undertaken to address statelessness issues within humanitarian, academic, and policy-making domains. Consequently, the primary aim of this chapter is not only to elucidate the structural and contextual factors underpinning statelessness but also to illustrate the disparities and challenges that emerge between policy formulations and their practical implementations. These discussions will be thoroughly examined in the subsequent sections.

2.1.1 Informants Demographic Profiles

Based on the interviews conducted, the following table presents details of the NGO representatives, human rights activists, academics, and government officials who participated in the study. Additionally, the table highlights their experiences in dealing with statelessness and the specific cases they have encountered.

Figure 2.1 NGO Representatives, Human Right Activist, Academics and Government Officials Interviewed

Pseudonym	Profession	Encounters and Case Experiences
John	Current NGO Chairman in Sibu	John, the current chairman of an NGO based in Sibu since 2019, is actively involved in addressing statelessness cases among indigenous people in Sarawak. He typically encounters 40-50 cases monthly, with one exceptional week involving 300 cases, primarily from Long Singut, Entawau, and Kapit.
Eli	Government Officer and NGO Founder	Eli, a government officer assigned to indigenous affairs and resettlement, and the founder of a local NGO focusing on education empowerment, shares insights from a comprehensive government-funded program, known as civic assembly, addressing identity documentation and socio-economic development in Sarawak's interior villages, particularly in Miri and Bintulu.
Andrew	Retired Government Servant and NGO Founder	Andrew, a retired government servant with over 20 years in academia, now running his NGO, works on democracy, human rights, elections, and enterprise development within the indigenous communities, particularly

		with the Penan and Kenyah communities in the Baram area.
Angeline	Local Activist and Advocate	Angeline, a local activist and former political candidate, advocates for the stateless community in Sarawak's interior, collaborating with organizations like the "Stateless Malaysians Citizenship Movement," NRD Lawas, and Kuching. She has observed a prevalence of statelessness cases among long-term residents of Sarawak, particularly border scouts. She received 20-30 cases monthly in 2019 and 2 cases monthly in 2023.
Manjeet	Founder of a Humanitarian NGO	Manjeet, an ex-counselor and founder of a humanitarian NGO in Kuching, focuses on aiding vulnerable individuals, including single mothers and B40 recipients, while also assisting with statelessness cases. She has encountered over 200 statelessness cases, primarily in the Kuching and Samarahan areas.
Maz	Researcher and Academician	Maz, a researcher and academician at a local university, conducted research on statelessness among children in Sarawak, primarily interviewing children and their families across the Sarawak region, from Kuching to Miri.

2.2 PERSPECTIVES ON STATELESSNESS

To begin this chapter, various definitions and perspectives on statelessness were provided by the informants, including NGO representatives, human rights activists, academics, and government officials. Detailed profiles of these individuals are presented in Table 4.1. Their insights contribute to an empirical understanding of statelessness, reflecting the experiences and observations of those directly involved with or affected by this issue.

One such perspective comes from Eli, aged 40 years old, a government Officer and NGO founder who is also a member of the Penan community. The Penan community inhabits a small but significant area of the Borneo tropical rain forest, where they have historically engaged in foraging and gathering. As a member of this unique and resilient community known for its strong sense of tribalism and marginalization from the mainstream nation-state structure, Eli became an ardent advocate for the empowerment of the Penan through education. And being the first 'educated' Penan people to attain tertiary education he leverages his government officer role to mobilize the Penan community across all spheres. When asked about his understanding of statelessness, Eli explained that:

A stateless person is someone who lacks identity documents, such as a birth certificate or an identity card. He emphasized that stateless individuals do not possess documentation from the Sarawak state government, the Malaysian government, or international governments. If a person possesses a birth certificate, passport, or other identifying documents from a nation other than Malaysia, he or she is not considered stateless. He goes on to say that the only method to identify a stateless individual is if they do not have any legal documents proving their citizenship.

(Fieldnote taken on 22nd July 2021)

Andrew, aged 65 years old, is a retired government servant and NGO founder offered another perspective, focusing on the legal and constitutional aspects. Andrew's decades of experience in academia and his current role as the head of an NGO dedicated to advocating for the indigenous people in rural Sarawak allow him to offer compelling viewpoints into the issue of statelessness that affects marginalized and disadvantaged population such as the Penan and Kenyah community. His involvement with the indigenous population, gained through his advocacy work on democracy, human rights, land issues, and elections, gives him an advantage in understanding the core challenges

related to statelessness among these communities. When asked to explain his view of statelessness, Andrew stated that:

It can be understood by examining the concept of citizenship. He clarifies that in the context of Malaysia nationality law, citizenship is determined by constitutional definitions¹ and enforced by the federal government through the issuance of identification cards, commonly known as MyKad. He further emphasizes that statelessness signifies the absence of citizenship, and the lack of citizenship is evident in the failure to obtain MyKad, which, in his view, serves as a tangible indication of official recognition. As a result, individuals who are stateless face numerous obstacles, including being denied access to fundamental services such as education, healthcare, and even the right to marry. Being stateless, as Andrew elaborates, results in a deprivation of identity in official terms, with individuals lacking recognition, rights to education, and even the fundamental right to be acknowledged within the nation-state framework.

(Fieldnote taken on 25th July 2021)

Meanwhile Angeline, aged 43 years old, a local activist who works closely with undocumented individuals, added another dimension to the understanding of statelessness. Since 2019, Angeline has been actively involved in addressing statelessness-related issues within the communities of Lawas and, to a lesser extent, Limbang. Her duties and obligations surpass the sole endeavor of aiding and resolving issues related to individuals lacking citizenship and pending citizenship applications. Additionally, her responsibilities consist of raising awareness about the importance of citizenship, managing all necessary paperwork required for citizenship applications, conducting follow-ups with relevant departments for applications status, and advocating for the rights of stateless individuals via campaigns and media coverage. When queried about her understanding of statelessness based on interactions with undocumented individuals, Angeline defined stateless persons;

Those who had been residing in Sarawak prior to Malaysia Day, children born in Sarawak without documentation, children with birth certificates but lacking citizenship, adults in possession of MyKas and MyPR, and former Border Scouts.

(Fieldnote taken on 25 November 2022)

Angeline revealed that she manages 20 to 30 cases of statelessness per month on average, the majority of which involve the orang Ulu community residing the remote

¹ Article 161A (6) states; A person is considered a "native" of Sarawak if they are a citizen and a member of one of the indigenous communities recognized as native by the state of Sarawak. This list of indigenous communities is defined and maintained under the Schedule of the Interpretation Ordinance of Sarawak.

regions of Sarawak, including the Ba'Kelalan highlands. This community, which consisted primarily of members of the Lun Bawang ethnic group, is from low-income farming communities. She emphasized that these predominantly Christian communities have encountered difficulties in civil registration since 1963. Angeline found multiple cases among the residents of Lawas who were in their 50s and 60s, belonging to the generation born between 1960 and 1969, during the period marked by the "Konfrontasi" era and the formation of Malaysia. These cases led her to suggest that statelessness in Lawas is a consequence of these historical events.

Maz's perspective introduces another layer to the discussion, suggesting that the situation in Sarawak differs from that in Peninsular Malaysia. As an academic and researcher, Maz, aged 40 years old, recounted her experiences investigating the roots causes of statelessness among children in Sarawak, particularly those under the age of 18. While her work mostly centered on children, it offers an extensive and thorough examination of the conditions and obstacles encountered by families and carers in Sarawak that contribute to the absence of civil registration and undocumented status within this segment of the population. Maz noted that it is imperative to recognize that in Sarawak, individuals classified as "stateless" may not necessarily fit the conventional definition, as they are often undocumented rather than genuinely stateless. These undocumented individuals typically belong to indigenous communities residing in rural areas, where registration challenges are widespread. Furthermore, the absence of educational opportunities affects their lack of knowledge on the significance of civil registration procedures. In essence, the foregoing perspectives highlighted several issues related to legality versus illegality, the identity challenges of statelessness, fundamental rights across various sectors, socio-legal awareness, and the different categories of stateless persons in rural Sarawak. Those issues will be discussed in turn below.

2.2.1 Legality versus Illegality

The distinction between legality and illegality becomes evident in situations where indigenous communities encounter difficulties that result from unregistered marriages or insufficient civil documentation. This classification highlights the grey area between

legality and illegality, wherein individuals reside within the country yet lack formal recognition and legal rights.

For instance, Eli's and Angeline's insights indicate that many indigenous individuals are classified as "status-less" or undocumented, rather than fitting the conventional definition of statelessness. The lack of official recognition for these undocumented individuals by the state frequently leads to their exclusion from fundamental services and rights.

Examining this situation reveals that the legal exclusion signifies a lack of acknowledgement by the state of the traditional practices and ways of life of indigenous communities. The *adat* marriages, which are tightly connected to indigenous cultural traditions, lack formal recognition from the NRD. The absence of legal recognition frequently leads to the classification of children from these marriages as illegitimate, thereby continuing their stateless condition. This state-centric legal framework frequently does not account for the varied cultural practices of marginalised communities, which in turn reinforce their exclusion from citizenship rights.

2.2.2 Identity Challenges

Through his work, Eli has uncovered the persistent identity challenges faced by the Penan community, primarily due to lack of official documentation. As a result, whenever he planned a development initiative for Penan, particularly those living in Bintulu and Miri, he discovered that many programmes are inaccessible to the Penan community due to a lack of MyKad. He further stated that, on average, five out of every ten cases in each village involve individuals lacking an identity card. This number may increase due to reasons including damaged documents or incorrect information on identification documents, such as name, religion, or race. In relation to this, Eli disclosed that a significant proportion of Penan communities continue to encounter identity challenges in obtaining identification documents due to their nomadic way of life and residing in remote areas that are difficult to access. Eli depicted this situation as follows:

Eli stated that some Penans were born in the forest, which is one of the reasons why they remain undocumented. And if this occurs, NRD will need to confirm this information, which will necessitate obtaining

confirmation from the elderly. This occurs frequently among the nomadic Penan people. Nevertheless, he mentioned that this becomes particularly arduous in the case of deceased elders (*saksi*). As a result, many of them have survived for generations without any documentation, including birth and marriage certificates, due to their way of life.

(Fieldnote taken on 22nd July 2021)

The identity challenge is further complicated by extreme poverty. This includes lack of financial means to cover the costs related to civil registration, including travel expenses to registration offices. Eli's case study illustrates that Penan frequently prioritise essential needs, such as food, over the costly process of obtaining legal documents. This observation aligns with Sperfeldt's (2020) findings, which highlight that financial barriers greatly restrict economically disadvantaged individuals from accessing citizenship rights.

2.2.3 Fundamental Rights in Various Sectors

The absence of legal identity documents imposes major constraints on the access of stateless individuals to fundamental rights, such as education, healthcare, employment, and property ownership. Andrew has observed that stateless individuals, especially within the Penan and Kenyah communities, encounter a multitude of challenges in their efforts to obtain fundamental services. The lack of identity identification such as MyKad causes these individuals to be deprived of government schools, healthcare facilities, and the legal right to be married, therefore contributing to their marginalization within the national framework.

Stateless individuals encounter significant challenges in the context of marriage, especially women, who may opt not to marry due to concerns about transmitting their stateless status to their offspring. The absence of identity documents prevents them from registering their marriage with the NRD. Consequently, any children born from this union face the potential risk of inheriting their mother's stateless status, due to the absence of a valid marriage certificate. This scenario reinforces the ongoing cycle of statelessness through multiple generations, thereby deepening their marginalization.

This matter aligns with global human rights standards, specifically Article 26 of the Universal Declaration of Human Rights, which emphasizes the entitlement to education for every individual. The lack of rights for stateless individuals highlights the

underlying systemic challenges that interfere with the full participation of indigenous communities in society. The UNHCR (2017) emphasizes that statelessness results in restricted access to essential rights, thereby sustaining ongoing cycles of poverty and exclusion.

The lack of access to services is compounded by the denial of fundamental rights, particularly in the realms of political and social participation. Stateless individuals frequently find themselves excluded from voting and other decision-making processes that significantly impact their lives. This exclusion further demonstrates their marginalization, constraining their capacity to advocate for their rights and engage in the socio-political landscape of the country.

2.2.4 Socio-Legal Awareness

A key aspect contributing to the perpetuation of statelessness is the lack of socio-legal awareness among indigenous communities, as highlighted by Eli, Angeline, and Maz. Many indigenous people lack awareness regarding the significance of civil registration and the procedures for acquiring legal documents, largely attributable to geographical isolation, restricted educational access, and distrust towards governmental institutions. The absence of awareness frequently leads to lost opportunities for obtaining legal identity, thereby deepening their statelessness.

Angeline observed that many parents in the Orang Ulu community were often unaware of the significance of registering their children's births, leading to entire generations remaining undocumented. Eli noted that his efforts to raise awareness about civil registration among the Penan were largely ignored, highlighting a significant distrust and misunderstanding of formal state mechanisms. This corresponds to the findings of Bala (2010), indicating that indigenous communities frequently perceive state laws and institutions as external impositions that conflict with their traditional practices and lifestyles.

2.2.5 Categories of Stateless Persons in Rural Sarawak

The findings presented in the preceding discussion reveal two main categories of stateless people: documented and undocumented. Each category is characterized by a

unique set of difficulties and structural impediments that exacerbate their precarious position and make it more difficult for them to obtain citizenship and the rights associated with it. This critical analysis seeks to examine the complexities surrounding these two groups, drawing on insights from stakeholders, authorities, and affected individuals' lived experiences to provide an in-depth comprehension of statelessness in Sarawak.

2.2.5.1 Documented Stateless Individuals

Documented stateless people have some form of identification or documentation, such as MyKas (temporary residents with undetermined citizenship) or MyPR (permanent residents) cards (refer to Appendix VI) but they do not have the same rights and benefits as Malaysian citizens. In the context of Sarawak's statelessness dilemma, the MyKas or known as Green IC serves as a poignant example of the challenges faced by documented stateless individuals. Initially introduced under Regulation 5(3) of the National Registration Regulations 1990, MyKAS is a temporary resident identity card that, while not conferring citizenship, enables its holders to register marriages legally with the NRD and mandates renewal every five years. Designed primarily for children born in Malaysia without clear parental nationality or documentation such as foundlings and those abandoned who were then raised in government welfare system. Hence, MyKas historically provided a legal framework for their residence in Malaysia. Despite the cessation of its issuance post-2011, existing MyKas documents remain active, subject to periodic renewal. According to Malaysiakini (2018), as of mid-2017, Sarawak had the highest number of registered MyKAS holders, totaling 2417.

In relation to the category mentioned above, the insights from Angeline, Andrew, Eli, and Maz reveal that although there is documentation indicating the indigenous community's long-term presence within Malaysian borders, many individuals find themselves in a state of legal uncertainty, hindering their ability to fully engage with the country's socioeconomic environment. The bureaucratic obstacles and rigid documentation requirements highlighted by these informants indicate a systemic bias that effectively excludes individuals who do not meet the stringent criteria established by the NRD. The requirement for supporting documents, including formal marriage certificates, creates an inequitable burden on indigenous communities whose

unions may not conform to state-recognized processes. This situation effectively results in their children being classified as "status-less" or technically stateless, despite their clear connections to the land. This indicates a systemic inability to modify policy frameworks in accordance with the actual experiences of marginalised communities, thereby sustaining ongoing patterns of exclusion and disenfranchisement.

2.2.5.2 Undocumented Stateless Individuals

On the other end of the spectrum are the undocumented stateless individuals who lack any form of government-recognized documents. This group's plight is poignantly illustrated through the cases handled by Maz, who notes the intersection of careless attitudes, economic hardships, and a lack of awareness as contributory factors to the statelessness dilemma. These individuals, often born to parents without legal documentation or through illegal adoptions, face insurmountable barriers to accessing education, healthcare, and employment opportunities, perpetuating a cycle of poverty and exclusion. The undocumented stateless category is emblematic of the systemic failures to accommodate the realities of Sarawak's diverse populations. Eli's experiences with the Penan community further illuminate how geographical isolation and economic deprivation compound the difficulties faced by indigenous peoples in securing documentation. The reliance on outdated logistical approaches and the sporadic presence of NRD officials in remote areas exacerbate the challenges of civil registration, leaving many indigenous individuals without a legal identity from birth.

2.3 CONTRIBUTING FACTORS FOR STATELESSNESS

There are several contributing factors for statelessness, namely incomplete documents, customary law and geographical barriers, civic awareness, lack of understanding on statelessness, attitude, poverty, *konfrontasi* era or security, and bureaucratic system. These contributing factors will be discussed in turn below.

2.3.1 Incomplete Documents

John, one of my informants aged 50 years old, who is currently working as a chairman of an NGO located in Sibul, Sarawak had this to say in relation to statelessness of indigenous people:

John has identified three distinct categories among stateless persons based on reported cases: stateless, 'status-less,' and undocumented individuals. The first category which is stateless encompasses individuals who were born in Sarawak and possess green and red Malaysian identity cards, commonly referred to as MyKas and MyPR. MyKas holders, who are classified as temporary residents with undetermined citizenship, are required to renew their identification every 5 years. Foreign nationals who have obtained permanent resident status, typically through marriage to Malaysian natives, are given a red MyPR card. Despite their distinct statuses, both cardholders lack the rights and benefits of citizenship, rendering them stateless in John's view. The second category referred to as 'status-less' includes those who possess birth certificates indicating their birth in Sarawak. However, due to their parents' status, they are regarded as non-citizens or labelled as 'undetermined,' as reflected in their birth certificates. The third category consists of undocumented individuals lacking any government-recognized documents.

(Fieldnote taken on 18th July 2021)

Since 2018, John has actively worked to resolve issues of statelessness, especially among Sarawak's indigenous population, in his capacity as the head of an NGO. Although his primary office is located in Sibul, he has taken cases from other districts, including Kapit, Balai Ringin, Sri Aman, and Serian. Out of the 740 cases reported since 2019, 85% pertain to ethnic groups including Iban, Bidayuh, Kenyah, Berawan, Sekapan, Kajang, and a small number of Chinese individuals. Notably, more than 300 instances are related to incomplete documentation. The Kapit area has reported 327 cases, indicating a significant number of cases particularly in Long Singut.

Therefore, John's insights indicate that the three categories discussed in the earlier section are basic requirements considered mandatory pre-requisites prior to any NRD process to take into effect. These 3 requirements should be supported by marriage certificates, without which the NRD could not process the applications made. In other words, marriage certificate is the key factor in resolving statelessness issues. The absence of marriage certificate leads to "illegitimate children" or born out of wedlock, leading to stigmatization as a result. In relation to the issue of stigmatization, John narrated to me as below:

As a result of the stigmatization, the issue remained unresolved. Instead, they would just let the matter to be resolved by their child who had been affected by the situation. This mindset was very much influenced by the stigma associated with attending NRD offices without proof of marriage to register a child's birth. Hence, John emphasised that NRD officers should be ethical and professional when carrying out their duties. They should not pass any judgment on individuals approaching the counter for assistance and advice. Instead, the individuals involved were interrogated with several issues including lack documentation of their marriage and birth certificate as such. In actual fact, according to John, they should consider other circumstantial evidence that could assist the individuals involved.

(Fieldnote taken on 18th July 2021)

The foregoing case studies provided an in-depth examination of the complex problems surrounding statelessness among indigenous communities in Sarawak. They particularly emphasize the interconnected challenges of legality versus illegality, the status of children, and their lack of access to education and other fundamental rights. Although 'stateless' individuals possess MyKas or MyPR cards, nevertheless they are still denied full citizenship rights. This reflects a broader issue identified by scholars, where statelessness is not merely about the absence of legal status but about exclusion from rights that are supposed to accompany citizenship (UNHCR, 2017). The current legal situation highlights the extent to which inflexible administrative structures, such as the NRD's requirement for marriage certificates, continue to marginalize these individuals. As pointed out by Angeline, many indigenous communities residing in remote areas have historically lacked access to proper registration, often due to logistical challenges, resulting in incomplete. The problem of incomplete documentation frequently leads to children being categorized as 'illegitimate,' which exacerbates societal stigmas, particularly within Iban and Bidayuh communities, where traditional marriage customs diverge from state regulations. Consequently, numerous children face the denial of official recognition, labeled as "illegitimate," and are stripped of fundamental rights. According to SUHAKAM (2007), this scenario is not isolated but part of a larger trend where indigenous communities across Sarawak face similar documentation challenges due to non-standardized birth practices and unrecognized marriages.

