

The Role of International Law in Addressing Immigration Barriers: a Study on the Indonesian Passport

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ABSTRACT

Cross-border mobility has become a central feature of global interaction, yet access to international travel remains highly unequal, as reflected in disparities in passport strength. In this context, the Indonesian passport continues to face significant immigration barriers, including visa restrictions, administrative requirements, and risk-based entry policies imposed by destination countries. This study aims to identify the types of immigration barriers affecting the Indonesian passport and to assess the extent to which international law can address these challenges. The research adopts a normative legal approach, supported by conceptual and comparative analysis, drawing on international legal instruments, bilateral and regional agreements, and global mobility data. The findings demonstrate that immigration barriers are shaped by the interaction of legal restrictions, political relations, and structural factors, including migration risk perceptions and economic disparities. While international law provides a normative framework through principles such as freedom of movement and non-discrimination, and facilitates cooperation through bilateral and regional mechanisms, its effectiveness remains limited in practice. This limitation is primarily due to the enduring dominance of state sovereignty, which allows states to regulate entry and mobility based on national interests without binding obligations to ensure equal access. The study concludes that international law functions as a facilitative rather than determinative instrument in addressing immigration barriers. Accordingly, strengthening the Indonesian passport requires a multidimensional strategy that integrates legal frameworks with diplomatic engagement, institutional capacity, and trust-building in the international system.

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INTRODUCTION

Cross-border mobility has become a central feature of globalization, enabling economic exchange, education, tourism, and transnational cooperation. However, access to international mobility remains highly unequal across countries. This inequality is often reflected in passport strength, which determines the extent to which individuals can travel without restrictive visa procedures. Recent studies demonstrate that global mobility is structured by deep and persistent inequalities, where citizens of economically and politically powerful states enjoy significantly greater freedom of movement compared to those from developing countries (Mau et al., 2023; Neumayer, 2021). In this sense, mobility is not merely an administrative issue, but a manifestation of broader global hierarchies.

Indonesia represents a relevant case within this global landscape. Despite being one of the largest economies in Southeast Asia, the Indonesian passport provides relatively limited access compared to regional counterparts such as Singapore and Malaysia. This indicates the persistence of immigration barriers, including visa restrictions, administrative requirements, and selective entry policies imposed by destination countries. Existing scholarship suggests that such barriers are influenced not only by formal legal frameworks, but also by political trust, migration risk perceptions, and international reputation (Czaika & de Haas, 2022; Azose & Raftery, 2021). As a result, passport inequality reflects a complex interaction between legal norms, political relations, and socio-economic structures.

From the perspective of international law, human mobility is addressed through general principles such as freedom of movement and non-discrimination, as recognized in international human rights instruments. However, these principles are inherently constrained by the doctrine of state sovereignty, which grants states full authority to regulate the entry and stay of foreign nationals. This creates a fundamental tension between normative legal ideals and state practice. While some scholars argue that international law has the potential to reduce mobility inequality through cooperation and legal harmonization (Kochenov & Vegter, 2022), others emphasize that immigration control remains a core domain of sovereign power, limiting the transformative capacity of international law (Guild, 2021; Costello & Foster, 2022). This divergence reflects an ongoing debate regarding the effectiveness of international law in addressing global mobility disparities.

Although the literature on migration governance and mobility inequality has expanded significantly in recent years, limited attention has been given to how international law specifically interacts with passport-based mobility restrictions in the context of middle-income countries such as Indonesia. This gap is particularly significant, as it raises a critical question about whether legal frameworks alone are sufficient to address structural inequalities embedded within global mobility systems.

To address this issue, this study adopts a normative legal research approach, focusing on the analysis of legal norms, principles, and institutional frameworks relevant to international mobility and immigration governance. The research examines the interaction between international legal frameworks and immigration practices affecting Indonesian passport holders, through a systematic review of international legal instruments, bilateral and regional agreements, and relevant policy frameworks. Data are collected through document-based research and analysed using qualitative and interpretative methods, combining conceptual and comparative approaches. In particular, the study situates Indonesia within the ASEAN context to provide a clearer understanding of regional disparities in mobility access.