The consequences of being stateless or 'status-less' reach further than mere legal identity, resulting in the deprivation of fundamental rights, including education, healthcare, and employment. In the absence of adequate documentation, children from

these communities frequently face obstacles to enrolling in government schools, which exacerbates their marginalization and restricts their opportunities for social mobility. This situation perpetuates poverty and ignorance while contradicting universal human rights principles, as outlined in Article 26 of the Universal Declaration of Human Rights, which emphasizes the right to education for all individuals regardless of their status. It highlights the deficiencies in Malaysia's civil registration system, which does not adequately address the distinct circumstances of indigenous communities, reinforcing exclusion and inequality.

The dependence on strict bureaucratic mandates, such as marriage certificates, highlights a systemic bias towards indigenous groups that do not align with state-defined standards, indicating a fundamental shortcoming in recognizing and accommodating their cultural traditions. The NRD's approach overlooks indigenous customary marriages and imposes a uniform framework that systematically excludes individuals who do not conform to its limited criteria. The situation is intensified by the insufficient sensitivity displayed by NRD officers, due to their lack cultural understanding, professionalism and empathy in managing those cases, leading to discriminatory practices and further alienating indigenous applicants. This observation is consistent with Sperfeldt (2020), who argued that a lack of institutional sensitivity contributes to the persistence of statelessness among marginalized communities. As a result, stateless individuals find themselves in a complex legal situation, lacking the rights and protections associated with citizenship, which frequently leads to a persistent cycle of marginalization.

2.3.2 Customary Law and Geographical Barrier

Customary law can be another contributing factor for statelessness. Informants getting married through customary law, complying with the role of custom or other possible indigenous procedures or cultural practices. Unfortunately, the married couple did not register their customary marriage as required by NRD or other related authorities. Reasons given by the married couple, or other indigenous individuals were due to the importance of marriage through *adat* as well as geographical barrier. In relation to this, John narrated to me as below:

Most of the customary marriages in indigenous communities like Iban and Bidayuh in particular, ended up without marriage certificates. There was no written evidence of the marriage. Consequently, they could not provide proof of marriage to register their children for birth certificate. This led to NRD offices to set aside applications failing to meet these prerequisites. To address this, John highlighted the importance of NRD authority to make internal changes, i.e., allowing fathers to register their children's births using the mother's surname in the absence of a marriage certificate. The case could be resolved if the mother is a citizen. The case became complex and complicated for non-citizen mother or an Indonesian citizen with an expired passport. John also noted that some people had trouble registering the births of their children, especially those who lived in rural areas and relied on local midwives (*bidan kampung*) for help during childbirth. When they tried to register at the NRD, they had to show a letter of proof from the local midwife. This letter is called *Surat Pengesahan Kelahiran oleh Bidan*. This turned out to be difficult to obtain. Similarly, there were cases in cities where people had trouble getting documents because of NRD regulations. In one case, there were six siblings who did not have any official documents or formal schooling. Their father was disabled, and their mother had died. The NRD required proof from the *tuai rumah* to confirm their status as citizen. But because they were born in the city and there was no *tuai rumah*, verifying their birth became challenging.

(Fieldnote taken on 18th July 2021)

The foregoing description had proved that in indigenous community, the *tuai rumah* functions as an important intermediary between indigenous communities and government authorities in Sarawak, significantly contributing to the resolution of statelessness issues. Their role includes serving as the primary channel for the distribution of government information and policies, facilitating documentation processes, and articulating the needs and concerns of their communities to the authorities (Cramb, 2007). In rural regions with restricted access to government offices, the *tuai rumah* plays a crucial role in facilitating the registration of births, marriages, and other essential documents, which are often required for obtaining citizenship.

The role of the *tuai rumah* has deep historical roots in Sarawak, particularly among the Iban, Bidayuh, and other Dayak communities. The *tuai rumah* historically served as the head of the longhouse, tasked with maintaining order, ensuring communal harmony, and guiding the community in decision-making processes. The longhouse functioned as a social, political, and economic entity, with the *tuai rumah* exerting significant influence over these dimensions.

In the Brooke era (1841-1946) and the following British colonial period (1946-1963), the role of the *tuai rumah* became increasingly formalised as colonial administrators acknowledged the necessity of collaborating with indigenous leaders to uphold order and execute policies. The colonial administration recognised the *tuai rumah* as the legitimate representative of their community, thereby integrating them into the colonial governance framework (Freeman, 1970). The integration into the administrative system persisted after independence, as the Sarawak government acknowledged the necessity of sustaining strong connections with indigenous communities, particularly in rural regions.

In the context of statelessness, the *tuai rumah*'s role is particularly important because they provide verification for individuals who lack formal documentation. Indigenous couples often enter into marriages or are born according to customary practices that lack formal written documentation. Consequently, the *tuai rumah* issues letters of verification, which are frequently required by the NRD to authenticate birth or marriage information (Bala, 2010). This process is highly important for indigenous individuals seeking to establish their identity or lineage for citizenship applications, particularly in remote regions where limited access to formal registration services heightens the risk of statelessness.

The authority of the *tuai rumah* is acknowledged by the government, as outlined in the Community Chiefs and Headmen Ordinance 2004, which officially appoints and gazettes them, thereby making their verification a crucial element of the legal recognition process (Sarawak LawNet, 2004). Hence, in the context of preventing statelessness, the *tuai rumah* functions as a crucial intermediary, facilitating access to legal identity and citizenship rights for indigenous individuals who encounter difficulties in meeting bureaucratic requirements due to geographical and systemic obstacles. Their role facilitates the integration of traditional practices with state regulations, establishing a crucial avenue for indigenous individuals to achieve formal recognition as Malaysian citizens.

In addition, John highlighted that the NRD has implemented revisions concerning applications from individuals residing in rural regions. This allows the Home Ministry to accept verification from *tuai rumah* or village leaders as valid evidence of citizenship. This modification was especially significant in Sarawak, where

a high occurrence of under-registration was observed among individuals living in the interior. Nevertheless, he noted that the existing approach imposes more documentation prerequisites, so hindering the processing of applications from these areas. While recognising the importance of implementing more stringent regulations to prevent authorities from abusing their power in approving applications from "illegal immigrants" or fraudulent applications, he stressed the need for the government to acknowledge the unique circumstances of statelessness in Sarawak, which differ from those in Peninsular Malaysia and Sabah. He asserted that the implementation of legislation from the federation of Malaya to Sarawak and Sabah following the establishment of Malaysia, as mandated by the Malaysian constitution in matters of nationality and citizenship, is incongruous with the distinct statelessness conditions present in Sarawak.

In his view, the one-size-fits-all approach to civil registration can be viewed as a form of systematic violence that ignores the lived reality of marginalised people in Sarawak, as well as the daily obstacles they face as a result of unequal distribution of infrastructure and access to roads. His account of handling the case of Sulang Entra, who passed away at the age of 97 without citizenship despite having been born in Sarawak in 1920, further proves these sentiments. John said to me in the case of Sulang Entra;

Because he was illiterate and lived in an interior location, the deceased Sulang Entra was unable to provide evidentiary documentation, which prolonged his unfortunate ordeal. He asserted that Sulang's predicament had profoundly impacted him and served as an illustration of the NRD's capacity to react promptly to situations comparable to Sulang's. He stated that such procedures ought not to hang on for so long, and sadly, Sulang's quest for citizenship did not materialise until after his death.

(Fieldnote taken on 18th July 2021)

Noting that geographical barriers have been significant factors contributing to challenges in civil registration among rural populations, there have been attempts to mitigate these issues through the development of Information and Communication Technology (ICT). Since its inception, the development of Information and Communication Technology (ICT) have undeniably revolutionized the civil registration process. And over time, the system has been enhanced and improved to facilitate and expedite the registration process in line with ICT advancements. For instance, the birth registration in Malaysia will be registered through online birth system which is i-JPN.

It is anticipated that technology and the implementation of biometric systems would result in more inclusive approaches for marginalized groups such as rural and indigenous people. However, it is inherent to the functioning of these systems that they include some groups of individuals while excluding others at the same time (Sperfeldt, 2020).

It has been noted that in previous studies related to statelessness in Malaysia indicated that registering birth and obtaining identity documents is widespread among communities living in rural areas (Jayasooria, 2014; Duraisingam, 2016; Liew, 2019). Among the Penan for instance, SUHAKAM (2007) reported that a considerable number of Penans living in Long Jaik, Long Pra, Long Tengah, and Data Sengelang in Belaga district were undocumented. According to a recent report by The Sun Daily (2023), the condition faced by the Penan communities, which led to statelessness among them, is caused by their nomadic way of life, as well as rural poverty and illiteracy. In fact, it is reported that at least 200 nomadic and semi-settled Penans living in the Baram along the Magoh-Tutuh watershed are without identity documents (New Sarawak Tribune, 2017). Even though most of the Penan community has settled down, the issue of non-documentation among them also linked to inaccessibility to civil registration services and incomplete paperwork such as parents' ICs and marriage certificates.

Government involvement in assisting the community to register their birth has a very low success rate because it was deemed as minimal and ad hoc (SUHAKAM, 2007). The biggest registration drives under NRD special mobile unit were carried out in 2005 at 12 centres namely Long Itam (Sungei Patah), Long Beku (Sungei Akah), Long Sait (Sungei Selungo), Long Makaba (Sungei Silat), Long Luteng (Sungei Patah), Long Kevok Service Centre, Long Lamai, Bario, Long Lellang, Ulu Akah, Batu Bungan and Long Seridan where at least 11 National Registration officers with four assistants were stationed at various centres, even using helicopters to cover the Baram District (New Sarawak Tribune, 2017). The NRD mobile registration unit which was set up to assist the Penan to register on ad hoc basis have helped many Penan to obtain their identity documents and the latest report indicated that 90 percent of Penan have registered through the mobile registration unit as of 2019 (Dayak Daily, 2019). However, due to the size and dispersed nature of the Penan population inhabiting the vast interior regions of Sarawak, it was difficult to attain 100 percent registration. As noted by one of informants, Andrew:

Andrew mentioned that sometimes, the issue lied in the accessibility for civil servants or registration officers to reach rural areas. Often, they faced challenges in frequent visits due to logistical difficulties and timing conflicts, such as the nomadic lifestyle of the Penan community, who might be absent when officers arrived. He added that budget constraints might limit the frequency of visits, with officers only able to make occasional trips, perhaps once a month. Consequently, the reliance on outdated logistical arrangements posed obstacles to effectively carrying out their duties.

(Fieldnote taken on 25th July 2021)

NRD Sarawak had begun its Special Mobile Unit (UKB) Outreach Programme in the 1990s, with Kuching covering the area up to Sarikei, Bintulu covering the area up to Belaga, Kapit covering the area up to Baleh and Kanowit, and Miri covering the area up to Baram, Limbang, and Lawas (Sarawak Tribune, 2017). As of the 31st of August 2017, a total of 1,777 people has been assisted by NRD through 59 of its Outreach Programmes and 4,098 people were served from its 58 Outreach Programmes in 2016. Despite NRD commendable effort in helping the rural population to resolve their documentation issues, there are still unresolved cases that have a deep root in Sarawak's history of development prior to establishment of Malaysia. Herein, the disparities in population settlement and development in Sarawak are attributable to colonial developmental approach which strategically focused on most profitable districts such as Kuching, Sibul, Bintulu, and Miri (Echoh et.al, 2015). Not only are rural areas deemed unproductive due to the low-income occupations in which the rural population is typically involved, but the uneven distribution of development has resulted in disparity between the rural and urban populations. This spatial and development disparity has undoubtedly increased rural poverty and causing inaccessibility to roads and essential infrastructure. On the other hand, it has been argued that rural development in Sarawak remains a big problem due to the scattered character of rural settlements, the tough terrain, and the paucity of soils, which poses barriers to any development programme (Cramb & Reece, 1988).

The significant disparity in development that is widespread in rural areas not only affects minority communities in Sarawak, but qualitative research conducted on various minority groups in countries such as Thailand, India, and Cambodia also reveal the acute challenge of statelessness issues throughout the Asian region (Spearfelt, 2020;

Phom, 2018; Kirchner, 2015; Saisoonthorn, 2006). Many stateless members of the ethnic Vietnamese minority in Cambodia do not have access to basic social, political, and economic services because of their marginalised status within the development of the country (Sperfelt, 2020). Meanwhile, a significant number of Thailand's stateless or at risk of statelessness persons originate from areas where national borders have changed, while others consist of various ethnic minorities residing in Thailand's northern hill tribe areas, such the Hmong, Akna, Lanu, Shan, Lisu, Yao, and Karen who have limited access to information and procedures for obtaining nationality due to their location (Kirchner, 2015).

In sum, findings from stakeholders' experiences in addressing statelessness among indigenous groups in Sarawak such as the Penan in Belaga and Baram areas, Iban and Bidayuh in several remote regions in Sibu and Lun Bawang communities in Lawas vividly illustrate the pervasive inequalities and systemic discrimination endured by rural indigenous communities. It is imperative to acknowledge that statelessness situation among the rural population in Sarawak is not uncommon; rather, it mirrors instances of statelessness that have been documented in other developing Asian countries. This highlights a systemic concern in which marginalized communities consistently face the consequences of inequitable resource distribution and development policies in the region.

2.3.3 Civic Awareness, Lack of Understanding on Statelessness and Careless Attitudes

Designing effective programs on statelessness for indigenous communities, such as the Penan, is crucial for fostering civic awareness and enhancing socio-economic development. Hence, Eli uses his position as a government officer to mobilise the Penan community in all facets of their lives, and one of the key beginning points is civic awareness. Since nearly a decade ago, he has actively participated in the coordination of human capital development and civic assembly programmes, which are government-funded initiatives targeting the Penan in remote areas, specifically the districts of Ulu Baram and Belaga in Miri and Bintulu. The programme is being designed to promote the socioeconomic development of the Penan, and it is also associated with the issuance of an identification document. He further stated that NRD is required to have one of its booths set up at the rural service centre as part of the civic assembly programme. In

addition, there was talk regarding identification cards and citizenship throughout the programme, and those who encountered any issues were directed to the appropriate counter to complete a form.

However, despite efforts to increase civil registration among Penan living in rural areas, statelessness remains a problem. Eli asserted that the ineffectiveness of these programmes can be attributed to internal factors, including attitude, education, and illiteracy. And this factor includes rural population's lack of awareness of the importance of civil registration. This is common, especially among the elders who were born before the colonial era and are known for their traditional lifestyles, having lived their entire lives in their villages. As a result, their limited movement within and between villages in the area requires no travel documentation or identification. With respect to this matter, Eli articulated his concerns in the subsequent manner:

When he mentioned the importance of civil registration to the people, his advice was taken for granted and was not taken seriously. Many times, headmen were advised to record any data of individuals who did not have a birth certificate and having difficulties with their documents, but the informant did not receive any from them.

(Fieldnote taken on 22nd July 2021)

Eli mentioned that it is plausible that their limited educational attainment prevented them from fulfilling his request. Rather, as a government officer he argued that his limited movement and resources would not allow him to collect the data himself by visiting each community; for example, 200 villages in rural areas. Therefore, Eli asserts that within the Penan community in Sarawak, it is crucial for the village leaders, particularly the head of the community, to be proactive and fulfil their responsibility in safeguarding the well-being of their people, particularly in matters as significant as civil registration. He emphasized the necessity for village headmen to collaborate in ensuring the proper documentation of data, such as birth records, within their respective villages. Simultaneously, the NRD officer must fulfil their responsibilities impartially and avoid relying on preconceived notions, particularly when interacting with individuals residing near the border of Sarawak-Kalimantan.

On the other hand, another informant, Manjeet, a 60-year-old former counsellor and founder of a humanitarian NGO in Kuching, noted a widespread lack of understanding of statelessness. Based on Manjeet's experience, statelessness cases are not confined to individuals residing in remote areas; even those living just 40 minutes

away from the city centre are affected by statelessness due to several issues. In underscoring this sentiment, she detailed several cases referred to her involving families residing in the Lundu area, which is just an hour and a half away from Kuching city centre.

According to Manjeet, these families faced prolonged issues regarding the documentation of their children due to a lack of understanding on how to resolve the issues when their applications were declined by authorities, including the NRD. Moreover, not only did the parents lack education to understand the complexity surrounding the documentation issues of their children, but the situation was also exacerbated by financial problems, as they were unable to bear the cost of transportation to constantly follow up on cases at NRD offices in Kuching. Their inability to resolve the circumstance resulted in the statelessness of not only one child, but also two more. Manjeet described his experience assisting this family in the following manner:

She detailed a situation when a family living in Lundu was forced to seek legal recourse to resolve the issue involving the delayed birth registration of their three children. Despite providing an *adat* marriage certificate, which is permitted in cases where a customary marriage has occurred in the village, the authorities deemed the document invalid for their children's birth registration. Lacking education and information on the correct course of action, the family encountered administrative hurdles with the *penghulu* in their village and the NRD when they decided to register the birth of their fourth child by registering their marriage with the NRD instead of using the *adat* marriage document. Through NGO funding, Manjeet informed that they helped the family paid for legal fees amounting to RM8000, a sum that a low-income family could not afford to nullify the NRD marriage registration. This oversight was particularly concerning given that *adat* marriages were legally recognized in Sarawak.

(Fieldnote taken on 19th December 2022)

In terms of attitude issues, Maz's addresses that the occurrence of statelessness in Sarawak is not solely attributed to inadequacies or gaps in the system, particularly the civil registration system and customary marriage laws. Instead, she observed that several instances she had faced were a result of internal issues associated with careless attitudes and the misappropriation of *adat* marriage as a means to evade the submission of valid documents during the civil registration procedure. In the subsequent statement, Maz provided a detailed description of this matter:

Maz expounded upon the notion that a good understanding of the concept of *adat* marriage would resolve any potential concerns. She drew a parallel between this scenario and a situation in which an Iban man entered into matrimony with a Muslim individual in accordance with the existing customary law. The marriage however, considered illegitimate due to the prohibition of Muslim marriages under the native laws. The *adat* marriage only applicable to Sarawak native who were non-Muslim Bumiputera. The *adat* marriage law was preferred because there were individuals who attempted to run away from proper marriage registration. Therefore, most often when couples unable to provide (especially in a case of transborder marriage or marriage with a foreigner) a completed document such as legal identity document or passport. Maz added that due to this reason it was unsurprising that village head, *penghulu* or known as *Ketua Masyarakat Ketua Kampung* (KMKK) became very particular when receiving applications, even from individuals residing within the village. If the KMKK was unaware of or simply approved the *adat* marriage, despite the fact that *adat* prohibited natives from marrying non-native partners, the issue would persist when the couple had a child later on. The citizenship status for the couple's children would be stated as not yet determined.

(Fieldnote taken on 31st January 2023)

The foregoing discussion above observed that stateless individuals often live in isolation due to their lack of interaction with others, and many come from low-income backgrounds. However, it is important to note that not all stateless individuals are from low-income families. As an example, Maz came across a middle-class family with a seven-year-old child who was not officially registered. The child's mother is Indonesian, and the father is Sarawakian. Although they were married in a small church in Indonesia, they failed to register their marriage with the NRD upon returning to Malaysia. They postponed registration until the child reached the age of seven. This case illustrates that a lackadaisical attitude that may contribute to statelessness among children.

Additionally, there are instances where illegal adoption has caused statelessness problems among children. When children are adopted through illegal means or given forged birth certificates, the adoptive parents face difficulties in obtaining citizenship for their adopted child. While we cannot deny that there is a gap in the current legislation that allows children to be trapped in these unfortunate circumstances, she insists that these innocent stateless children should not bear the brunt of their parents' mistakes.

Efforts have been made at the state level to raise awareness about the significance of civil registration in preventing statelessness cases among indigenous

people in Sarawak. However, these efforts face challenges between awareness of birth registration importance and nationality documentation, particularly among rural populations. This is a common issue in developing countries where existing implementation of birth registration promotion aligned with international norms contrasts sharply with the complex realities experienced by communities (Vandenabeele, 2011). Andrew's experience in interacting with the Penan in Belaga and Ulu Baram uncovers the following instances:

There is no denying that ignorance on the part of the community plays a role in the issue of documentation among them. However, it is important to understand that such attitudes stem from the fact that many community members are low educated, illiterate, and lack access to media or information. Most of the Penan individuals Andrew has encountered do not remain in school for long periods.

(Fieldnote taken on 25th July 2021)

The lack of awareness surrounding the procedures for obtaining nationality documentation is closely linked to low levels of education and illiteracy, thereby increasing vulnerability to remaining without identity documents or access to the nationality application procedure. Maz echoed a similar sentiment in her statement below:

She encountered incidents where couples returning to Malaysia showed reluctance to undergo civil registration procedures due to a lackadaisical attitude. However, she observed individuals who genuinely lack awareness of the legal consequences associated with failing to register their marriage and the birth of their child, particularly if the child was born abroad. This lack of awareness is particularly prevalent among the indigenous people of Sarawak residing in remote areas, a majority of whom had limited education and lack access to information about the importance of civil registration. As a result of these legislative gaps, she noted that they were unfortunate individuals who found themselves in legal limbo, still awaiting citizenship despite being natives of Sarawak.

(Fieldnote taken on 31st January 2023)

The similarities between the contributing factors identified by stakeholders and authorities interviewed in this study and those described by Genugten et al. (2014), who investigated the causes of undocumented Aboriginal and Torres Strait Islander births in Australia, are evident. Their research uncovered that the current obstacles faced by indigenous communities in obtaining nationality are also linked to the costly expenses

associated with birth registration fees, lack of awareness regarding significance of acquiring birth certificates and registering newborns, language obstacles, literacy issues, and a lack of trust in dealing with authorities. Furthermore, the findings pertaining to the situation in Sarawak exhibit parallels with those observed in South Sudan, whereby it has been stated that individuals residing in isolated areas lack awareness on the procedures involved in obtaining nationality certificate (UNHCR, 2017). It has been observed that, in addition to this knowledge gap, there has been a limited tendency to obtain nationality certificates in rural areas, owing principally to the low accessibility of services.

2.3.4 Poverty

Poverty is another contributing factor for statelessness. Several informants observed how economic conditions serve as a significant barrier to obtaining citizenship among the Penan community. Eli, one of my informants indicated that majority of the Penan living in remote regions and belong to a low-income group whose livelihood affected by extreme poverty. For this community saving money to buy necessities such as food is regarded as more important than obtaining identity documents. As a result, they must forego things like going to town of which in their case would cost RM300 per trip for transportation alone, to arrange their identity documents application and prioritized on food instead. For instance, to travel from Baram interior to Miri the cost of transportation to charter a private 4-wheel vehicle even high which is around RM1800 because there were no proper road which connects the villages to the town, and some are still connected by *jalan balak* or logging roads.

Additionally, the interview with Andrew revealed similar barriers to those described by Eli, in which poverty causes logistical issues, necessitating that they allocate resources towards food expenditures rather than transportation expenses for civil registration. Andrew expressed it as follows:

Andrew stated that we could not reasonably expect individuals living 578 km away from even Belaga, which approximately took five to ten hours by four-wheel drive, to undertake the journey to register their births. The task was not only costs a lot of money, but they must allocated money from transportation to basic needs such as buying food and milk for their children.

(Fieldnote taken on 25th July 2021)

In the case of Manjeet's observation with B40 families (the bottom 40% income group), similar patterns of economic hardship act as barriers to obtaining citizenship. Manjeet's involvement in aiding undocumented individuals is widely known due to her prominent role as a former counsellor and the founder of a humanitarian NGO in Kuching. Through her role, she focuses on aiding vulnerable individuals, including single mothers and B40 recipients, while also assisting with statelessness cases. She has dealt with more than 200 statelessness cases, mainly in the Kuching and Samarahan regions, drawing on her vast experience in dealing with the matter. In addressing statelessness, she has identified that the majority of affected families and individuals belong to low-income groups or live in dire poverty. Thus, it is impossible for poor families to afford the costs associated with travel and documentation fees. Sharing her experiences dealing with the NRD, most of the cases received were from school administrators in the Kuching and Samarahan areas, individuals and families who contacted her directly through social media platforms such as Facebook and through word-of-mouth referrals from villagers.

Based on the preceding discussion, it can be argued that the connection between poverty and access to basic needs, such as citizenship documentation, is a persistent issue faced by marginalised communities in Sarawak. Indigenous and rural populations often face an increased financial burden in acquiring legal documents, such as birth certificates, due to their existing economic vulnerabilities. This challenge extends beyond administrative difficulties, as it is fundamentally linked to broader socio-economic inequalities and deprivation. The case studies indicate that the expenses associated with travel, accommodation, and the registration process frequently exceed the financial capabilities of low-income families, rendering it an unattainable objective for numerous individuals.

Sarawak remains one of the poorest states in Malaysia, with many rural communities continuing to express their discontent regarding access to basic amenities such as healthcare, education, clean water, infrastructure, and electricity supply, as well as the denial of their native lands which consequently leads to other social issues such as the loss of culture, livelihood, and the right to food (SUARAM, 2016). It is generally agreed among all my informants that in most part of the rural areas in Sarawak, where survival is of greater concern to the majority of the population, registration is not regarded as a priority. It is evident that populations with low-income sources and

lacking sources of livelihood, encounter substantial difficulties in obtaining nationality documentation, which involves the costly process of birth registration. For those living in rural areas, this expenditure encompasses a range of costs, including travel, lodging, and meals, which could potentially result in the loss of multiple days' earnings. Hence, the seemingly straightforward procedure frequently leads to the lack of legal documentation among rural communities. Interestingly, this issue extends beyond rural regions, affecting even families belonging to the B40 socioeconomic class who reside in close proximity to urban centres. This scenario highlights the interconnectedness of financial status, income, and the ability to register for civil services within low-income households.

2.3.5 “*Konfrontasi*” Era and Security

Angeline one of my informants, highlighted how the historical conflict during the *Konfrontasi* period (1963-1966), which involved military confrontations between Indonesia and Malaysia, has had a long-lasting impact on the citizenship status of the Orang Ulu community. Angeline revealed that she manages 20 to 30 cases of statelessness per month on average, the majority of which involve the orang Ulu community residing the remote regions of Sarawak, including the Ba'Kelalan highlands. This community, which consisted primarily of members of the Lun Bawang ethnic group, is from low-income farming communities. She emphasized that these predominantly Christian communities have encountered difficulties in civil registration since 1963. Angeline found multiple cases among the residents of Lawas who were in their 50s and 60s, belonging to the generation born between 1960 and 1969, during the period marked by the *Konfrontasi* era and the formation of Malaysia. These cases led her to suggest that statelessness in Lawas is a consequence of these historical events.

The reason is that during the *Konfrontasi* period in Sarawak, there were increased tensions and occasional border incidents with Indonesia. Through a series of cross-border raids and insurgency activities, Indonesian military and their supporters tried to destabilise the Bornean territory. Due to the impact of this conflict, many indigenous groups, especially those residing in border areas, were unable to carry out civil registration during the period of heightened conflict. During the interview, Angeline provided the following description of the situation:

Angeline stated that Ba'Kelalan is situated 150km from Lawas, with no flight or land transport option at the time. Villagers were forced to travel

from remote areas, a trip that typically lasted around 2 weeks, to get to Lawas for trading purposes. Therefore, few women, particularly widows, those in confinement, or pregnant, travelled to Lawas. Angeline also emphasized that registering childbirth during the Konfrontasi period was challenging, and to this day, there were unresolved cases.

(Fieldnote taken on 25 November 2022)

Furthermore, geographical location significantly impacts accessibility, particularly for those residing in border areas. Angeline noted that Lawas is bordered by Sabah to the north, Brunei to the south, and Kalimantan, Indonesia, to the west. Consequently, stateless individuals in Lawas are confined within the region due to their location. Lacking any identity documents, they face challenges in traveling outside of Lawas due to border and immigration restrictions.

After the formation of Malaysia, The Sarawak Border Scouts were set up in 1964 to patrol these borders under an agreement between the Commonwealth government, and the newly established Malaysian government. The scouts consisted primarily of local recruits from the indigenous population. Their major responsibility was to ensure security along the Sarawak border and protect against any threats from Kalimantan militants. Angeline stated that despite their prominent role in protecting Sarawak's security and defending against external threats, there were instances where Border Scouts were not acknowledged as Malaysian citizens. Challenges exist for former Border Scouts in obtaining Malaysian citizenship as many were born before Malaysia was established, making it difficult to confirm their birthplace between Kalimantan and Sarawak due to unclear border boundaries.

As indicated by the cases received by Angeline in the area, it is clear that certain groups of people are disproportionately affected by statelessness mainly due to the failure to recognize how historical events and changes in border boundaries can impact those residing in the periphery. Hence, these solutions should be seriously considered to avoid the ongoing ambiguity over the citizenship status of these individuals.

2.3.6 Bureaucratic System

Manjeet added that another issue plaguing stateless individuals is related to the bureaucratic system, which causes unresolved and protracted situations among undocumented individuals, particularly children. She mentioned that in most cases

involving stateless children applying under section 15A, which is catered for those below the age of 21 under special circumstances, the process is often drawn out. When the reasons for the rejection of their initial application are not stated, they may have passed the qualifying age to reapply under section 15A, thereby missing out on opportunities to pursue their studies and secure employment. This issue has a major impact on the future of these children, and she insisted that the NRD and the Home Ministry should streamline and expedite the application process, especially when children are involved. Manjeet highlighted that delays or unsuccessful citizenship applications are frequently the result of inflexible and rigid civil registration procedures, which necessitate the submission of documentary evidence that obviously difficult to obtain due to 'unique' circumstances faced by indigenous people in Sarawak. For instance, incomplete documents due to cross border *adat* marriage. The National Registration Department's (NRD) failure to recognize the 'unique' conditions that certain people encounter when registering their births and marriages has resulted in irregular status. Manjeet in describing the issue in relation to the NRD, had this to say;

Given that the indigenous people of Sarawak continued to face the same problems with regard to their documentation, NRD should be "flexible" or lenient in regard to its requirements or documentation process. If not, there would be no solution, and the problem would persist for generations.

(Fieldnote taken on 19th December 2022)

Manjeet noted that although families and people she has helped have encountered challenges in acquiring citizenship, they consistently refrain from placing blame to the system due to their lack of understanding of its functioning. Indeed, individuals have consistently attributed their lack of financial resources and inability to provide complete documentation on their own actions.

The other administrative hurdles contributing to statelessness, as highlighted by Maz, is the complexity of situations where the KMKK (*Ketua Masyarakat dan Ketua Kaum* or community and village head) refuses to validate applications or endorse statutory declarations for their community members, thereby posing a significant obstacle for those pursuing citizenship. She recommends a case-by-case examination of such scenarios, advising against drawing generalizations. According to Maz, the verification process for KMKK frequently involves thorough confirmation. However, doubts pertaining to the spouse's origin or citizenship status may result in complications,

even if the applicant originates from the same village and has a long-standing familial connection. She emphasizes that in cases where individuals are unable to provide documents regarding their spouse's background, such as their origin or ethnicity, as well as marriage certification, village headmen have the right to question the legality of the marriage.

In Malaysia, there is no free birth registration system at all stages, and registration is not immediately completed upon birth (DHRRA, 2022). In order to obtain a birth certificate, it is necessary for an individual to initially formalize the birth with the NRD. The findings have found that this poses disadvantages to populations living in isolated areas, where the difficulty of access makes transportation expensive and infrequent. Without a birth certificate, establishing a substantial link to Malaysian nationality becomes arduous. Furthermore, delayed registration necessitates the submission of additional documents to prove authenticity. In most interviews, informants have pointed out that it will be necessary to authenticate a village birth by obtaining additional documents such as a verification letter of birth administered by the local midwife, also known as *Surat Pengesahan Kelahiran oleh Bidan*, or verification from the *tuai rumah*, which can be difficult to obtain in most cases. It should be mentioned that homebirth is a common practice for communities living in remote areas, particularly when the closest hospital is located in an urban centre.

While a birth certificate serves as crucial evidence of nationality, the findings also underscore the significance of providing valid proof of marriage to obtain citizenship for children. Under Malaysian nationality law, if there is no evidence of legal marriage registration and the mother is a non-citizen, the child would not qualify for citizenship, even if the father is Malaysian. As Maz points out, in many cases, children bear the consequences of their parents' mistakes, highlighting the burden of proof and revealing gaps in the procedural process for citizenship acquisition. According to Maz in the following statement:

In Malaysia, citizenship is legally determined, wherein if the father is a Malaysian citizen and the mother is a non-citizen, the child is eligible for nationality upon providing a valid marriage document. However, challenges emerge when the marriage is not appropriately registered under Malaysian civil law, rendering the parents unable to provide any documentation. If the parents were married overseas, such as in Indonesia, and subsequently registered their marriage under Malaysian

civil law upon return, there would be no obstacle to passing nationality to their children.

(Fieldnote taken on 31st January 2023)

Several informants also revealed instances of lack of documentation for individuals born before the formation of Malaysia in 1963, as well as those living in the border areas of Kalimantan, Indonesia, and Sarawak, due to the absence of birth registration at that time. According to one of my informants Angeline, this situation has affected numerous individuals, including senior citizens and former Border Scouts who served the country during the *Konfrontasi* era. However, this problem is not isolated. Similar to the issue of statelessness among Thailand's hill tribes, as mentioned by Flaim (2017), the "problems of evidence" encountered during the citizenship adjudication process underscore a significant divide between the state's legal requirements and the applicant's personal history or ethnic background, which may conflict with established norms.

The findings also highlighted an issue concerning a lack of documentation in the case of adopted children. One of the informants reaffirmed these kinds of circumstances, saying that in the event that the adoptive parents are unable to provide documentation of the adoption or knowledge about the citizenship of the child's biological parents, registration issues may arise. She noted that in many situations, this could have occurred as a result of an illegal adoption, in which the kid was adopted through unlawful channel, such baby trafficking groups, or without undergoing the lengthy and potentially approved legal adoption procedure.

As evident from informant accounts, another issue pertaining to administrative and procedural barriers is related to the standard operating procedures for civil registration. For a variety of reasons, the standard operating procedure for civil registration has emerged as a major issue for rural communities. In cases where childbirth occurs in remote areas that necessitate lengthy travel times to urban centers, as well as the use of multiple modes of transportation, certain parents may choose to postpone the process until their child reaches the age where they can acquire the necessary documents for education. Additionally, individuals who fail to present the required documentation for registration to the NRD in the city may be required to return to their village until they can procure the complete documents, which the village chief or district officers will verify. Informants aptly describe this situation, noting that many

applicants did not intentionally fail to provide their documents but were hindered by the necessity of traveling back and forth from rural areas.

It can be argued that the current practice in NRD-MOHA at federal and state level did not reflect the effectiveness of the upgraded system due to long processing period involving late registration cases and incomplete documents (DHRRA, 2019). According to DHRRA, the average processing period could take up to 3 years, and some may exceed 4 years. Despite the improvements made to expedite the registration process, in many cases the issuance of identity documents is not as straightforward as it may seem in the case of those who are unable to produce evidentiary documents. And due to long wait and years of processing applications, it has been reported in the local online news that there are those who passed away without even knowing their application status (DayakDaily, 2018). In relation to this, John explained in most statelessness case that he has assisted, the processing time typically took longer than the stipulated period stated in the application slip. He explained this situation as follows:

John mentioned that all applicants would be given a slip and a phone number to check the status of their application. And it was written on the slip that the application would take 2, 4, 6, or 12 months to process. If it was written six months, the applicant would call JPN after six months to check on the status of their application. However, the JPN would reply that their application is still being processed, which would take longer than the time specified on the application slip.

(Fieldnote taken on 18th July 2021)

In the case of stateless children, delayed processing time affected their chance of receiving a formal education at a government school, as existing law only permits citizen children to attend public schools. According to Manjeet who have witnessed so many stateless children dealt with this grave situation, expressed her disappointment with the system as follows:

She stated that KDN (MOHA) and NRD should complete their "homework" within one month. Because she had three to four cases that have yet to be settled in eight months. The long processing period would disrupt the child's life. If a child had missed school for years but then entered Form 5, they were unsure what to do since the majority of these students could not afford tuition. As a result, such a circumstance could be difficult for these children.

(Fieldnote taken on 19th December 2022)

DHRRRA (2019) contends that the long processing time could be reduced to one year especially for children applying for citizenship under Article 15(A). It must be noted that the long processing period not only affects their education, but once they reach the age of 21, they will no longer be eligible to apply for citizenship in accordance with the provisions of Article 15(A). As illustrated by several informants, the rejection letters sent to applicants lack any form of explanation or justification, especially in cases when applications have been consistently turned down by the NRD. In the absence of any explicit details regarding the deficiencies in the application, the applicants not only face the possibility of making the same error in their submission, but they also miss the opportunity to take an important exam which necessitates identity documents, resulting in the need to forego education.

This scenario holds particular significance for children who find themselves caught in a state of legal uncertainty due to factors beyond their own understanding. In Sarawak, where indigenous people predominantly reside in the interior, receiving such feedback on their application would expose them to the risk of living without documentation for years and years. This is because the arduous process of filling out a new application, submitting documents, obtaining verification from authorized persons, and even travelling back and forth to NRD offices, which are primarily located in urban centers, without knowing the real reasons for application rejection would impose an additional financial and physical burden on them due to logistical issues. Ultimately, they gave up and remained stateless.

In addition, majority of the informants also revealed that difficulties experienced by indigenous people in Sarawak, inaccessibility to civil registration services includes not only physical barriers i.e., distance and logistics, but also information barriers hampered by excessive bureaucracy. Legal implications and civil registration procedures is unbeknown to the rural populations since there were no telecommunication devices available. In relation to this, Eli explained that even if there is a mobile registration counter made available to ease the registration for rural populations, there are those who missed the opportunity simply because the information was not conveyed to them. As stated by Eli in the subsequent statements:

Those who resided in remote areas faced a significant barrier because there was no communication between JPN and applicants. Applicants

were unwilling to travel to town only to check on the status of their application because it would be costly for them to do so.

(Fieldnote taken on 22nd July 2021)

The aforementioned statements highlighted the necessity for administrative and procedural improvements, as the current civil registration system fails to effectively promote inclusivity and functionality. To prevent and mitigate under-registration among rural indigenous populations, these improvements should prioritize enhanced access to service delivery and targeted resource allocation. In accordance with the Federal Constitution, a person may be granted citizenship in Malaysia in four ways: through the operation of laws or automatically, through registration, naturalisation, or incorporation of territory. According to Article 14 of the Federal Constitution, a person is a citizen by operation of law if one of their parents was a Malaysian or permanent resident at the time of their birth, or if they were born in Malaysia and did not have citizenship in any other nation. However, this provision must be read in conjunction with the Second Schedule, which limits Malaysian women's capacity to bestow citizenship on their children born overseas by operation of law. Thus, Malaysian mothers must follow the processes stated in Article 15(2) in order to register for citizenship.