This study addresses two central research questions: (1) What types of immigration barriers affect the Indonesian passport, and through what mechanisms do they operate? and (2) To what extent can international law serve as an effective instrument to overcome these barriers?

Based on these questions, this study aims to provide a structured legal analysis of immigration barriers and to critically assess the role and limitations of international law in addressing such challenges. This study contributes by offering a legal-analytical perspective on mobility inequality through the specific case of Indonesia, which remains underexplored in literature largely dominated by Global North perspectives. It further argues that international law, while functioning as a facilitative framework, is not capable of fully overcoming immigration barriers due to the enduring dominance of state sovereignty.

Consequently, improving passport strength requires a broader and more integrated approach that combines legal instruments with diplomatic engagement, trust-building, and international cooperation.

METHODS

This study adopts a normative legal research approach, which conceptualizes law as a structured system of norms governing human behavior within an institutional and doctrinal framework. Consistent with the doctrinal method in legal scholarship, this approach emphasizes the identification, interpretation, systematization, and critical evaluation of legal rules and principles. Rather than focusing on empirical measurement, normative legal research seeks to understand how law operates as a regulatory framework, how it is interpreted in practice, and how it shapes outcomes within a given domain. This approach is particularly appropriate for examining international mobility, where legal norms interact closely with political authority and state practice.

The object of this study lies in the interaction between international legal frameworks and state practices in regulating cross-border mobility, with a specific focus on the Indonesian passport. The analysis centers on visa policies, bilateral and regional agreements, and core legal principles governing international movement, including sovereignty, freedom of movement, and non-discrimination. By focusing on these elements, the study seeks to assess not only the normative content of international law but also its functional role in shaping, enabling, and constraining mobility access.

The research is conducted through a systematic doctrinal analysis of legal sources and relevant scholarly literature. The procedure begins with the identification and classification of key legal instruments, including international human rights treaties, diplomatic law frameworks, and bilateral or regional agreements related to visa regimes. These instruments are then examined to determine their normative scope, legal status, and practical implications for mobility rights. This stage is followed by a contextual and comparative assessment of Indonesia's position within the ASEAN region, which provides an analytical basis for understanding regional disparities in passport strength and mobility access.

The materials used in this study are categorized into three types of legal sources. First, primary legal materials, including binding and non-binding international instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the Vienna Convention on Diplomatic Relations. These sources form the core normative basis of the analysis. Second, secondary legal materials, consisting of peer-reviewed journal articles, academic books, and policy reports that provide theoretical perspectives and critical insights into migration governance, citizenship inequality, and global mobility regimes. Third, tertiary materials, including global mobility indices and statistical reports, which are used to contextualize the legal analysis with empirical indicators of passport strength and mobility access.

Data collection is conducted through library-based and document-based research, involving the systematic review and synthesis of legal texts, scholarly publications, and international reports. This method ensures both comprehensiveness and reliability, allowing the study to integrate doctrinal analysis with contextual understanding. The use of secondary and tertiary materials further enables the triangulation of legal interpretation with observed mobility patterns.

The analytical process employs a qualitative and interpretative framework, integrating several complementary techniques. First, conceptual analysis is used to clarify and critically examine key legal principles, particularly sovereignty, freedom of movement, and non-discrimination, and to assess their internal coherence and external implications. Second, comparative analysis is applied to evaluate Indonesia's mobility position relative to other ASEAN countries, with the aim of identifying structural inequalities and patterns of differential access. Third, interpretative (hermeneutic) analysis is employed to examine how international legal norms are understood, applied, and operationalized within state practice, particularly in the context of visa policies and mobility regulation.

Through this integrated methodological framework, the study aims to provide a critical and theoretically grounded evaluation of both the normative role and the practical limitations of

international law in addressing immigration barriers. By combining doctrinal analysis with comparative and contextual insights, the research is able to move beyond purely descriptive accounts and offer a more comprehensive understanding of how legal norms function within broader political and structural systems that shape global mobility.