According to the 2019 status report of the Child Rights Coalition Malaysia (CRCM), these procedures have not always been successful and are frequently delayed. Even though there are discretionary registration rules that allow children born overseas to obtain Malaysian citizenship, MOHA records reveal that these applications have a very low success rate.

According to several informants, this is due to the reason that the Malaysian nationality law adopted a paternalistic aspect that was influenced by the British Nationality Act. Herein, Malaysian citizenship was granted on the basis of *ius sanguinis* before 2010, specifically through paternal heritage (Low, 2007). Children born outside of Malaysia to a Malaysian father may be granted citizenship by descent if their birth is recorded at a Malaysian consulate within one year. On the other hand, there are instances where Malaysian women married to foreigners face challenges in passing on their citizenship. Adding to the difficulty, these women are compelled to return to Malaysia to give birth to their children (Low, 2007). In the context of the indigenous populations in Sarawak, the concept of returning to Sarawak solely for the purpose of

giving birth and securing citizenship for the child was extremely rare. One of the stakeholders interviewed criticized the gender-based nationality law as "objectionable" in his following comments:

Andrew expressed concern over the gender disparity evident in citizenship laws. He found it offensive that citizenship was often determined solely by the father's nationality, disregarding the maternal lineage. Andrew believed that in the 21st century, citizenship should be recognized based on principles of equality. If one parent is Malaysian, the child should inherit Malaysian citizenship without discrimination. Additionally, Andrew found it objectionable that children born outside the country to Malaysian parents, or even just one Malaysian parent, were not automatically recognized as Malaysian citizens.

(Fieldnote taken on 25th July, 2021)

The gaps in legislation which are defined by paternalistic practice are known as a traditional cause that renders certain quarters of community stateless (Razali et.al, 2015). The regulations governing the transmission of Malaysian citizenship from mothers to their children born outside the country lead to an unjust treatment of children, which is contingent upon their gender and the legal standing of their parents' marital union.

In light of the foregoing discussion, it is important to highlight that, under Section 17, Second Schedule, Part II of the Federal Constitution, men are not permitted to transfer nationality on their children if the child is born out of a legally recognized marriage. Thus, if a mother is a citizen and is able to pass that citizenship on to her child, children born to single parents would acquire their mother's nationality. Informant interviews highlight the considerable legal complexities that the indigenous community in Sarawak faces, especially with regard to the kinds of marriages that are recognized in the country.

Most of the informants revealed that unregistered marriages and mixed marriages, particularly cross-border marriages between Sarawak natives and Indonesians from Kalimantan, have resulted in difficulties in registering their children, ultimately rendering them stateless. This issue is prevalent when customary marriages among natives are considered invalid and unauthenticated, prohibiting the registration of children born from these unions. It is important to note that native customary (*adat*) law applies solely to the indigenous non-Muslim population of Sabah and Sarawak. All marriages and divorces involving natives of Sarawak registered under native customary

law fall under the jurisdiction of the Sarawak Native Customs Council (*Majlis Adat Istiadat Sarawak* or MAIS). However, instances have been reported where registration failures occur, particularly concerning customary marriages. One common scenario involves a local native man and an Indonesian woman solemnized under *adat* marriage after September 21, 2006, which is deemed invalid. Even when children are born after such *adat* marriages, they are considered illegitimate. Since September 21, 2006, marriages between natives and non-natives according to *adat* are no longer valid. Amendment of such policies have created documentation issues among the indigenous children even though their father is Malaysian citizen, and they were born in Malaysia. She added that, this happened because the couple genuinely unaware of the changes in such policies because they weren't any issue of marriage between non-native (foreigner) and native that was conducted under the *adat* law before.

Another misunderstanding concerning *adat* law that contributes to complications with documentation involves the legitimacy of matrimonial unions performed under *adat* between a non-Muslim native and a converted Muslim native. This is because, according to indigenous customary law, matrimonial unions are exclusively permitted among non-Muslim groups. In the Sarawak context, it can be observed that there are accidental gaps between the indigenous customary law governing *adat* marriage among the native population of Sarawak and the civil law. Despite the acknowledgment by the Sarawak government of the presence of native customary law concerning marriage and the longstanding recognition of the concept of *adat* marriage among the indigenous population of Sarawak, there remains a lack of consistency in the implementation of *adat* marriage law within the indigenous community and the verification of such unions by authorities within the existing legal framework.

2.4 CHALLENGES

The following section discusses the challenges faced by stateless indigenous communities in Sarawak, particularly their lack of access to education and the isolation they experience due to their undocumented status. It highlights how these barriers lead to cycles of illiteracy, socio-economic marginalization, and emotional distress, ultimately pushing individuals toward destructive coping mechanisms.

2.4.1 Lack of Education Access

The lack of state recognition significantly impacts the indigenous communities in Sarawak, with one of the most pressing issues being their restricted access to education. It must be noted that in Malaysia, the constitutional protection ensuring access to education does not apply to stateless children (Saman & Affandi, 2018). This is due to the restrictions inherent in Malaysia's Federal Constitution, Education Act, and National Education Policy, which secure only the educational rights of citizens. The lack of access to vital identification documents, including birth certificates and MyKad, significantly impacts school registration procedures, resulting in many indigenous children, particularly from the Penan community, being deprived of the chance to pursue formal education. This scenario continues a cycle of illiteracy and socio-economic marginalisation, as these children mature without access to fundamental education and the necessary skills to enhance their livelihoods. Andrew's observation presents a strong case study, illustrating how statelessness plays a significant role in the elevated rates of illiteracy in these communities, as numerous families face challenges in enrolling their children in schools due to bureaucratic obstacles and the absence of legal documentation. To illustrate this case, Andrew narrated to me as follows:

He recalled his initial encounter with the issue of statelessness came about during his tenure working with the Penan communities in the interior of Sarawak. The main reason for his involvement was a request from the Penan in the Baram area seeking assistance due to difficulties in school registration faced by some of their children, mainly caused by the absence of birth certificates. Curious about the root causes, Andrew investigated the issue and uncovered a recurring trend of a generational legacy of statelessness passed down from parents who themselves had never been in possession of any official documents, including birth certificates. Recognizing the widespread issue of undocumented status among the Penan due to this intergenerational problem, Andrew undertook an initiative by meticulously compiling a list of individuals without any form of identity documentation during his visit to the Penan settlements. He recalled that in 2016, through these initiatives, he had identified that nearly 90 individuals in a village of 250 people were without MyKad.

(Fieldnote taken on 25th July 2021)

Access to education for undocumented individuals in Sarawak is further complicated by geographical barriers, as many Penan communities reside in remote and inaccessible areas. This seclusion signifies that, despite governmental efforts targeted

at educating stateless children, these attempts frequently fail to reach the Penan due to logistical and infrastructural obstacles. In 2019, the Malaysian government has implemented initiatives to facilitate the enrolment of stateless children in public schools, including a directive from the Ministry of Education that allows undocumented children to attend government schools under specific requirements (The Star, 2019). Notwithstanding this effort, the success of such programs is constrained in accessing isolated indigenous populations due to lack of infrastructure, faraway locations to the nearest schools, and a lack of transportation.

In addition, even when the Penan children manage to gain access to schools, they often face additional challenges such as language barriers, cultural differences, and the lack of support systems, which further impairs their ability to succeed academically. UNICEF (2018) reports indicate that, despite initiatives aimed at universal education in Malaysia, indigenous and rural communities continue to be markedly underserved, with many children unable to attain quality education due to the compounded challenges of poverty, geographical isolation, and insufficient documentation.

Consequently, in spite of the government's efforts to address the educational needs of stateless children, the Penan community remains marginalised owing to their distinct geographical and socio-economic barriers. The lack of consistent outreach, infrastructure, and tailored programs to address their specific needs means that many Penan children remain excluded from the educational system, perpetuating cycles of poverty and illiteracy. This scenario highlights the urgent need for more inclusive and responsive policies that consider the circumstances of indigenous communities, ensuring that all children, irrespective of their legal status or geographical position, have access to education as a fundamental human right.

2.4.2 Living in Isolation and Lack of Interaction with Others

The condition of statelessness often forces individuals into a state of profound uncertainty, where they are deprived of legal recognition, rights, and access to fundamental opportunities, leading to significant psychological stress. As narrated by John:

Stateless individuals often developed an inferiority complex, perceiving themselves as belonging to a lower caste in society. Faced with this sense

of exclusion, they might turn to drugs as a form of escape or became increasingly angry and frustrated. This anger could negatively impact their family relationships, leading to further strain and conflict. When confronted with the stress of providing for their basic needs, such as putting food on the table, some might resort to illegal activities as a means of survival.

(Fieldnote taken on 18th July 2021)

The lack of official documentation heightens feelings of estrangement, since these individuals are denied basic rights and protections, deepening their emotional distress. Several informants indicated that living in solitude and lacking meaningful interactions with people contributes to the declining of their mental health, driving them towards destructive coping strategies. This cycle of emotional stress, isolation, and negative coping strategies, fueled by their exclusion from social networks, reinforces their sense of inferiority and perpetuates insecurity and instability.

2.5 STRATEGIC MEASURES

The following section outlines several strategic measures recommended to address the challenges faced by stateless indigenous communities in Sarawak. These strategies focus on improving geographical accessibility to registration services, implementing structural reforms, enhancing resource deployment and capacity building, and fostering community engagement and awareness. By addressing these key areas, the aim is to create more inclusive and efficient systems that can better support the registration and documentation needs of these marginalized populations.

2.5.1 Geographical Accessibility

With the federal government exerting stricter control over citizenship matters, a practical issue emerges concerning the geographical accessibility of registration offices. These offices are predominantly situated in major urban centres such as the NRD headquarters in Kuala Lumpur, followed by offices in Kuching, Sibul, Bintulu, and Miri. The presence of small offices in Belaga and a district office in Kapit, albeit limited in their capacity to make decisions on the issuing and verification of identity documents, complicates the existing challenges faced by the Penan residing in remote places.

One of my informants, Andrew pointed out a practical challenge related to the ad-hoc visits made by NRD officers to Penan settlements. Since it was difficult to reach

remote areas in the forests of Baram and Ulu Belaga, Andrew noted that officers did not make frequent visits and when they did, the timing was often not opportune. He then pointed out that lack of communication led to the information about the visits not reaching the entire population, resulting in many missing the chance for mobile registration as they were in the forest searching for food.

The federal government has introduced initiatives such as mobile registration units to rural settlements, with the aim of making civil registration services more accessible to communities that face difficulties reaching city registration offices. Nevertheless, as highlighted by Andrew and other informants, the existing approach frequently falls short because of infrequent visits, ineffective communication, and inconvenient timing, leading to numerous individuals missing these opportunities.

In order to improve the current situations, informants recommended the implementation of a more organised and systematic mobile registration program, featuring regular and well-publicized visits by NRD officers to remote regions. Collaborating with local leaders, including the *tuai rumah* and NGOs, to provide notice in advance would guarantee that even the most isolated families are informed about scheduled visits.

Furthermore, informants suggested enhancing the capacity and authority of smaller NRD offices situated in areas such as Belaga and Kapit. It is essential for these offices to possess the necessary resources and authority to handle applications and generate documentation on-site, instead of functioning solely as intermediaries that transfer cases to larger urban offices.

A further recommendation involved the establishment of mobile registration teams capable of remaining in remote regions for prolonged durations, thereby allowing community members enough time to collect necessary paperwork and finalise the registration process. Incorporating technology, such as online pre-registration systems facilitated by community centers, was also recommended to help reduce the travel burden for initial application steps and make the process more efficient.

2.5.2 Structural Reforms

Andrew stressed the need for structural reforms while understanding the financial and resource constraints encountered by government officials in charge of organising mobile registration initiatives in remote areas. He argued that the reliance on out-dated logistical approaches weakens registration efficiency. This situation contributes to the statelessness issue among the Penan, as individuals are unable to avail themselves of registration opportunities due to logistical challenges, intensifying their vulnerability in terms of citizenship documentation.

As for Maz, given that the authority to grant citizenship resides with the federal government, specifically the Home Ministry, she points out the necessity for representatives to engage directly with the state-level context. She believes that only by conducting on-the-ground analyses can a complete understanding of the situation in Sarawak be achieved. She added that the acknowledgment of customary marriages through the newly implemented Native Marriage Electronic Systems (NAMES) in Sarawak represents a significant step towards simplifying the registration process directly with the NRD. However, this system enhancement must be complemented by targeted educational programs aimed at both community members and NRD officers to enhance understanding and facilitate the transition. This adjustment acknowledges the deep-seated cultural practices and familial structures within indigenous communities, thereby legitimizing relationships and the lineage of children within the native legal framework. Therefore, this recognition is crucial, as it directly impacts children's ability to claim citizenship and their subsequent legal identity, bridging a gap that has historically marginalized indigenous populations.

Furthermore, modifications to nationality laws are essential to ensure gender equality in the transmission of citizenship. This is particularly critical to address the challenges faced by children born abroad or to parents of mixed nationalities which is a prevalent issue among Sarawak's diverse ethnic compositions. By reforming these laws, the intergenerational transmission of statelessness can be significantly curtailed, ensuring that citizenship rights are equitably preserved across genders and national backgrounds.

2.5.3 Strategic Deployment of Resources and Capacity Building

As a government servant actively involved in numerous civil registration programs, one of my informants, Eli emphasized the importance of strategic deployment of resources and capacity building to address the challenges faced by indigenous communities in rural Sarawak. He suggested that a comprehensive approach should be implemented, which includes the strategic deployment of mobile registration units, infrastructure development, and targeted training of local registrars.

To reduce geographical barriers and integrate indigenous communities into the country's legal and administrative procedures, mobile registration units must be effectively utilized, particularly in remote areas where access to government services is hindered by isolation. These units can play a vital role in on-site registration of vital events such as births, marriages, and deaths, thereby ensuring that indigenous populations are not excluded from obtaining the legal documentation needed to secure their rights and access essential services (Sperfeldt, 2020). This approach is consistent with previous initiatives such as the "*MyDaftar*" program, which aims to assist the stateless population in Malaysia in obtaining identification documents by conducting outreach in remote areas (The Star, 2019).

Furthermore, several informants also highlighted the necessity of infrastructure development, including both physical and digital enhancements. Investing in robust online platforms that cater to the linguistic and cultural contexts of rural and indigenous populations can help bridge the digital divide. This would involve developing user-friendly interfaces and ensuring consistent internet connectivity in remote areas, facilitating easier access to civil registration services. Digital infrastructure improvements can be aligned with existing efforts under the Malaysian government's "Digital Economy Blueprint," which seeks to improve digital infrastructure and connectivity across underserved regions (Economic Planning Unit, 2021).

In relation to this, Eli also underscored the importance of targeted training for local registrars, which should focus not only on procedural competence but also on cultural sensitivity and awareness of the socio-legal dynamics within indigenous communities. He emphasized that registrars need to be well-versed in understanding and respecting customary practices, which are integral to these communities' identity and governance structures. This approach aligns with John's suggestion that a tailored,

community-specific method is necessary for effectively addressing the challenges faced by indigenous populations. Such training would lead to more informed and respectful interactions between state officials and indigenous populations, fostering trust and cooperation, and ensuring that the civil registration process is conducted in a manner that is culturally appropriate and effective.

2.5.4 Community Engagement and Awareness

The challenge of improving civil registration access in rural and indigenous areas of Sarawak necessitates a strategic convergence of educational campaigns, community leader involvement, and collaborations with NGOs and civil society. By synthesizing these elements, a robust framework can be developed that not only informs but also empowers communities towards greater participation in civil registration processes. According to several informants in this study, educational campaigns are crucial in demystifying the processes and benefits of obtaining legal identity documents. These campaigns should be meticulously crafted to align with the cultural and linguistic specifics of the target communities, ensuring they are relevant and resonate effectively.

Community leaders play a transformative role in these initiatives, as village chiefs, elders, and other respected figures within indigenous communities possess unique authority to influence attitudes and behaviors. By actively involving these leaders in advocating for civil registration, their endorsement can significantly enhance community trust and participation. This approach acknowledges the hierarchical and relational dynamics that characterize many indigenous societies, utilizing existing social structures to facilitate change.

In addition, collaboration with NGOs and civil society provides the necessary support structure to extend the reach and depth of civil registration campaigns. NGOs often bring specialized knowledge and resources that can adapt registration drives to the nuanced needs of diverse communities. Their ongoing presence and established trust in these areas can bridge the gap between government initiatives and community realities. Collaborative efforts enable a more coordinated approach, pooling expertise and resources to tackle the multifaceted challenges of statelessness. From the perspective of stakeholders, including government officials, NGOs, and community leaders, these strategies underscore a commitment to inclusivity and respect for cultural

diversity. They emphasize the need for a participatory approach where indigenous communities are not merely recipients of services but active partners in shaping solutions that affect their legal identities.

Lastly, as an NGO representative actively involved in advocating for the rights of stateless individuals and communities, majority of the informants concluded by expressing their hope that government officials will fulfill their responsibility to improve guidelines and policies without being influenced by political agendas. They emphasized that their efforts to raise awareness on social media and in local newspapers are not motivated by a desire for fame, but rather to remind society that positive change in social, economic, and educational issues can be achieved not only through politics but also through credible organizations that uphold the rule of law.

2.6 CONCLUSION

In summary, this chapter critically evaluated the complex issue of statelessness among indigenous communities in Sarawak, incorporating perspectives from government officials, academics, NGO representatives, and stakeholders. It highlighted the fact that statelessness is not solely a legal or administrative issue but a deeply rooted socio-political issue that is influenced by historical, cultural, economic, and geographical factors.

The chapter described the two primary categories into which statelessness manifests: documented and undocumented individuals. Bureaucratic obstacles, such as the requirement for formal marriage certificates, deny full citizenship rights to individuals documented as stateless, even if they possess identification cards like MyKas or MyPR. This requirement disregards the customary practices of indigenous communities, resulting in the exclusion of numerous individuals. The case studies, notably those that were described by informants such as John, Angeline, and Eli, demonstrate the systemic rigidity of the NRD's procedures, which are unable to account for the distinctive socio-cultural realities of Sarawak's indigenous populations.

The findings also revealed the influence of geographical barriers on civil registration processes. The absence of birth certificates and other essential documents is a consequence of the challenges that remote communities encounter in accessing

registration offices. Challenges persist as a result of irregular visits and inadequate communication, despite government initiatives such as mobile registration units. As Andrew and Manjeet have observed, destitution further undermines the efficacy of these programs, as numerous families prioritise basic survival over the costly civil registration program. Meanwhile, John and Maz have elucidated the critical role of customary marriages and their non-recognition by the NRD in the development of statelessness. The NRD does not acknowledge these indigenous practices, leading to the labelling of children as "illegitimate," thereby denying them access to fundamental rights such as education and healthcare.

In conclusion, this chapter emphasises the urgent need for reforms that take into account the distinctive cultural, geographical, and economic circumstances that indigenous communities encounter. The chapter concluded with recommendations for structural reforms, as well as the strategic deployment of mobile units, targeted training for local registrars, and increased collaboration with NGOs and community leaders. The aim of these proposed measures is to address statelessness in a more effective and equitable manner by aligning legal processes with the lived experiences of Sarawak's indigenous populations.

CHAPTER FIVE

SUMMARY, IMPLICATIONS AND CONCLUSION

3.1 SUMMARY OF FINDINGS

The findings of this research elucidate the intricate mosaic of factors contributing to statelessness among Sarawak's indigenous communities, delineating both direct and indirect causes that shape the predicament of statelessness. Direct causes primarily encompass legal and administrative barriers such as rigid bureaucratic procedures and stringent documentation requirements, which are rooted in historical and systemic exclusions that have not been adequately rectified. These formal impediments prevent many indigenous people from acquiring citizenship or legal identity, perpetuating a cycle of marginalization. At the core of these issues, the established legal framework, though historically amended, fails to align adequately with local traditions and indigenous practices. This misalignment is vividly illustrated in the challenges faced by individuals attempting to secure official recognition of their marital and family statuses through civil registration processes. Particularly, the discrepancies between *adat* (customary) marriages and formal legal requirements manifest starkly. Marriages recognized under local customary laws often lack formal documentation such as *Sijil Berian* or *Sijil Perkahwinan* (Marriage Certificate). *Adat*, leading to a recognition gap when these unions are assessed against national laws. Additionally, cross-border marriages, while valid among indigenous groups, may not be recognized legally across national boundaries, thus exacerbating instances of 'unintentional' statelessness.

Another discrepancy relates to the practice of interfaith marriage, which often leads to complex legal repercussions. In this note, this study discovered significant citizenship challenges arising from the complexities of interfaith marriages, with a particular emphasis on the implications when individuals return to their former religious affiliations following divorce. Those involved in this reversion face significant challenges as they work through the complex process of balancing their religious identities, which frequently upends their social and family relationships. Critically, these shifts in religious status extend beyond personal identity disturbances, impacting the legal standing and rights of their offspring, notably in matters of citizenship acquisition. Therefore, reversion of religious identity post-divorce is not merely a

personal or isolated event; it encapsulates a broader social phenomenon that challenges the very fabric of legal frameworks designed to manage citizenship and identity. Existing laws frequently fail to address the realities faced by individuals experiencing such profound personal transformations. Evidently, the study has shown the implications for children, in particular, are profound and complicated, affecting their recognition and rights as citizens.

Indirect causes, on the other hand, involve a confluence of geographical, behavioral, and financial factors. Geographically, the remote and often inaccessible living conditions of many indigenous groups hinder their access to administrative services necessary for civil registration. Behaviourally, there exists a significant gap in awareness about the importance of documentation and the processes involved in securing legal identities. Financially, the costs associated with traveling to registration centres and obtaining necessary documents place a heavy burden on these marginalized populations.

Therefore, it is crucial to acknowledge that not all statelessness arises directly from legal deficiencies. Sociocultural practices, historical circumstances, and a lack of awareness among parents also play substantial roles. The historical context of Sarawak before and after the formation of Malaysia, particularly in relation to border dynamics and ethnic configurations, profoundly affects the contemporary challenges of statelessness. The imposition of political boundaries and immigration controls further complicates the lived realities of these communities, situated along the Malaysia-Indonesia border, where kinship ties and socio-historical connections transcend these imposed limits. Many individuals, lacking awareness of the importance of documentary evidence and the legal prerequisites for obtaining identity documents, find themselves trapped in a bureaucratic limbo, their citizenship in question amidst a clash of local customs and national legal instruments. Reflecting on Malkki's (1995) view of national identity frameworks, these legal instruments—passports, identity documents, border controls—are seen as tools to stabilize the nation-state economically and politically. Yet, for those who do not fit neatly within these frameworks, particularly stateless individuals, the notion of belonging to a nation becomes an elusive concept.

Aside from above, the study also shows that individuals affected by statelessness are broadly categorized into two groups: those completely undocumented and those who

possess some form of documentation but lack full citizenship rights. The former group faces considerable hurdles due to the aforementioned barriers, while the latter, despite holding documents such as birth certificates or MyKas (green IC), find these documents do not confer the complete rights and privileges of citizenship, leaving them in a limbo of partial recognition. While there is a significant correlation between identity registration and patterns of marginalization and exclusion, it is clear that having identity documents, such as birth certificates and marriage certificates, does not guarantee access to social, economic, or state protection. Neither does the lack of a birth record automatically deny citizens their rights; on the other hand, the lack of any kind of official identity documents will make it more difficult to exercise those rights. In this context, the study has demonstrated that individuals who possess birth certificates with undetermined status, or in this study referred to as 'statusless', are excluded from enjoying the rights and privileges of citizenship. This includes economic benefits, government aid programme and the ability to obtain a passport, thereby preventing them from leaving their country. Despite the fact that they must pay non-citizen fees, they can still attend government-funded schools.

This study identifies six main impacts of statelessness: legal, economic, educational, health, mobility, and emotional and psychological impacts. The legal ambiguity surrounding statelessness creates a pervasive barrier that extends beyond the inability to obtain official documents. It imposes a profound impact on the social identity and daily interactions of stateless individuals with broader social and governmental structures. As demonstrated through the experiences of individuals like Liman, the perpetual evasion from legal systems that fail to recognize their existence enforces not only a physical, but a psychological barrier characterized by constant vigilance and insecurity. This state of perpetual fear significantly diminishes quality of life and mental health, reinforcing the social exclusion imposed by statelessness. Economically, statelessness enforces a vicious cycle of marginalization. Without legal identity, individuals are relegated to the fringes of the formal economy, often working in low-wage jobs without security or benefits. The lack of access to financial services such as banking further entrenches poverty, limiting opportunities for economic improvement and perpetuating dependency and deprivation. This economic vulnerability highlights the critical link between legal identity and economic stability.

The barriers to accessing fundamental human rights such as education and healthcare further illustrate the crippling impact of statelessness. The disruption of educational pursuits due to the lack of identification documents curtails personal development and perpetuates the cycle of poverty and exclusion. Similarly, the healthcare narratives reveal the heightened vulnerabilities stateless individuals face, resorting to alternative remedies and facing prohibitive costs due to their unrecognized status. These barriers not only affect individual stateless persons but also extend their impact to future generations, reinforcing systemic marginalization.

The lack of legal identity severely restricts the mobility of stateless individuals, impacting their social participation and personal development. This study illustrates how statelessness confines individuals to limited geographical areas and restricts their access to opportunities. As presented in the case studies, the narratives collectively reveal the profound impact of statelessness on freedom of movement and the quality of life, emphasizing the need for legal reforms to address the challenges faced by stateless populations. Meanwhile, the study also found that the psychological and emotional toll of statelessness is profound. The stigma and constant uncertainty associated with being undocumented lead to feelings of inferiority, anxiety, and depression. Stateless individuals, including their family, as illustrated in the case studies endure significant emotional and mental health challenges, exacerbated by their exclusion from societal protections and recognition.

The study also revealed that acquisition of identity documents is laden with both subjective and material values. The relationships between subjectivity and materiality in understanding values associated with citizenship is an intriguing area for anthropological exploration in the context of the study on statelessness among indigenous people in rural Sarawak. In this view, subjectivity is the subjective experiences, feelings, and opinions of the people about their citizenship status. On the other hand, materiality is the tangible benefits and formal documentation associated to being recognized as a citizen.

The findings revealed that stateless informants perceived citizenship as a subjective value in which obtaining identity documents is linked to symbolic ideals such as empowerment, social mobility, and group membership. It alleviates feelings of isolation and insecurity, fostering a sense of community and kinship. Furthermore, the

pursuit of citizenship is not merely a practical matter but a crucial psychological and emotional safeguard. Because stateless families often live in protracted insecurity, vulnerable to exploitation and exclusion, citizenship offers a "safety net," ensuring a more secure future for themselves and their family.

Hence, the subjective dimension of citizenship involves the internalized feelings and personal interpretations of one's status within a community or nation. And for the informants in this study, despite the lack of formal recognition by the state evidenced by the absence of identity cards and official citizenship status, they often do not feel 'foreign' within their homeland of Sarawak. Apart from being able to communicate in native languages with ease even in mixed-parental households, they also do not distinguish between their culture and way of life from other indigenous groups in Sarawak who are acknowledged as citizens. In spite of their subjective desire to acquire and affirm their citizenship status for the purpose of social inclusion and security, the only tangible object they are missing is a MyKad, which signifies nationality. This reveals a profound connection to their land and cultural identity, which transcends the legal definitions and administrative acknowledgment of citizenship. In this context, Renato Rosaldo's (1994) concept of "cultural citizenship" is applicable to illustrate the right to be different and to belong, in a participatory democratic sense, which involves being recognized and valued without having to conform to the dominant norms of a nation-state. And for many indigenous individuals, their sense of belonging and identity is rooted deeply in their ethnic and cultural ties, which persist regardless of their legal status.

From the material aspect, citizenship carries significant tangible benefits that affect the daily lives and future opportunities of individuals. Materiality in this context includes the possession of identity documents like birth certificates, identity cards, and passports, which are often taken for granted by those who possess them. These documents are crucial for accessing a range of services and rights, including education, healthcare, employment, and financial services. From an anthropological perspective, the material aspects of citizenship are not just administrative instruments but are imbued with power and authority as they determine who gets included or excluded from societal benefits. Timothy Mitchell's concept of "the rule of experts" (2002) is relevant in this context, as it highlights how technical and bureaucratic knowledge influences the government and control of populations. The lack of these documents places stateless

individuals at a significant disadvantage, fundamentally affecting their ability to participate fully in society and to secure their livelihoods and futures.

Ultimately, this examination underscores how the rigid bureaucratic complexities and the insistence on recognizing only certain types of evidence and marriages systematically marginalize those living on the societal fringes—undocumented natives, immigrants, minorities, and the economically disadvantaged. These individuals, whose circumstances defy standardized norms, experience a type of *in situ* statelessness (Vlieks, 2017), that refers to the condition in which a person finds themselves stateless in their 'own country', specifically the country where they have lived for a long time, and in many cases, the country where they were born. Therefore, the majority of the informants did not express any feeling of "foreignness" and aware of their status as Sarawak's native, even though the findings reveal how informants narrated their state of being deficient due to inability to obtain identity cards and citizenship status and expressed their resentment towards the prolonged process which have affected their well-being and opportunity to access education, health services and other financial aids. This conflict between the perceived inherent nature of citizenship and its practical realities calls for a reevaluation of policies to better accommodate the unique contexts of Sarawak's indigenous populations, fostering a more inclusive and effective framework for recognizing and addressing statelessness.

Thus, it can be said that statelessness, far from being a mere administrative oversight, emerges as a critical determinant of social exclusion that permeates all facets of an individual's existence, from economic activities to emotional well-being. The study highlights how the duality of subjectivity and materiality in understanding citizenship among stateless individuals in Sarawak draws attention to the dynamic approach in analyzing the relationship between identity and legality. While their subjective sense of belonging remains intact, a lack of material recognition hinders their ability to engage with the state and society on equal terms. This circumstance demands an anthropological reassessment of the concept and application of citizenship. It questions legalistic and state-centric conceptions of citizenship and offers an inclusive approach that values people's cultural identities and lived experiences. By addressing these issues, citizenship can be understood more comprehensively and include the emotional as well as the pragmatic aspects of people's lives. Hence, this study argues for the necessity of recognizing and addressing the circumstantial and situational causes

of statelessness, particularly those stemming from administrative and legal constraints that indigenous populations cannot control.

3.2 IMPLICATIONS OF STUDY

The narratives and lived experiences of stateless individuals uncovered through our research have significantly humanized and enriched our understanding of statelessness in Sarawak. This study transcends the often-impersonal nature of mainstream media portrayals and legal discussions by providing a platform for stateless individuals to voice their personal stories and everyday struggles. For instance, interviews conducted in rural areas of Lundu, Bau dan Samarahan revealed how the lack of legal identity complicates access to healthcare and education, illustrating the tangible impacts of statelessness on fundamental human rights.

Moreover, this research underscores the importance of eschewing broad generalizations and stereotypes that often surround discussions of statelessness. By engaging directly with the stateless populations and documenting their diverse experiences, this study helps dismantle widespread misconceptions. For example, contrary to the stereotype of passivity, narratives from the fieldwork highlighted the proactive measures that stateless individuals take to negotiate their legal and social existence. Such insights challenge the notion of stateless individuals as mere victims, showcasing their agency and resilience.

This thesis also emphasizes the active role of stateless individuals in negotiating and contesting their status. It illustrates that statelessness is not merely a static legal classification, but a dynamic condition shaped by ongoing interactions between individuals and state mechanisms. Herein, we observed how stateless communities engage with local authorities and NGOs to assert their rights and seek recognition. These actions exemplify a complex connection of legal, social, and personal factors that characterise the stateless experience.

Additionally, understanding the subjectivity and materiality dimension to understand the values of citizenship among the stateless people in rural Sarawak is a key element of the implications of this study. This duality provides an in-depth comprehension of the ways in which the lived experiences of stateless people are

entwined with identity and legality. These material and subjective elements are included into the larger conversation to emphasise the complex relationship between legal recognition and personal identity. Addressing the wider implications of statelessness requires an understanding of this duality because it impacts people's pragmatic ability to engage in society as well as their emotional well-being.

The findings of this study have significant implications for both the anthropological understanding of statelessness and the practical measures needed to address it in Sarawak. Anthropologically, the thesis contributes to the discourse by theorizing statelessness not just as a legal anomaly but as a lived experience that encompasses a wide array of social, cultural, and economic dimensions. Practically, the insights provided by this research can inform targeted interventions by policymakers and community organizations. For example, tailored educational programs could address the specific needs of stateless children, and legal aid initiatives could help adults navigate the complexities of obtaining citizenship.

The personal accounts and grassroots perspectives presented in this thesis not only deepen the academic understanding of statelessness but also lay the groundwork for more empathetic and effective policy responses. By documenting the nuanced realities of statelessness among the indigenous populations of rural Sarawak, this study advocates for a more inclusive and proactive approach to addressing the challenges faced by these communities. The integration of subjective experiences into the broader theoretical framework not only enriches anthropological theory but also ensures that the voices of the most affected are heard and considered in ongoing discussions and decision-making processes. Furthermore, when applying and planning programmes to strengthen identification documents and civil registration, it is crucial to consider that the specific circumstances can vary significantly for each country and for each benefit and opportunity. Failure to consider these specific characteristics when planning initiatives, especially among those residing in rural areas, might result in interventions that, at best, fail to improve people's lives or, at worst, further exclude them.

3.3 RECOMMENDATIONS FOR FUTURE STUDY

The concluding chapter of this thesis has provided significant insights into the lived realities and factors that contribute to statelessness among indigenous communities in

the Kota Samarahan, Bau, and Lundu locales. The research has shed light on a number of different aspects of statelessness; however, it is essential to highlight the fact that these insights are only a glimpse of the more widespread phenomenon that is prevalent throughout the entirety of Sarawak. Future research endeavors should broaden their investigative scope to include all of Sarawak's districts in order to achieve a more comprehensive understanding of the subject matter. This expansion would not only broaden the demographic profile of the stateless populations that were studied, but it would also improve the representativeness and applicability of the findings, which could potentially reveal a variety of challenges that indigenous communities all over the region are facing.

For the purpose of this thesis, qualitative research methods were utilized, which proved to be extremely helpful in revealing the complex narratives and experiences that were lived by indigenous peoples who were stateless. Nevertheless, the inherent limitations of qualitative approaches, which include smaller sample sizes that are localized and interpretations that are subjective, imply that a methodological complement is required. The incorporation of quantitative data collection methods has the potential to offer a more robust framework for comprehending the prevalence and distribution of statelessness. It would be beneficial for future research to make use of mixed methods approaches, which involve combining large-scale surveys to map the scope of statelessness with in-depth qualitative interviews to investigate its impacts in greater depth.

It is also recommended that the scope of the investigation be expanded to include other stateless ethnic groups that are currently residing in Sarawak. These groups include the communities of Malay, Melanau, Chinese, and Orang Ulu indigenous people. By doing so, future research will be able to provide a perspective on statelessness that is more inclusive and diverse, which will facilitate a deeper understanding of the complex interplay of cultural, economic, and legal factors that contribute to the phenomenon. By taking such a comprehensive approach, it is likely that the varied causes of vulnerability and exclusion among different groups will be revealed, which will then lead to the formulation of more specific strategic interventions.

In order to further enrich our understanding, comparative studies between the statelessness situations in Peninsular Malaysia and Sarawak could be conducted. These kinds of studies would make it possible to conduct an analysis of the various challenges that are encountered by various regions, and they might also uncover factors that are either unique or shared that contribute to statelessness across these geographical divides. These observations would be of great value to policymakers who are attempting to develop interventions that are both effective and targeted, and that are tailored to the particular requirements of a wide range of communities.

In conclusion, the incorporation of socio-legal perspectives into future research on statelessness in Sarawak has the potential to significantly improve our understanding of the structural and legal barriers that contribute to the perpetuation of this condition. In spite of the fact that this investigation has primarily utilised an anthropological approach, the incorporation of socio-legal methodologies has the potential to uncover the legal complexities and policy deficiencies that are the root cause of the ongoing phenomenon of statelessness. It is possible that the identification of transformative strategies and advocacy efforts that are aimed at addressing and mitigating the root causes of statelessness could be facilitated by active engagement with legal frameworks and an acute awareness of the policy landscape.

Despite the fact that this thesis has established a foundational knowledge base on the statelessness that exists among indigenous communities in certain regions of Sarawak, there is still an urgent need for additional research that is both methodologically inclusive and geographically comprehensive. These kinds of endeavors will make it possible to formulate policies that are more effective and compassionate, which will aid in addressing and alleviating the challenges of statelessness in Sarawak and beyond.

3.4 CONCLUSION

Chapter 5 brings together the key findings of this research, providing a comprehensive overview of statelessness among indigenous groups in Sarawak and the numerous effects of this phenomenon. Statelessness is not simply a legal anomaly but a profoundly rooted problem with direct causes including bureaucratic impediments and discrepancies between formal legal systems and local traditions. These obstacles,

coupled with the complexities of interfaith and cross-border marriages, perpetuate statelessness over generations, affecting not just the individuals concerned but also their families and future opportunities. Moreover, indirect factors such as geographical inaccessibility, insufficient awareness, and financial limitations intensify the issue of statelessness, particularly for isolated indigenous groups such as the Penan.

The study indicated that stateless individuals have a complex range of obstacles, including restricted access to education, healthcare, and legal rights, as well as economic marginalisation and significant mental anguish. The findings underscored that statelessness restricts individuals both physically and psychologically, limiting their movement and societal engagement while perpetuating cycles of poverty and marginalisation. The emotional impact of statelessness is particularly significant, as individuals endure intense emotions of insecurity, inadequacy, and despair.

The study highlights stateless individuals nevertheless identify with their cultural and ethnic communities while lacking legal status, through an examination of the subjective and material aspects of citizenship. The absence of official paperwork hinders their full engagement with the state and access to key services, hence intensifying their vulnerability.

This study has substantial implications for improving anthropological discourse on statelessness and emphasises the urgent necessity for inclusive, culturally sensitive, and context-specific policy solutions. This research documents the lived experiences of stateless individuals, establishing a basis for future changes targeting the structural and socio-legal issues that contribute to statelessness. Additional study, especially with an expanded geographic focus and varied methodologies, is essential for enhancing our comprehension and developing more effective, empathic solutions to this urgent problem.