FINDINGS AND DISCUSSION

A. Legal Foundations of International Mobility and Immigration Control

The regulation of cross-border mobility is shaped by an interplay between international legal principles and state practice, reflecting both normative aspirations and political realities. At the international level, human mobility is primarily addressed through general human rights instruments rather than a unified legal regime governing migration. One of the most foundational instruments is the Universal Declaration of Human Rights (UDHR) 1948, particularly Article 13, which affirms that every individual has the right to leave any country, including their own. This principle is further reinforced in Article 12 of the International Covenant on Civil and Political Rights (ICCPR) 1966, which recognizes freedom of movement as a fundamental human right.

These provisions establish an important normative foundation by framing mobility as an individual entitlement. They reflect a broader commitment within international law to protect personal liberty and autonomy in relation to movement. However, the scope of these rights is inherently limited. While international law clearly guarantees the right to exit, it does not provide a corresponding right to enter another state. This distinction represents a fundamental boundary within the legal architecture of international mobility.

The absence of a legally enforceable right of entry is closely tied to the enduring centrality of state sovereignty. Under international law, states retain exclusive authority to control their borders, determine admission criteria, and regulate the presence of foreign nationals within their territory. Immigration control is therefore regarded as a core expression of sovereign power, one that is only minimally constrained by international obligations. This principle is consistently reflected in state practice, where visa regimes, entry requirements, and border control mechanisms are designed and implemented according to national interests.

In this context, international law operates less as a system of binding rules governing mobility and more as a normative framework that coexists with state discretion. While it promotes general principles such as freedom of movement and non-discrimination, it does not impose enforceable obligations on states to liberalize access to their territory. As a result, the regulation of cross-border mobility remains fragmented and decentralized, shaped by a combination of legal norms, political considerations, and institutional practices.

This foundational tension between individual mobility rights and sovereign authority forms the basis for understanding the limitations of international law in addressing immigration barriers. It also provides the conceptual starting point for the subsequent analysis, which examines how these legal principles interact with political and structural factors in producing unequal mobility outcomes.

B. Limits of International Legal Obligations in Mobility Rights

While international legal instruments formally recognize aspects of human mobility, their scope and enforceability remain fundamentally limited. A key distinction in this regard lies between the right to leave a country and the right to enter another state, which reflects a critical boundary within international legal obligations. Article 13 of the Universal Declaration of Human Rights (UDHR) and Article 12 of the International Covenant on Civil and Political Rights (ICCPR) affirm that every individual has the right to leave any country, including their own. This principle establishes mobility as a recognized human right within international law. However, these instruments do not extend this

right to include entry into another country. In other words, while individuals are legally entitled to exit their state of origin, they are not guaranteed admission into a foreign jurisdiction.

This limitation is not accidental but reflects the enduring centrality of state sovereignty in international law. States retain the exclusive authority to control their borders, determine entry conditions, and regulate the presence of foreign nationals. As a result, immigration control remains one of the most protected domains of sovereign power. Even in the presence of international legal frameworks, states are under no binding obligation to grant access to non-citizens. The absence of an enforceable right to enter another country thus reveals a structural asymmetry within international mobility rights: while the right to leave is framed as an individual entitlement, the right to enter is treated as a matter of state discretion. This creates a legal gap in which mobility is partially recognized but not fully realized, leaving individuals with formal rights that are not always practically attainable.

From a doctrinal perspective, this asymmetry highlights a deeper tension between human rights norms and sovereign authority. International human rights law promotes ideals of equality and non-discrimination, yet its application in the context of immigration remains limited. States may apply differential treatment based on nationality, perceived risk, or policy considerations without necessarily violating international law. Moreover, the non-enforceability of mobility access underscores the absence of a centralized mechanism within international law to compel states to liberalize their immigration policies. Unlike other domains of international law where compliance mechanisms are more robust, migration governance largely depends on voluntary cooperation and bilateral arrangements. This helps explain why disparities in passport strength persist despite the existence of universal legal principles.