REFERENCES

- Abazue, C. M., Choy, E. A., & Lydon, N. (2019). Oil palm smallholders and certification: Exploring the knowledge level of independent oil palm smallholders to certification. *Journal of Bioscience and Agriculture Research*, 19(1), 1589-1596.
- Abdullah Dali, N., & Abd Razak, M. (2018). The Myanmar Citizenship Act of 1982 and its implications for the Rohingya. *Journal of Southeast Asian Studies*, 49(2), 321-339.
- Acciaioli, G., Brunt, H., & Clifton, J. (2017). Foreigners everywhere, nationals nowhere: Exclusion, irregularity, and invisibility of stateless Bajau Laut in Eastern Sabah, Malaysia. *Journal of Immigrant & Refugee Studies*, 15(3), 232-249. <https://doi.org/10.1080/15562948.2017.1319526>
- Afandi, N. H. B. M. B. (2012). Living in limbo: Constitutional and legal issues of unregistered birth. In *Constitutional law and human rights in Malaysia* (p. 227). Sweet & Maxwell.
- Ali Mohamed, A. A., & Ahmad, M. H. (2021). The status of Islam and Islamic law in the Malaysian Federal Constitution. In *Islamic law in Malaysia: The challenges of implementation* (pp. 19-28).
- Ali, Y. (2006). Stateless and citizenship rights in the Middle East: The case of Kuwait. *Digest of Middle East Studies*, 15(1), 62-76.
- Allerton, C. (2017). Contested statelessness in Sabah, Malaysia: Irregularity and the politics of recognition. *Journal of Immigrant and Refugee Studies*, 15(3), 250-268.
- Anderson, D. (2016). Citizenship removal resulting in statelessness. Retrieved from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/518120/David_Anderson_QC_CITIZENSHIP_REMOVAL_Web.pdf

- Balaton-Chrimes, S. (2012). Statelessness in a world of nation-states. Retrieved from <http://artsonline.monash.edu.au/mai/files/2012/07/sbalatonchrimes>
- Ball, J., Butt, L., & Beazley, H. (2014). Children and families on the move: Stateless children in Indonesia. *Preliminary Field Research Report*, Lombok and Jakarta, 1-4.
- Ball, J., Butt, L., Beazley, H., & Fox, N. (2014). Advancing research on “stateless children”: Family decision-making and birth registration among transnational migrants in the Asia-Pacific region.
- Baltazar, M. A. K., Abubakar, A., & Wan Hassan, W. S. (2019). Children at-risk of statelessness and their constraints to citizenship. *Working Paper*, SHAPE SEA Research Project.
- Baluarte, D. (2019). The arrival of statelessness studies. *Statelessness & Citizenship Review*, 1, 156.
- Barbieri, P. (2007). About being without: Stories of statelessness in Kuwait. *Refugees International*, Washington, DC.
- Berma, M., Shahadan, F., & Gapor, S. A. (2006). Alleviating Bumiputera poverty in Sarawak: Reflections and proposal. In *Malaysian Research Conference 4th International Conference* (pp. 19-21).
- Bernard, H. R. (2011). *Research methods in anthropology: Qualitative and quantitative approaches*. Altamira Press.
- Bhabha, J., Lawrance, B. N., & Stevens, J. (2017). The politics of evidence: Roma citizenship deficits in Europe. In *Citizenship in question: Evidentiary birthright and statelessness* (pp. 43-59).
- Bianchini, K. (2015). *The implementation of the Convention Relating to the Status of Stateless Persons: Procedures and practice in selected EU states* (Doctoral dissertation, University of York).

- Blitz, B. K. (2009). Statelessness, protection, and equality. *Forced Migration Policy Briefing*, 3. Refugee Studies Centre. Retrieved from <https://www.refworld.org/pdfid/4e5f3d572.pdf>
- Blitz, B. K., & Lynch, M. (Eds.). (2009). *Statelessness and the benefits of citizenship: A comparative study*. Geneva: Geneva Academy of International Humanitarian Law and Human Rights and International Observatory on Statelessness.
- Bloom, T., Tonkiss, K., & Cole, P. (Eds.). (2017). *Understanding statelessness (Vol. 4)*. Taylor & Francis.
- Cheong, A. R. (2014). Using oral history methods to document the subjective experiences of statelessness: The case of stateless Chinese-Bruneian immigrants in Vancouver. *Tilburg Law Review*, 19(1–2), 74–80.
- Cheva-Isarakul, J. (2019). Diagnosing statelessness and everyday state illegibility in Northern Thailand. *The Statelessness and Citizenship Review*, 1(2), 214–238. Retrieved from <https://statelessnessandcitizenshipreview.com/index.php/journal/article>
- Cheva-Isarakul, J. (2020). *Navigating the illegible state: Everyday experiences of statelessness among Shan youth in Northern Thailand*.
- Cole, P. (2017). Insider theory and the construction of statelessness. In *Understanding statelessness* (pp. 255–267). Routledge.
- Convention Relating to the Status of Stateless Persons (1954). Adopted 28 Sept 1954, entered into force 6 June 1960, 189 UNTS 117.
- Creswell, J. W., & Poth, C. N. (2017). *Qualitative inquiry and research design: Choosing among five approaches*. SAGE Publications.
- Creswell, J. W. (2007). *Qualitative inquiry & research design: Choosing among five approaches*. SAGE Publications.
- De Verneuil, M. (2016). Nationality: Romani; Citizenship: European. *Statelessness Working Paper Series*, 2016/03. Institute on Statelessness and Inclusion. Retrieved from https://files.institutesi.org/WP2016_03.pdf

- Department of Statistics Malaysia. (2023). *Sarawak population statistics 2023*. Open DOSM. Retrieved from <https://open.dosm.gov.my/dashboard/population/swk>
- Development of Human Resources for Rural Areas (DHRRA) Malaysia. (2019). *Awareness handbook: Understanding statelessness in Malaysia*. Retrieved from <https://dhrramalaysia.org.my/resources/>
- Development of Human Resources for Rural Areas (DHRRA) Malaysia. (2022). *Recommendation on statelessness & documentation issues as of 30 March 2022*. DHRRA Malaysia. Retrieved from <https://dhrramalaysia.org.my/>
- Development of Human Resources for Rural Areas (DHRRA) Malaysia. (2019). *Resolution handbook: Resolving statelessness in Malaysia*. Retrieved from <https://dhrramalaysia.org.my/resources/>
- Duhaime's Immigration Law Dictionary. (n.d.). Retrieved from <https://www.duhaime.org>
- Duraisingam, T. J. (2016). Stateless persons of Malaysia – The causes and consequences. *International Journal of Public Law and Policy*, 5(4), 291–304.
- Dusuki, F. N. (2018). Stateless children in Malaysia: Suffering the consequences of adults' negligence, indifference, or insensitivity. In J. Zabdi et al. (Eds.), *Children in Malaysia: Selected contemporary issues* (pp. XX-XX). University Malaya Press.
- Eliassi, B. (2015). Narratives of statelessness and political belonging among Kurdish diasporas in Sweden and the UK.
- Eriksen, T. H. (2015). *Small places, large issues: An introduction to social and cultural anthropology*. Pluto Press.
- Examination of legal identity and education provision for children in Malaysia. *PLOS ONE*, 17(2), e0263404. <https://doi.org/10.1371/journal.pone.0263404>

- Farzana, K. F. (2008). The neglected stateless Bihari community in Bangladesh: Victims of political and diplomatic onslaught. *Journal of Humanities and Social Science*, 2(1), 1-19.
- Federal Constitution of Malaysia. (2020). *Laws of Malaysia: Federal Constitution* (Reprint). Percetakan Nasional Malaysia Berhad. (Original work published 1957).
- Fiddian-Qasmiyeh, E. (2016). On the threshold of statelessness: Palestinian narratives of loss and erasure. *Ethnic and Racial Studies*, 39(2), 301-321.
- Fisher, B. (2015). Why non-marital children in the MENA region face a risk of statelessness. *Harvard Human Rights Journal Online*.
- Flaim, A. (2017). Problems of evidence, evidence of problems: Expanding citizenship and reproducing statelessness among highlanders in Northern Thailand. In *Citizenship in question: Evidentiary birthright and statelessness* (pp. 147-161).
- Ghatak, I., & Chatterjee, S. (2018). Statelessness, citizenship and social boundaries: A narrative inquiry of Chinese population in Kolkata. *American International Journal of Research in Humanities, Arts and Social Sciences*, 23(1), 84-90.
- Guest, G., Bunce, A., & Johnson, L. (2006). How many interviews are enough? An experiment with data saturation and variability. *Field Methods*, 18(1), 59-82.
- Hellborg, M. (2015). *Statelessness and nationality: The case of non-citizens in Latvia* (Master's thesis, University of Uppsala). Retrieved from <https://www.diva-portal.org/smash/get/diva2:803858/FULLTEXT01.pdf>
- Hooker, E. (2013). *Here, we are walking on a clothesline: Statelessness and human (in)security among Burmese women political exiles living in Thailand* (Master's thesis). Dissertations and Theses, Paper 897. Retrieved from <https://doi.org/10.15760/etd.897>
- Hull, M. S. (2012). Documents and bureaucracy. *Annual Review of Anthropology*, 41, 251-267.

- Institute on Statelessness and Inclusion. (2018). *The world's stateless 2018*. Institute on Statelessness and Inclusion. Retrieved from <https://www.institutesi.org/resources/worlds-stateless-2018>
- Institute on Statelessness and Inclusion. (2014). *The world's stateless 2014*. Institute on Statelessness and Inclusion. Retrieved from <https://www.institutesi.org/resources/worlds-stateless-2014>
- Institute on Statelessness and Inclusion. (2019). *The world's stateless 2019*. Institute on Statelessness and Inclusion. Retrieved from <https://www.institutesi.org/resources/worlds-stateless-2019>
- International Court of Justice. (1955). *Nottebohm case (Liechtenstein v. Guatemala)*. *ICJ Reports* 1955, 23. Retrieved from <https://www.icj-cij.org/case/18/judgments>
- Jayasooria, D. (2014). Human rights concerns & indigenous people of Sabah & Sarawak. *Malaysia Journal on Human Rights*, SUHAKAM: KL, 1-18.
- Jónsdóttir, E. B. (2016). *Political and cultural belonging: Anthropological perspectives on citizenship* (Doctoral dissertation).
- Kanics, J. (2011). Realizing the rights of undocumented children in Europe. In *Children without a state: A global human rights challenge* (pp. 131-150).
- Kingston, L. N. (2019). Expanding statelessness scholarship: The value of interdisciplinary research and education. *Statelessness & Citizenship Review*, 1, 165.
- Laungaramsri, P. (2015). Cards, colors, and the politic of identification in Thailand. Retrieved from <https://www.harvard-yenching.org/wp-content/uploads/legacyfiles/featurefiles/>
- Lawrance, B. N., & Stevens, J. (2017). *Citizenship in question: Evidentiary birthright and statelessness*. Duke University Press.
- Lee, T. L. (2005). Statelessness, human rights and gender: Irregular migrant workers from Burma in Thailand. *Brill*.
- Liew, J. C. Y. (2019). Homegrown statelessness in Malaysia and the promise of the principle of genuine and effective link. *Statelessness & Citizenship Review*, 1, 95.

- Loganathan, T., Chan, Z. X., Hassan, F., Ong, Z. L., & Majid, H. A. (2022). Undocumented: An examination of legal identity and education provision for children in Malaysia. *Plos one*, 17(2), e0263404.
- Lori, N. A. (2017). Statelessness, 'in-between' statuses, and precarious citizenship. In *Oxford Handbook of Citizenship* (pp. 743-766). Oxford University Press.
- Lukose, R. A. (2005). Empty citizenship: Protest politics in the era of globalization. In D. Nugent & J. Vincent (Eds.), *A companion to the anthropology of politics* (pp. 409-424). Blackwell.
- Lumayag, L. A. (2020). Malaysia: The indignity of the indigenous. *Atlas of the Stateless: Facts and Figures about Exclusion and Displacement*. Rosa-Luxemburg-Stiftung. Retrieved from <https://www.rosalux.de/en/atlasofthestateless>
- Lynch, M. (2008). *Futures denied: Statelessness among infants, children, and youth*. Refugees International. Retrieved from <https://www.refworld.org/docid/48fef8632.html>
- Lynch, M. (2005). *Lives on hold: The human cost of statelessness*. Refugees International.
- Mack, N., Woodsong, C., Macqueen, K. M., Guest, G., & Namey, E. (2005). *Qualitative research methods: A data collector's field guide*. Family Health International.
- Malay Mail. (2017, March 25). Could a permanent national task force resolve Malaysia's stateless problem? *Malay Mail*. Retrieved from <https://www.malaymail.com/news/malaysia/2017/03/25/could-a-permanent-national-task-force-resolve-malaysias-stateless-problem/1342455>
- Malkki, L. H. (1995). Refugees and exile: From "refugee studies" to the national order of things. *Annual Review of Anthropology*, 24(1), 495-523.
- Manly, M., & Van Waas, L. (2014). The state of statelessness research: A human rights imperative. *Tilburg Law Review*, 19(1-2), 3-10.
- Massey, H. (2010). *UNHCR and "de facto" statelessness*. UNHCR, Division of International Protection.

- Mitchell, T. (2002). *Rule of experts: Egypt, techno-politics, modernity*. University of California Press.
- Molavi, S. C. (2013). *Stateless citizenship: The Palestinian-Arab citizens of Israel*. Brill.
- Nah, A. M. (2007). Struggling with (il)legality: The indeterminate functioning of Malaysia's borders for asylum seekers, refugees, and stateless persons. In P. K. Rajaram, & C. Grundy-Warr (Eds.), *Borderscapes: Hidden geographies and politics at territory's edge* (pp. 35-64). University of Minnesota Press.
- Nasir, N. A. M., & Ismail, S. Z. (2016). Keluar agama Islam di Malaysia: Permasalahan dari sudut undang-undang. *Journal of Shariah Law Research*, 1(1).
- National Registration Department. (2007). *National Registration Regulations 1990 (Amendment 2007)*. Ministry of Home Affairs, Malaysia. Retrieved from <https://www.jpn.gov.my/en/core-business/identity-card/mykad-pindaan-eng>
- National Registration Department. (n.d.). *Citizenship status on Malaysian birth certificate*. National Registration Department, Malaysia. Retrieved from <https://www.jpn.gov.my/en/faq/faq-citizenship>
- Neuman, W. L. (2006). *Social research methods: Qualitative and quantitative approaches* (6th ed.). Allyn & Bacon.
- Norwegian Refugee Council. (2016). *NRC annual report 2016*. Retrieved from <https://www.nrc.no/resources/annual-reports/nrc-annual-report-2016/>
- Nowack, S. (2015). *Gender discrimination in Nepal and how statelessness hampers identity formation. Statelessness Working Paper Series No. 2015/02*. Institute on Statelessness and Inclusion. Retrieved from http://www.institutesi.org/WP2015_02_Rothe.pdf
- Ooi, K. G., & Lim, V. C. S. (2018). Sarawak's economy from the late 19th century to the mid-20th century. *Echoes of History Malaysia*. Retrieved from <https://www.ehm.my/publications/articles/sarawaks-economy-from-the-late-19th-century-to-the-mid-20th-century>

- Ong, P. L., Selvadurai, S., Ong, P. H., Radzi, M. M., & Tee, O. P. (Eds.). (2015). *Stateless di Sabah: Antara authority-defined dan everyday-defined*. Institut Kajian Etnik, Universiti Kebangsaan Malaysia.
- Owen, D. (2018). On the right to have nationality rights: Statelessness, citizenship and human rights. *Netherlands International Law Review*, 65(3), 299-317.
- Park, J. K., Tanagho, J. E., & Weicher Gaudette, M. E. (2009). A global crisis writ large: The effects of being 'stateless in Thailand' on hill-tribe children. *San Diego International Law Journal*, 2, 495-527.
- Parsons, L., & Lawreniuk, S. (2018). Seeing like the stateless: Documentation and the mobilities of liminal citizenship in Cambodia. *Political Geography*, 62, 1-11.
- Petrozziello, A. J. (2019). (Re)producing statelessness via indirect gender discrimination: Descendants of Haitian migrants in the Dominican Republic. *International Migration*, 57(1), 213-228.
- Rahman, M. M. (2020). 'Humanising' statelessness through an artistic approach. *Statelessness & Citizenship Review*, 2, 272.
- Rahman, M. (2003). *A community in transition: The Biharis in Bangladesh*. Empowerment Through Law of the Common People, Dhaka.
- Razali, R. M. (2017). Addressing statelessness in Malaysia: New hope and remaining challenges. *Statelessness Working Paper Series*, 2017/9. Tilburg, The Netherlands: ISI.
- Razali, R. M., Nordin, R., & Duraisingam, T. J. (2015). Migration and statelessness: Turning the spotlight on Malaysia. *Pertanika Journal of Social Sciences and Humanities*, 23(S), 19-36.
- Reddy, S., & Ramaprasad, A. (2019). Reframing the problem of statelessness: Quest for a supra-legal perspective. *Statelessness & Citizenship Review*, 20, 361-393.
- Refugees International. (2005). *Lives on hold: The human cost of statelessness*. Refugees International.

- Rizzo, H., Meyer, K., & Ali, Y. (2007). Extending political rights in the Middle East: The case of Kuwait. *Journal of Political & Military Sociology*, 35, 177-197.
- Rosaldo, R. (1994). Cultural citizenship and educational democracy. *Cultural Anthropology*, 9(3), 402-411.
- Rothstein, I. (2018). Understanding migrants in limbo through statelessness: Exploring the inability and unwillingness to return among undocumented Moroccan migrants in Sweden. *UCL Migration Research Unit Working Papers*.
- Rozzi, E., & Bhabha, J. (2011). Undocumented migrant and Roma children in Italy: Between rights protection and control. In *Children without a state: A global human rights challenge* (pp. 177-216).
- Sadiq, K. (2008). *Paper citizens: How illegal immigrants acquire citizenship in developing countries*. Oxford University Press.
- Sadiq, K. (2017). Limits of legal citizenship: Narratives from South and Southeast Asia. In *Citizenship in question: Evidentiary birthright and statelessness* (pp. 165-176).
- Saman, M., & Affandi, M. B. N. H. (2018). Honoring primary education for stateless children: Analysis of Malaysian legal perspective and current practice. *IIUM Repository (IRep)*. Retrieved September 21, 2021.
- Samore, W. (1951). Statelessness as a result of conflict of nationality laws. *American Journal of International Law*, 45(3), 476-494.
- Samuri, M. A. A. B., & Khan, A. S. N. (2020). Legal implications of conversion to Islam on civil marriage: Narrative of converts in Malaysia. *Islamiyyat*, 42(2), 103-111.
- Sarawak Government. (2021). *Sarawak facts & figures 2021*. Sarawak Government Official Portal. Retrieved from <https://www.sarawak.gov.my/ebook/EPU/SFAF/2021/mobile/index.html>
- Selvakumaran, K. S., Hee, T. F., & Yusoff, J. Z. M. (2022). The need for a legal definition of stateless children in Malaysian national law and policy: The

- perspective from international human rights law. *UUM Journal of Legal Studies*, 13(1), 345-380.
- Senovilla Hernández, D. (2011). Unaccompanied and separated children in Spain: A policy of institutional mistreatment. In *Children without a state: A global human rights challenge* (pp. 151-176).
- Shaheen, N. (2018). Discriminatory nationality laws must be eliminated in order to eradicate statelessness. *DePaul Journal for Social Justice*, 11. Retrieved from <https://via.library.depaul.edu/jsj/vol11/iss2/4>
- Shamsul, A. B. (2014). One state, three legal systems: Social cohesion in a multi-ethnic and multi-religious Malaysia. In *The sociology of Shari'a: Case studies from around the world* (pp. 17-30). Springer International Publishing.
- Sigona, N. (2016). Everyday statelessness in Italy: Status, rights and camps. *Ethnic and Racial Studies*, 39(2), 263-279. <https://doi.org/10.1080/01419870.2016.1105995>
- Sköld, N. (2019). Mapping a sociology of statelessness. *Tilburg Law Review*, 24(2), 217–223. <https://doi.org/10.5334/tilr.155>
- Southwick, K., & Lynch, M. (2009). *Nationality rights for all: A progress report and global survey on statelessness*. Refugees International.
- Stasiulis, D. (2017). The extraordinary statelessness of Deepan Budlakoti: The erosion of Canadian citizenship through citizenship deprivation. *Studies in Social Justice*, 11(1), 1-26.
- SUARAM. (2017). *Malaysia human rights report 2016*. Suara Inisiatif.
- Thambapillay, S., & Mohd Yusoff, J. Z. (2012). Maintenance laws and illegitimate children in Malaysia. *Proceedings of International Conference on Public Policy and Social Science, UiTM Melaka Malaysia*, 252-263.
- The Star. (2019, January 12). Give the stateless a start in life. *The Star*. Retrieved from <https://www.thestar.com.my/metro/focus/2019/01/12/give-the-stateless-a-start-in-life>

- UN High Commissioner for Refugees. (2005). *Nationality and statelessness: A handbook for parliamentarians*. Retrieved from <https://www.refworld.org/docid/436608b24.html>
- UN High Commissioner for Refugees. (2010). *Expert meeting—The concept of stateless persons under international law ('Prato Conclusions')*. Retrieved from <http://www.refworld.org/docid/4ca1ae002.html>
- UN High Commissioner for Refugees. (2012). *Global trends 2012: Persons under UNHCR's statelessness mandate (Table 7)*. Retrieved from <http://www.unhcr.org/globaltrends>
- UN High Commissioner for Refugees. (2014). *Background note on gender equality, nationality laws and statelessness 2014*. Retrieved from <https://www.unhcr.org/4f5886306.pdf>
- UN High Commissioner for Refugees. (2017). *A study of statelessness in South Sudan*. Retrieved from <https://www.refworld.org/docid/5b1112d54.html>
- Van Genugten, W., Meijknecht, A., & Rombouts, B. (2014). Stateless indigenous people(s): The right to a nationality, including their own. *Tilburg Law Review*, 19(1-2), 98-107.
- Van Panhuys, H. F. (1959). *The role of nationality in international law: An outline*. AW Sythoff.
- Van Waas, L. E. (2010). The value of the human security framework in addressing statelessness. In *Human security and non-citizens* (pp. 49-81). Cambridge University Press.
- Van Waas-Hayward, L. E. (2008). *Nationality matters: Statelessness under international law*. Intersentia.
- Vlieks, C. (2017). Contexts of statelessness: The concepts 'statelessness in situ' and 'statelessness in the migratory context'. In *Understanding statelessness* (pp. 35-52). Routledge.
- Wan Hassan, W. S., & Peters, D. (2020). The vulnerability of Bajau Laut as stateless people in Sabah. *Jurnal Kinabalu*, 183.