However, the dominance of state sovereignty in regulating cross-border mobility has been the subject of significant scholarly debate. On one hand, proponents of the classical international law framework argue that sovereignty is an indispensable principle that ensures state autonomy and security in managing migration flows (Guild, 2021). From this perspective, the absence of a legal obligation to admit foreign nationals is not a deficiency, but a necessary feature of the international legal order. On the other hand, critical scholars contend that this sovereignty-centered approach perpetuates structural inequalities in global mobility. Kochenov and Vegter (2022) argue that the allocation of mobility rights through nationality creates a hierarchy of access that undermines the universalist aspirations of international law. Similarly, Mau et al. (2023) demonstrate that mobility regimes systematically privilege citizens of economically and politically dominant states, thereby reinforcing global stratification.

Positioning this study within this debate, it is argued that while state sovereignty remains a legally valid and deeply entrenched principle, its practical implications reveal inherent limitations in addressing mobility inequality. The findings of this study support a critical perspective, suggesting that the current international legal framework, by prioritizing state discretion over individual mobility rights, indirectly sustains unequal access to cross-border movement. In the context of the Indonesian passport, this limitation is particularly evident. Indonesian citizens may possess the formal right to travel internationally, yet their actual mobility is constrained by visa regimes and entry restrictions imposed by other states, reflecting how legal entitlements are mediated by sovereign decision-making.

Therefore, the distinction between the right to leave and the absence of a right to enter represents a fundamental limitation of international law in addressing mobility inequality. It highlights that legal frameworks alone are insufficient to guarantee equitable access to international movement, as such access ultimately depends on state-controlled mechanisms, political considerations, and broader structural factors. The challenge, therefore, lies not in rejecting sovereignty altogether, but in rethinking how it can be balanced with broader principles of equity and mobility justice.

C. International Legal Instruments and Cooperation Mechanisms

Although there is no single binding international framework that comprehensively governs global mobility, a range of legal instruments and cooperation mechanisms contribute to facilitating cross-

border movement. These mechanisms operate not as enforceable obligations, but as flexible and cooperation-based arrangements that reflect the decentralized nature of international migration governance.

1. Bilateral Visa Agreements

Bilateral visa agreements constitute the most direct and widely used legal instruments for facilitating mobility. Visa exemption arrangements between states are typically grounded in principles of reciprocity, mutual benefit, and political trust, rather than universal legal duties. As such, the existence and scope of these agreements vary significantly across countries, depending on diplomatic relations, migration risk assessments, and strategic interests. While these agreements can effectively reduce administrative barriers, they remain inherently selective and contingent upon state consent, reinforcing the discretionary character of mobility access.

2. Regional Frameworks

Regional frameworks play an important role in promoting mobility within geographically and politically integrated areas. In Southeast Asia, for example, ASEAN has established visa exemption arrangements for short-term visits among its member states, facilitating intra-regional movement. However, these frameworks are limited in both scope and depth. They primarily address short-term mobility and do not extend to broader forms of migration, nor do they significantly influence access to destinations outside the region. This illustrates that regional cooperation, while beneficial, operates within defined boundaries and does not fundamentally alter global mobility inequalities.

3. Diplomatic Law Framework

The diplomatic law framework, particularly as reflected in the Vienna Convention on Diplomatic Relations (1961), provides an institutional foundation for inter-state interaction and cooperation. Although not directly regulating migration, diplomatic law plays an indirect yet significant role in shaping mobility regimes by enabling negotiations, fostering trust, and facilitating the conclusion of bilateral agreements. In this sense, diplomatic engagement functions as an underlying mechanism through which mobility arrangements are constructed and maintained.

Taken together, these instruments demonstrate that international law facilitates mobility primarily through decentralized and cooperation-driven mechanisms, rather than through binding and universally enforceable standards. Mobility access is therefore negotiated, conditional, and unevenly distributed, reflecting differences in political relations, institutional trust, and strategic interests among states. This reinforces the broader argument of this study that international mobility is not governed by a unified legal regime, but by a fragmented system in which law operates alongside political and structural factors in shaping unequal access to cross-border movement.