Weis, P. (1979). *Nationality and statelessness in international law* (Vol. 28). Brill.

Weissbrodt, D. (2008). *The human rights of non-citizens*. Oxford University Press.

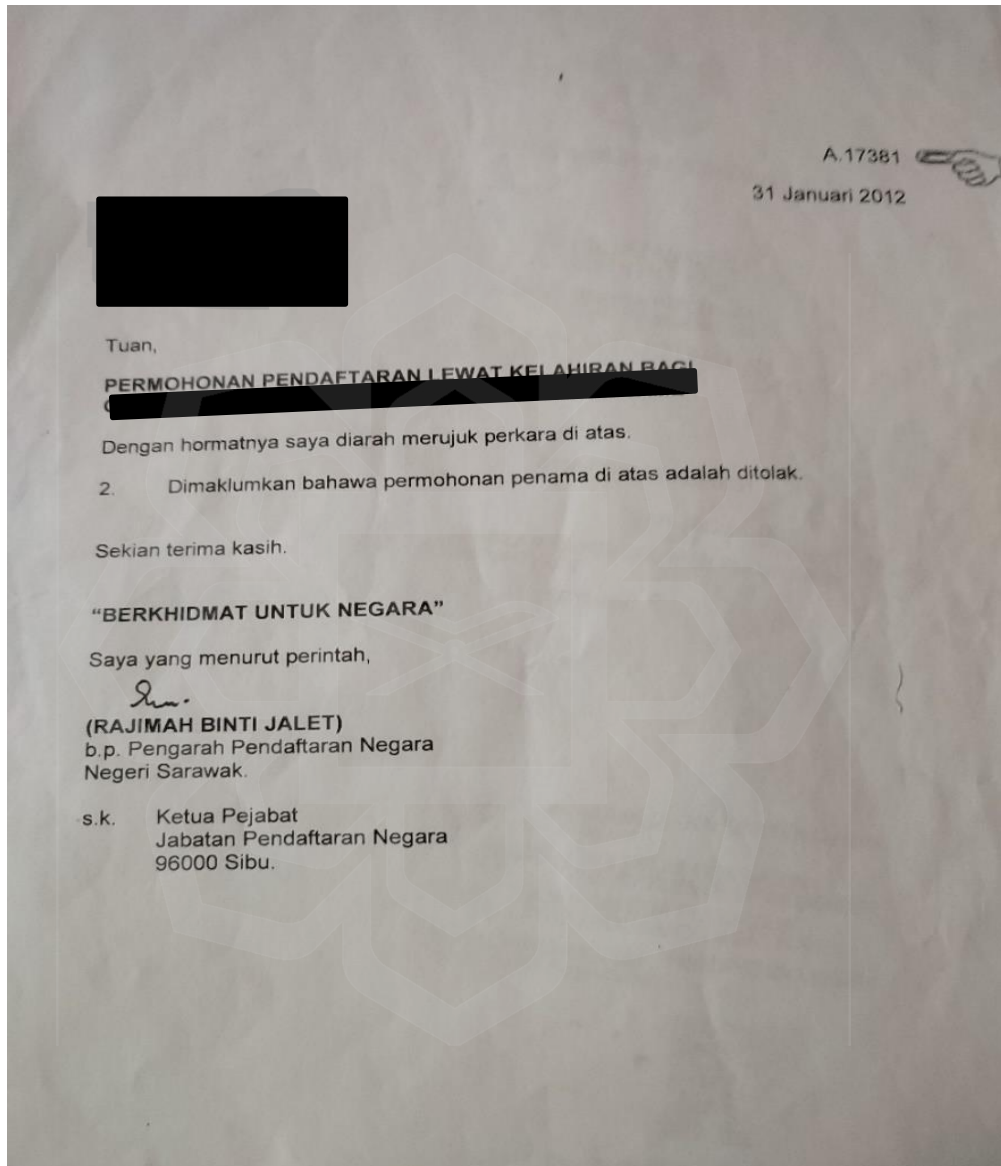
Windle, J., & Cramb, R. A. (1997). Remoteness and rural development: Economic impacts of rural roads on upland farmers in Sarawak, Malaysia. *Asia Pacific Viewpoint*, 38(1), 37-53.

Yusoff, R. C. S., Afandi, N. H. M. B., Hashim, N. M., & Hak, N. A. (2019). Protecting the children's right to nationality in Malaysia: An appraisal. *International Journal of Academic Research in Business and Social Sciences*, 9(6), 358–368.



APPENDICES

APPENDIX A: LIMAN REJECTION LETTER



APPENDIX B: LIMAN BIRTH CERTIFICATE

Nomor Induk Kependudukan 6108050209860002
Personnel Registration Number


REPUBLIK INDONESIA

PENCATATAN SIPIL
REGISTRY OFFICE
WARGA NEGARA INDONESIA
NATIONALITY INDONESIA
KUTIPAN AKTA KELAHIRAN
EXCERPT OF BIRTH CERTIFICATE

Berdasarkan Akta Kelahiran Nomor [REDACTED]
By virtue of Birth Certificate Number [REDACTED]
bahwa di NYARI
that in

SEPTEMBER tahun SERIBU SEMBILAN RATUS DELAPAN PULUH ENAM
SEPTEMBER on year NINETEEN EIGHTY-SIX

pada tanggal DUA
on date THE SECOND OF

telah lahir
was born

anak ke LIMA LAKI-LAKI DARI IBU NIAN
child no FIFTH SON FROM MOTHER NIAN

Kutipan ini dikeluarkan Di KABUPATEN LANDAK
The excerpt is issued
pada tanggal LIMA BELAS DESEMBER
on date THE FIFTEENTH OF DECEMBER
Tahun DUA RIBU DUA PULUH DUA
on year TWO THOUSAND TWENTY-TWO
Pejabat Pencatatan Sipil KABUPATEN LANDAK
Officer of Civil Registration



Drs. ALESSIUS ASNANDA, M.Si
NIP. 196706101993031009

Dokumen ini telah ditandatangani secara elektronik menggunakan sertifikat elektronik yang diterbitkan oleh
Basis Sertifikasi Elektronik (BSrE), BSSN

APPENDIX C: FLO BIRTH CERTIFICATE

BD. 2/69
(Revised 4/72)

 A.R. No. 035547

SECOND SCHEDULE
EXTRACT FROM THE CENTRAL REGISTER
RECORD OF BIRTH
STATE OF SARAWAK
MALAYSIA

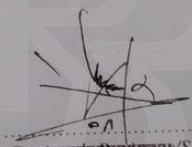
Registration No.: NN.404/2005

Name of Child:  Sex: FEMALE

Date of Birth: 19TH MAY 2004 Place of Birth: HOSPITAL SIBU

I, YAHYA BIN HASSAN ~~XXXXXXXXXXXX~~ Senior Registrar of Births and Deaths do hereby certify that this is a True Extract from the Entry No. NN.404/2005 in the Central Register lawfully maintained by the Regional Registrar of Births and Deaths.

Witnessed my hand and the Seal of the Regional Registrar this 3RD day of MAY, 2005.


~~XXXXXXXXXXXX~~ Senior Registrar of Births and Deaths, Sarawak.

AK/56/PNMB; Kch.

APPENDIX D: FLO ADOPTION CERTIFICATE



ASAL

No.: 62/SIBU/2004

ORDINAN PENGANGKATAN [BAB 91]

SIJIL ANAK ANGKAT
[Seksyen 3(3)]

Adalah dengan ini disahkan bahawa (nama kanak-kanak) [REDACTED]

(No. Kad Pengenalan/Sijil Kelahiran) SK 228885, (umur) 1 BULAN,
yang telah dilahirkan pada (tarikh lahir) 19 MEI 2004 dan merupakan
anak ~~lelaki~~/perempuan kepada:

(1) ROBIN ANAK UGANG (No. K.P./No. Pasport) [REDACTED],
(umur) [REDACTED] dan (2) [REDACTED] (No. K.P./No. Pasport)
[REDACTED], (umur) [REDACTED] beralamat di RH. FRANKIE, RANTAU
PANJANG, 96000 SIBU (alamat tempat tinggal), pada hari ini telah diangkat oleh:

(3) JEMAT ANAK JAMBAI (No. K.P./No. Pasport) 710625-13-6191,
(umur) 33 TAHUN dan (4) [REDACTED] (No. K.P./No. Pasport)
[REDACTED], (umur) 35 TAHUN beralamat di RH. MALING, SG. AUP,
96000 SIBU (alamat tempat tinggal), mengikut peruntukan Ordinan
Pengangkatan [Bab 91], dan ibu bapa angkat tersebut telah bersetuju untuk menanggung anak
itu semasa masih bayi serta mengadakan peruntukan mengenai kebajikan masa hadapan kanak-
kanak tersebut [REDACTED] YANG
KINI DIKENALI SEBAGAI [REDACTED]

Bertarikh pada 20 haribulan June 2004

(LAW TIENG KIET)
Nama dan Tanggapan Pegawai Daerah
Daerah SIBU

Note: (1) Bapa kandung
(2) Ibu kandung
(3) Bapa angkat
(4) Ibu angkat



APPENDIX E: MARRIAGE ACCORDING TO CUSTOMS IN SARAWAK

Question	Answer
Can the natives of Sarawak marry according to custom?	Yes
Can Sarawak Chinese / Sarawak Indians marry Sarawak natives?	Yes
Can or not natives of Sarawak who were born in Peninsular Malaysia (such as children of soldiers / police) but now live in Sarawak, marry according to Adat and apply for a Marriage Certificate?	An application can be considered if a person has resided in Sarawak provided, he changes the address in the identity card using a permanent address in Sarawak. (Mykad can be considered and should start with the letter: i) Malaysian Mykad with the letter "K".
Can the status of a person who wants to get married be checked online?	Yes. The status can be checked online. However, for areas that have NOT used the online system, the couple's information can be checked by: - i) Requesting the District Officer (DO) to write a letter to the DO at the person's place of origin, because if he/she has been married according to Adat, his/her

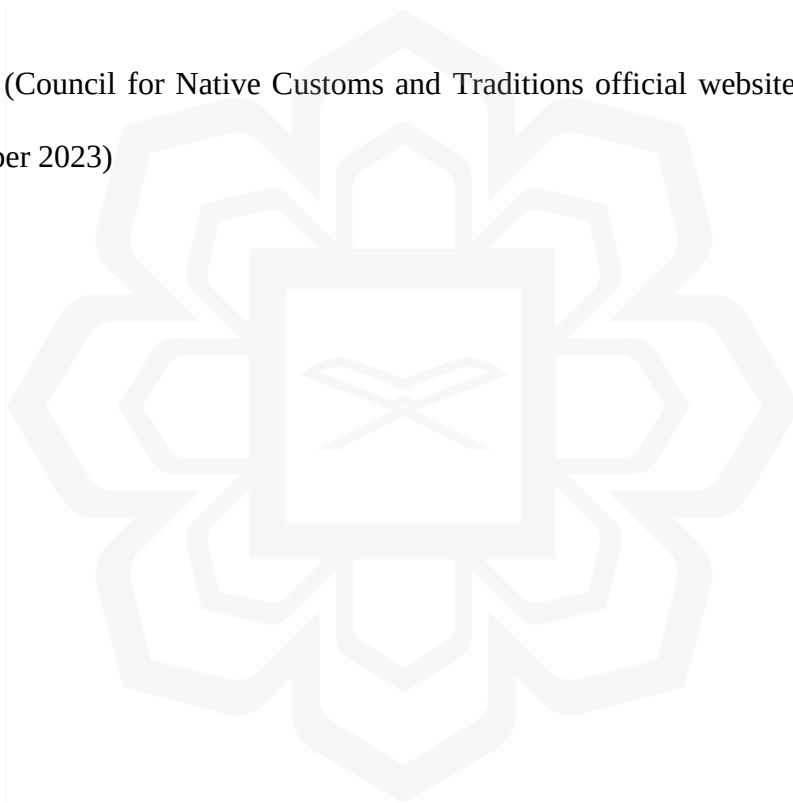
	record can be checked at the "counterfoil" of the Marriage Letter. ii) check at JPN to ensure that the person has never been married according to the Law Reform (Marriage & Divorce) Act 1976
Can non-Malaysians marry Sarawak natives according to Adat?	Not after 21 September 2006. The couple's marriage is not valid marriage is before 21st September 2006, the marriage in VALID .
Can non-Sarawakians marry Sarawak natives according to custom?	No.
Can a couple have been living together secretly for example his wife is less than 16 years old or a husband is less than 18 years old get married?	Custom does not mention the age of a person who can marry. The couple can apply for a marriage certificate from the Penghulu. However, before the Penghulu approves the application: - i) The couple CAN BE prosecuted according to Custom ii) Parents OF BOTH SIDE must make in writing stating they 'have no objections' to avoid being raped.

Who can get married under Sarawak Bumiputra Customs?	Sarawak Bumiputra holding a Mykad / Sarawak Identity Card (with the letter 'K' or code number MyKad Sarawak) or anyone born in the Sarawak State In other words: - a) Sarawakians who are not bumiputra Sarawak can marry a Bumiputra Sarawak under custom (b) A Malaysian citizen who is not a citizen of Sarawak but born in the State of Sarawak can marry a Sarawak Bumiputra under custom (c) Children of Sarawak Bumiputras born outside the State of Sarawak are not entitled to marry under custom unless one of the parties is born in the State of Sarawak.
Can a marriage under Adat held in 1990, be registered in 2000?	Yes.
Who can register a bumiputra divorce under their respective customs? Is a divorce certificate issued?	The Penghulu of that area is responsible for it. A divorce certificate will be issued. Form B is issued for written customs. From 1st November 2008, marriage and divorce forms for all Sarawak Bumiputras who do not have

	written customs will use the standard format.
Can a marriage held under Iban custom where the man / woman is a kayan, dissolved under Kayan custom?	No. Divorce is only valid if dissolved using Iban Custom.
Can a marriage solemnized under Bumiputra Customs be dissolved under the Laws of Malaysia Law Reform (Marriage & Divorce) Act 1976 while both parties are outside the State of Sarawak?	No.
Can a marriage solemnized under Bumiputra Customs be dissolved under the Marriage & Divorce Law outside Malaysia?	No.
Can a Bumiputra who profess the christian faith marry under Bumiputra Customs?	Yes.
How to apply for a certificate of marriage and divorce?	(a) Certificate can be obtained from the District Office where the relevant marriage or divorce records are kept. No fees are charged. (b) For the public, a police report is required / sufficient.

	(c) The certificate will be signed by the Sarawak District Officer / Administrative Officer as well as the name, position and official stamp. The certificate with the new serial number will have a reference to the relevant marriage / divorce letter.
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Source: (Council for Native Customs and Traditions official website accessed on 3rd November 2023)



APPENDIX F: JENIS-JENIS KAD PENGENALAN MALAYSIA



Jenis-jenis Kad Pengenalan Malaysia



MyKad

- Pemegang Kad Pengenalan ini berstatus **Warganegara Malaysia**
- Kelayakan kepada seseorang yang mempunyai Sijil Kelahiran / Sijil Anak Angkat / Sijil Warganegara / Pengesahan Taraf Kewarganegaraan / Borang Warganegara / Lampiran A (JAKOA)



MyPR

- Pemegang Kad Pengenalan Pemastautin Tetap berstatus **Bukan Warganegara**
- Kelayakan berdasarkan permit masuk daripada Jabatan Imigresen Malaysia



MyKAS

- Pemegang Kad Pengenalan Pemastautin Sementara berstatus **Bukan Warganegara**
- Dikeluarkan kepada seseorang yang dilahirkan di Malaysia tetapi taraf kewarganegaraannya tidak dapat ditentukan dan tempoh sah laku adalah 5 tahun daripada tarikh kad dikeluarkan

APPENDIX G: HELAIAN MAKLUMAT PESERTA

HELAIAN MAKLUMAT PESERTA

Isu tanpa kewarganegaraan di kalangan komuniti Orang Asal di pedalaman Sarawak

(Statelessness among the rural indigenous people of Sarawak)

Nama saya Dayang Hajrayati Binti Awg Kassim, dan saya merupakan penuntut PhD dari Universiti Islam Antarabangsa Malaysia (UIAM). Kajian saya diselia oleh AP Dr. Noor 'Azlan Mohd Noor dari Kuliah Ilmu Wahyu dan Sains Kemanusiaan, UIAM.

Untuk makluman, tujuan kajian ini dijalankan adalah untuk mengenalpasti faktor-faktor yang menyumbang kepada isu tanpa kewarganegaraan di kalangan komuniti Orang Asal yang tinggal di kawasan pedalaman Sarawak serta impak atau kesan daripada isu tersebut. Kajian ini juga bertujuan untuk mengupas pengalaman serta cabaran yang dialami oleh individu tanpa kewarganegaraan. Saya berharap agar hasil maklumat yang diperolehi daripada anda dapat membantu saya memahami isu tanpa kewarganegaraan di kalangan komuniti Orang Asal dengan lebih mendalam selain memberi sumbangan yang bermakna dalam bidang antropologi, terutama sekali dari aspek ilmu kemasyarakatan dan sosial.

Saya dengan rasa besar hati ingin menjemput anda untuk menyertai kajian ini dengan memberi kebenaran untuk mengadakan sesi temubual yang akan dirakam menggunakan alat perakam suara atau video. Penyertaan di dalam kajian ini adalah secara sukarela dan anda berhak untuk menarik diri tanpa sebab pada bila-bila masa. Keputusan anda untuk menyertai atau tidak menyertai kajian ini tidak memberi kesan kepada hubungan anda dengan pengkaji.