D. Immigration Barriers Affecting the Indonesian Passport

Based on the legal and empirical analysis, immigration barriers affecting the Indonesian passport can be categorized into three main forms:

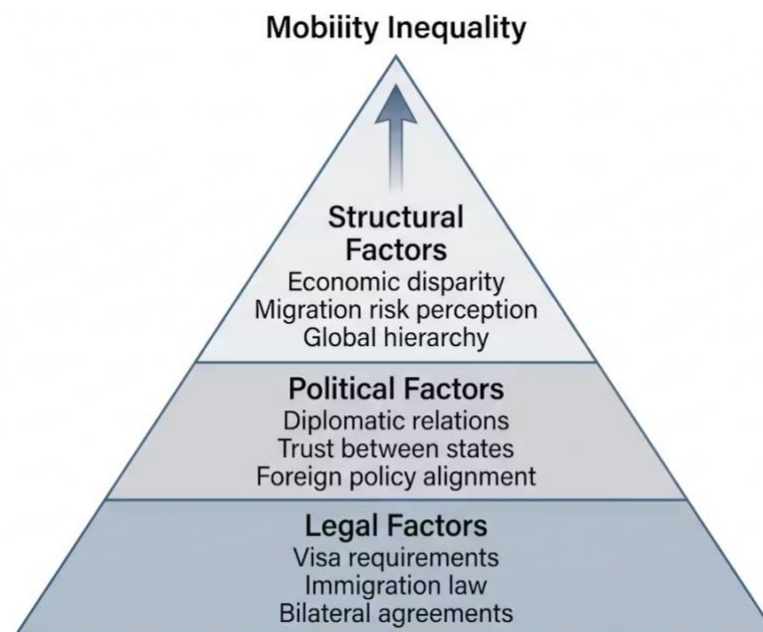


Figure 1. Framework of Mobility Inequality

Source: Developed by the Author based on legal and Empirical Analysis

The framework presented in Figure 1 conceptualizes mobility inequality as the outcome of an interaction between legal, political, and structural factors, organized in a layered hierarchy. At the foundational level, legal factors represent formal regulatory constraints, including visa requirements, immigration laws, and bilateral agreements. These elements constitute the most visible and institutionalized form of mobility control, as visa policies imposed by destination countries define the legal conditions under which entry is permitted. However, these legal restrictions are not governed by binding international obligations, but remain largely within the discretionary authority of individual states.

Above this layer, political factors capture the role of inter-state relations in shaping mobility outcomes. Diplomatic ties, levels of trust between states, and broader foreign policy alignments significantly influence visa policies and access conditions. Countries with stronger political and economic relationships tend to receive preferential treatment, such as visa exemptions or simplified entry procedures, indicating that mobility is often negotiated through political rather than purely legal mechanisms.

At the upper layer, structural factors reflect deeper systemic conditions that underpin both legal and political decisions. These include economic disparities, perceptions of migration risk, and the position of states within the global hierarchy. Such factors are not explicitly regulated by international law, yet they play a decisive role in shaping how states assess and manage cross-border mobility. For instance, concerns about irregular migration or economic imbalances often lead to more restrictive visa regimes for certain countries.

Taken together, these three interconnected layers illustrate that mobility inequality is not determined by legal rules alone, but emerges from a complex interaction between formal regulations, political relationships, and structural conditions. The upward orientation of the framework indicates that these factors collectively contribute to the production and reinforcement of unequal access to global mobility.

E. Comparative Data: ASEAN Passport Strength

To contextualize Indonesia's position within the regional mobility landscape, Table 1 presents a comparative overview of passport strength among ASEAN countries, based on global ranking and visa-free access.