Identiti dan semua maklumat yang berkaitan dengan anda yang diperolehi daripada kajian ini akan dirahsiakan dan tidak akan direkodkan dalam mana-mana transkripsi bertulis penerbitan kajian. Sekiranya anda memahami sepenuhnya tujuan kajian ini dijalankan dan berminat untuk turut serta, sila tandatangani Borang Penyertaan Peserta yang dikepulkan bersama Helaian Maklumat Peserta ini. Sebarang persoalan boleh diajukan kepada saya dengan menghubungi nombor telefon 010-9781783 atau email di

hajrayati@gmail.com atau boleh juga hubungi penyelia kajian saya AP Dr Noor ‘Azlan Mohd Noor di talian 0361966110/6101. Kerjasama daripada anda amat kami hargai.

Penyelidik,

Dayang Hajrayati Awg Kassim

BORANG PERSETUJUAN PESERTA

Tajuk kajian: Isu tanpa kewarganegaraan di kalangan komuniti Orang Asal di pedalaman Sarawak

1. Saya dengan sukarela bersetuju untuk mengambil bahagian dalam kajian yang dinyatakan di atas.
2. Saya telah membaca dan memahami isi kandungan pada Helaian Maklumat Peserta kajian ini.
3. Maklumat berkaitan kajian seperti latarbelakang dan tujuan kajian sudah dijelaskan oleh pengkaji kepada saya.
4. Saya maklum bahawa kajian ini melibatkan temubual.

Sila nyatakan samada anda bersetuju untuk dirakam (audio/visual) semasa kajian ini dengan menandakan kotak di bawah. Jika anda bersetuju, sila nyatakan bahawa anda bersetuju untuk membenarkan rakaman tersebut digunakan dalam pembentangan dan penerbitan kajian ini.

☐

Saya bersetuju untuk dirakam (audio/visual) semasa temubual.

☐

Saya bersetuju bahawa hasil rakaman ini nanti boleh digunakan untuk tujuan pembentangan atau penerbitan.

5. Saya faham bahawa penyelidik (atau para penyelidik) akan menjaga kerahsiaan maklumat yang telah saya berikan dan akan menggunakannya untuk kegunaan seperti yang dinyatakan kepada saya sahaja.
6. Saya faham bahawa semua data berkaitan kajian ini akan dilindungi oleh penyelidik.
7. Saya faham bahawa hasil kajian yang akan diterbitkan tidak membolehkan saya menjadi sebahagian daripada penyediaan kajian ini.
8. Saya faham bahawa penyertaan saya adalah atas dasar sukarela dan saya mempunyai hak untuk menarik diri tanpa dikenakan sebarang penalti atau sebab apapun.

Nama peserta: _____

Tandatangan peserta: _____

Tarikh/Masa: _____

Lokasi: _____

Kenyataan daripada penyelidik



Saya telah memberikan penerangan berkenaan kajian ini dan implikasi daripada penyertaan kepada peserta kajian dan segala persetujuan sudahpun diperhalusi dan beliau memahami implikasi daripada penyertaannya.

Jika penyelidik tidak berpeluang untuk bercakap dengan peserta sebelum mereka menyertai kajian ini, bahagian berikut mesti ditandai.



Peserta sudah menerima Helaian Maklumat Peserta yang mengandungi butiran diri saya supaya beliau boleh menghubungi saya sebelum bersetuju untuk menyertai kajian ini.

Nama penyelidik: _____

Tandatangan penyelidik: _____

Tarikh/Masa: _____

Lokasi: _____



APPENDIX H: INTERVIEW PROTOCOL FOR STATELESS INDIVIDUALS

For stateless individuals: Causes, challenges, and impacts of statelessness

Preamble

First, I'd like to express my gratitude for taking the time to meet me today. I am a doctoral student from International Islamic University of Malaysia and I am conducting this interview as part of my doctoral research. For this interview, I would like to focus on causes, challenges, and impacts of statelessness. Therefore, I would like to hear about your experience and understand how being stateless has affected your life. This interview session will be audiotaped. So, before we get started, I will review the informed consent with you and if you agree you can have a copy of the form. Do you have any further questions?

Part I: Background

1. Can you please start by telling me about yourself?
 - a. Prompt: Where were you born?
 - b. Prompt: Where do you live?
 - c. Prompt: How old are you?
 - d. Prompt: Which ethnic group do you belong to?
 - e. Prompt: Do have any siblings? If yes, how many?
 - f. Prompt: Are you married? If yes, do you have any children?
 - g. Prompt: What is your highest level of education?
 - h. Prompt: Do you attend school full-time or part-time?
 - i. Prompt: Do you have a job? Do you work part-time or full-time?

2. Could you please give me some information about your family?

a. Prompt: Where were your parents born?

b. Prompt: Is one of your parents a non-citizen/stateless?

c. Prompt: Are others member of your family affected by statelessness/undocumented?

d. Prompt: What do your parents do for a living?

e. Prompt: Do any of your other family members work?

Part II: Causes of statelessness

3. Please explain how did you become stateless?

a. Prompt: When did you figure out that you did not have enough documentation such as birth and marriage certificates to obtain citizenship?

b. Prompt: How did you discover that you have lack of documentation to apply for citizenship?

c. Prompt: Can you tell me what type of documents that you need to apply for citizenship?

d. Prompt: Are you aware of the importance of these documents and how?

e. Prompt: Can you explain what are the reasons that lead to your situation now?

f. Prompt: What are the obstacles that you faced so far to obtain citizenship?

g. Prompt: Do you have any pending citizenship application?

h. Prompt: How long did it take to submit/process your citizenship application?

i. Prompt: Were you able to get some assistance in submitting/processing your citizenship application?

j. Prompt: What is your opinion regarding the current citizenship application process?

k. Prompt: Any changes in the application process that you wish to see?

Part III: Lived experiences (challenges and impacts)

4. Could you please describe your experience as stateless persons?

a. Prompt: How did you feel when you find out that you are stateless?

b. Prompt: What are the challenges/difficulties you faced as stateless persons?

c. Prompt: How did you overcome these challenges?

d. Prompt: What are the risks you are facing as stateless persons?

e. Prompt: Have you faced any discrimination due to your status?

f. Prompt: How does statelessness affect your livelihood or the way you make money?

g. Prompt: How has statelessness affected your relationship with your family?

h. Prompt: How has statelessness affected your relationship with others?

i. Prompt: How has statelessness affected your health?

j. Prompt: How has statelessness affected your education?

k. Prompt: How has statelessness affected your job?

l. Prompt: How has statelessness affected your movement?

m. Prompt: Do women and men experience statelessness in different way?

n. Prompt: Do you anticipate changing your status in the near future?

o. Prompt: What is your expectation and hopes?

Closing

I appreciate you taking the time to meet with me today and sharing this valuable information with me. I truly admire your honesty in telling me about your personal life. I'll send you a transcription of our conversation so you can review it and make any necessary changes.

Thank you so much again for your time, it is my great pleasure to have you as part of my research. I appreciate your cooperation.

PROTOKOL TEMUBUAL

Untuk individu tanpa negara: Punca, cabaran dan impak

Mukadimah

Pertama sekali, saya ingin memberi penghargaan kerana sudi meluangkan masa untuk bersama saya pada hari ini. Saya merupakan pelajar PhD dari Universiti Islam Antarabangsa Malaysia dan sesi temubual ini adalah sebahagian daripada kajian PhD saya. Untuk sesi temubual ini saya ingin memfokuskan tentang punca, cabaran dan impak daripada isu orang tanpa negara. Justeru, saya ingin mendengar pengalaman peribadi anda dan memahami bagaimana ketiadaan kewarganegaraan memberi kesan dalam kehidupan anda. Sesi temubual ini akan dirakam. Jadi, sebelum kita bermula, saya akan menerangkan Persetujuan Termaklum kepada anda dan sekiranya anda bersetuju, salinan borang akan diberikan untuk simpanan anda. Ada apa-apa persoalan lain?

Bahagian I: Latar belakang

1. Bolehkah anda memberi keterangan tentang diri anda?
 - a. Prompt: Di mana tempat kelahiran anda?
 - b. Prompt: Di mana tempat tinggal anda?
 - c. Prompt: Berapa umur anda?
 - d. Prompt: Apakah kumpulan etnik anda?
 - e. Prompt: Anda mempunyai adik-beradik? Jika ya, berapa orang?
 - f. Prompt: Anda sudah berkahwin? Jika ya, adakah anda mempunyai anak?
 - g. Prompt: Apakah tahap pendidikan tertinggi anda?
 - h. Prompt: Adakah anda menghadiri sekolah secara sepenuh atau separuh masa?
 - i. Prompt: Adakah anda bekerja? Adakah anda bekerja secara sepenuh atau separuh masa?

2. Bolehkah anda memberi maklumat tentang keluarga anda?

a. Prompt: Di manakah tempat kelahiran ibu bapa anda?

b. Prompt: Adakah salah seorang daripada ibu bapa anda tidak memiliki status kewarganegaraan/orang tanpa negara?

c. Prompt: Adakah anda mempunyai ahli dalam keluarga anda yang juga orang tanpa negara/tiada dokumen?

d. Prompt: Apakah pekerjaan ibu bapa anda?

e. Prompt: Adakah ahli dalam keluarga anda yang bekerja?

Bahagian II: Punca

3. Boleh terangkan kenapa anda tidak memiliki status kewarganegaraan?

a. Prompt: Bilakah anda mengetahui bahawa anda tidak memiliki dokumen yang mencukupi seperti sijil kelahiran dan perkahwinan untuk memperolehi status kewarganegaraan?

b. Prompt: Bagaimana anda mendapat tahu bahawa anda tidak memiliki dokumen yang lengkap untuk memohon kewarganegaraan?

c. Prompt: Bolehkah saya tahu apakah jenis dokumen yang anda tidak miliki untuk memohon kewarganegaraan?

d. Prompt: Adakah anda sedar tentang kepentingan dokumen ini? Bagaimana?

e. Prompt: Boleh terangkan apakah yang menyebabkan anda menghadapi situasi ini sekarang?

f. Apakah cabaran yang anda hadapi setakat ini untuk memohon kewarganegaraan?

e. Prompt: Adakah permohonan kewarganegaraan anda sedang dalam proses pada masa ini?

f. Prompt: Berapa lamakah permohonan kewarganegaraan anda telah diproses/dihantar?

g. Prompt: Adakah anda mendapat pertolongan untuk menghantar atau memproses permohonan kewarganegaraan dari mana-mana pihak?

h. Prompt: Apakah pandangan anda berkenaan proses permohonan kewarganegaraan yang ada sekarang?

i. Prompt: Apakah perubahan dalam proses tersebut yang anda ingin lihat?

Bahagian III: Pengalaman hidup (cabaran dan kesan)

4. Bolehkah anda menceritakan pengalaman sebagai orang tanpa negara?

a. Prompt: Apakah perasaan anda setelah mengetahui diri anda tidak memiliki status kewarganegaraan?

b. Prompt: Apakah cabaran dan masalah yang anda hadapi sebagai orang tanpa negara?

c. Prompt: Bagaimana anda mengatasi cabaran ini?

d. Prompt: Apakah risiko yang anda hadapi sebagai orang tanpa negara?

e. Prompt: Pernahkah anda menghadapi diskriminasi akibat status anda sebagai orang tanpa negara?

f. Prompt: Bagaimanakah status sebagai orang tanpa negara mempengaruhi kehidupan atau cara anda mencari nafkah?

g. Prompt: Bagaimanakah status sebagai orang tanpa negara memberi kesan kepada hubungan anda dengan keluarga anda?

h. Prompt: Bagaimanakah status sebagai orang tanpa negara memberi kesan kepada hubungan anda dengan orang lain?

i. Prompt: Bagaimanakah status sebagai orang tanpa negara memberi kesan kepada keadaan kesihatan anda?

j. Prompt: Bagaimanakah status sebagai orang tanpa negara memberi kesan kepada pendidikan anda?

k. Prompt: Bagaimanakah status sebagai orang tanpa negara memberi kesan kepada pekerjaan anda?

l. Prompt: Bagaimanakah status sebagai orang tanpa negara memberi kesan kepada pergerakan anda?

m. Prompt: Adakah wanita dan lelaki mengalami situasi tanpa kewarganegaraan dengan cara yang berbeza?

n. Prompt: Adakah anda menjangkakan akan mengubah status anda dalam masa terdekat?

o. Prompt: Apakah jangkaan dan harapan anda?

Penutup

Saya menghargai masa yang anda telah luangkan untuk bertemu dengan saya hari ini dan sudi berkongsi maklumat berharga ini dengan saya. Saya sangat mengagumi kejujuran anda kerana telah berkongsi maklumat tentang kehidupan peribadi anda. Saya akan menghantar transkrip perbualan ini kepada anda untuk semakan dan perubahan sekiranya perlu.

Terima kasih sekali lagi untuk masa anda, saya sangat berbesar hati menjadikan anda sebahagian daripada penyelidikan saya. Saya menghargai kerjasama anda.

APPENDIX I: INTERVIEW PROTOCOL FOR NGOS / GOVERNMENT OFFICIALS

For NGOs/Government Officials/Key Informants: Causes, Challenges, and Impacts of Statelessness

Preamble

First, I'd like to express my gratitude for taking the time to meet me today. I am a doctoral student from International Islamic University of Malaysia and am conducting this interview as part of my doctoral research. For this interview, I would like to focus on causes, challenges, and impacts of statelessness. Therefore, I would like to hear about your experience working with stateless community and individuals. This interview session will be audiotaped. So, before we get started, I will review the informed consent with you and if you agree you can have a copy of the form. Do you have any further questions?

Part I: Roles of the organization, existing practices, demographic information of high-risk groups and application procedures

- a. Can you tell me what is your role within this organization and your main responsibilities?
- b. How long have you been with this organization?
- c. In your opinion, what is statelessness?
- d. In the process of helping those affected by statelessness or having issues with getting their identity documentation, which other government or non-government organizations do you work with? How do you work together with these organizations?
- e. How many cases do you receive in a month?
- f. What is the identity documents application procedure for those affected by statelessness?

- g. What is your opinion regarding the current practices to help those affected by statelessness?
- h. Is there any gap in nationality law that should be addressed to prevent statelessness?
- i. In your opinion, what are the best method to assist those affected by statelessness in Sarawak?

Part II: Challenges and causes of statelessness

- a. What are the challenges that you face while assisting stateless persons in getting their identity documents/citizenship?
- b. What are the causes of statelessness?
- c. Is statelessness more prevalent among specific community? Which community and why?
- d. Is statelessness more prevalent in certain areas? If yes, which areas and why?
- e. Is statelessness more common among women or men? Is yes, why? How about age groups?
- f. Do you think that people's economic status has a huge influence on the ability to receive a nationality certificate?
- g. Are there any cultural barriers to register for identity documents or birth certificates?
- h. Could you please explain why some citizenship applications are being rejected by the National Registration Department?
- i. What do people do when their application for a citizenship is rejected?

Part III: Impact of statelessness

- a. How does statelessness affect family's life?
- b. How does statelessness affect education?

- c. How does statelessness affect healthcare?
- d. How does statelessness affect employment?
- e. How does statelessness affect people's economic status?
- f. How does statelessness affect movement?

Closing

I appreciate you taking the time to meet with me today and sharing this valuable information with me. As a person who understand and work closely with those affected by statelessness, I truly appreciate your contribution. I'll send you a transcription of our conversation so you can review it and make any necessary changes.

Thank you so much again for your time, it is my great pleasure to have you as part of my research. I appreciate your cooperation.

PROTOKOL TEMUBUAL

Untuk NGO/pegawai kerajaan/informan utama: Punca, cabaran dan impak

Mukadimah

Pertama sekali, saya ingin memberi penghargaan kerana sudi meluangkan masa untuk bersama saya pada hari ini. Saya merupakan pelajar PhD dari Universiti Islam Antarabangsa Malaysia dan sesi temubual ini adalah sebahagian daripada kajian PhD saya. Untuk sesi temubual ini saya ingin memfokuskan tentang punca, cabaran dan impak daripada isu orang tanpa negara. Justeru, saya ingin mendengar pengalaman peribadi anda berurusan dengan komuniti dan orang tanpa negara. Sesi temubual ini akan dirakam. Jadi, sebelum kita bermula, saya akan menerangkan Persetujuan Termaklum kepada anda dan sekiranya anda bersetuju, salinan borang akan diberikan untuk simpanan anda. Ada apa-apa persoalan lain?

Bahagian I: Peranan organisasi, praktik/amalan, maklumat demografik kumpulan berisiko dan prosedur permohonan

- a. Apakah peranan anda di dalam organisasi ini dan tanggungjawab utama anda?
- b. Berapa lamakah anda berada di dalam organisasi ini?
- c. Pada pandangan anda, apakah maksud 'stateless' (orang tanpa negara)?
- d. Dalam proses membantu golongan yang terjejas akibat 'stateless' atau menghadapi isu untuk mendapatkan dokumen pengenalan, adakah anda bekerjasama dengan organisasi kerajaan atau bukan kerajaan yang lain? Apakah bentuk kerjasama tersebut?
- e. Berapa jumlah kes yang anda terima dalam tempoh sebulan?
- f. Apakah prosedur permohonan dokumen pengenalan bagi orang tanpa negara atau stateless?
- g. Apakah pandangan anda berkenaan dengan amalan yang ada sekarang bagi membantu orang tanpa negara?
- h. Adakah terdapat jurang yang wujud di dalam undang-undang berkaitan kewarganegaraan untuk mengatasi masalah 'stateless'?
- i. Pada pandangan anda, apakah kaedah yang terbaik untuk membantu golongan 'stateless' di Sarawak?

Bahagian II: Cabaran dan punca

- a. Apakah cabaran yang anda hadapi ketika membantu orang tanpa negara mendapatkan dokumen pengenalan/kewarganegaraan mereka?
- b. Apakah yang menjadi punca kepada 'statelessness' ?
- c. Adakah isu orang tanpa negara atau 'statelessness' lebih lazim berlaku dalam kalangan komuniti yang tertentu? Komuniti yang mana dan kenapa?
- d. Adakah isu orang tanpa negara atau 'statelessness' lebih lazim berlaku di Kawasan yang tertentu? Jika ya, di mana dan kenapa?

- e. Adakah isu orang tanpa negara atau 'statelessness' lebih lazim berlaku dalam kalangan wanita atau lelaki? Jika ya, kenapa? Bagaimana dengan peringkat umur?
- f. Adakah status ekonomi seseorang mempengaruhi keupayaan untuk memperolehi kewarganegaraan?
- g. Adakah terdapat halangan dari segi budaya untuk mendapatkan dokumen pengenalan atau sijil kelahiran?
- h. Bolehkah anda terangkan sebab permohonan kewarganegaraan seseorang ditolak oleh Jabatan Pendaftaran Negara?
- i. Apa yang boleh dilakukan jika permohonan kewarganegaraan seseorang ditolak?

Bahagian III: Kesan 'statelessness'

- a. Bagaimanakah status sebagai orang tanpa negara memberi kesan kepada kehidupan berkeluarga?
- g. Bagaimanakah status sebagai orang tanpa negara memberi kesan kepada pendidikan?
- h. Bagaimanakah status sebagai orang tanpa negara memberi kesan kepada penjagaan kesihatan?
- i. Bagaimanakah status sebagai orang tanpa negara memberi kesan kepada pekerjaan?
- j. Bagaimanakah status sebagai orang tanpa negara memberi kesan kepada status ekonomi seseorang?
- k. Bagaimanakah status sebagai orang tanpa negara memberi kesan kepada pergerakan seseorang?

Penutup

Saya menghargai masa yang anda telah luangkan untuk bertemu dengan saya hari ini dan sudi berkongsi maklumat berharga ini dengan saya. Sebagai orang yang memahami dan bekerja dengan orang yang terjejas akibat masalah kewarganegaraan, saya sangat menghargai sumbangan anda. Saya akan menghantar transkrip perbualan ini kepada anda untuk semakan dan perubahan sekiranya perlu.

Terima kasih sekali lagi untuk masa anda, saya sangat berbesar hati menjadikan anda sebahagian daripada penyelidikan saya. Saya menghargai kerjasama anda.