Table 1. ASEAN Passport Strength

Country	Global Rank	Visa-Free Access
Singapore	1	192-193
Malaysia	~10	~180
Brunei	~19	~162
Thailand	~60	~79
Philippines	~70	~78
Indonesia	64	73
Vietnam	~86	~50
Cambodia	~90	~50
Myanmar	~90	~47

¹Source: Henley Passport Index (2025)

The data reveal a pronounced disparity in mobility access within the ASEAN region. At one end of the spectrum, Singapore occupies the top global position, with access to over 190 destinations, reflecting a highly liberal mobility regime. Malaysia and Brunei also demonstrate strong mobility profiles, benefiting from extensive visa-free access. In contrast, Indonesia remains in a middle-tier position, with access to only 73 destinations, while several ASEAN countries such as Vietnam, Cambodia, and Myanmar exhibit even more restricted mobility.

The gap between Singapore and Indonesia exceeds 100 visa-free destinations, indicating not merely a quantitative difference, but a qualitative divide in global mobility access. This disparity suggests that regional proximity and shared institutional frameworks, such as ASEAN cooperation, do not necessarily translate into equal mobility outcomes at the global level. Instead, mobility access appears to be stratified along broader lines of economic capacity, political influence, and international trust.

From an analytical perspective, this pattern supports the argument that mobility inequality is structurally embedded within the international system. The variation in passport strength among ASEAN countries cannot be fully explained by legal arrangements alone, as all member states operate within similar regional frameworks. Rather, the data point to the influence of political and structural factors that shape how states are positioned within global mobility regimes.

In this context, Indonesia's intermediate position reflects both opportunity and constraint. While it benefits from regional mobility arrangements, its relatively limited global access indicates the persistence of external immigration barriers. This reinforces the central premise of this study that passport strength is not merely a function of legal entitlements, but an outcome of complex interactions between law, diplomacy, and structural conditions.

F. Comparative Perspective: Indonesia vs Singapore and Malaysia

Building upon the comparative data presented above, a deeper examination of the disparity between Indonesia and other ASEAN countries, particularly Singapore and Malaysia, reveals that passport strength is not merely a function of legal arrangements, but is closely tied to broader institutional and political factors.

Singapore consistently ranks among the top countries in global passport indices, offering visa-free or visa-on-arrival access to over 190 destinations. Malaysia also maintains a strong position, with access

to approximately 180 countries. In contrast, Indonesia remains significantly lower, with access to around 73 countries. This substantial gap cannot be explained solely by differences in formal legal frameworks, as all three countries operate within similar regional and international legal systems.

One key factor underlying this disparity is institutional trust and governance quality. Countries such as Singapore have established strong reputations for political stability, low levels of corruption, and effective governance. These factors contribute to higher levels of international trust, which in turn influence how other states assess migration risks associated with their citizens. As a result, Singaporean passport holders are perceived as low-risk travelers, leading to more liberal visa policies.

In contrast, Indonesia, while demonstrating significant economic growth and regional influence, still faces challenges related to governance indicators and international perception. Issues such as irregular migration concerns, document security perceptions, and varying levels of institutional effectiveness may contribute to more restrictive visa treatment. This suggests that passport strength is not solely determined by legal entitlements, but also by how a country is perceived within the global system.

Diplomatic engagement also plays a critical role. Singapore has actively pursued strategic bilateral agreements and maintains extensive diplomatic networks that facilitate mobility access. Malaysia similarly benefits from sustained diplomatic relations and regional cooperation. While Indonesia participates in international and regional frameworks, its mobility outcomes indicate that diplomatic efforts alone are not sufficient without corresponding levels of trust and policy alignment.

From a legal perspective, this comparison highlights an important limitation of international law. Although legal frameworks provide mechanisms for cooperation, they do not guarantee equal outcomes across states. Instead, legal arrangements are often mediated by political, economic, and reputational factors. This reinforces the argument that international law operates within a broader system of power relations, rather than as an independent equalizing force.

Therefore, the disparity between Indonesia and its regional counterparts illustrates that mobility inequality is structurally embedded, reflecting differences in governance, trust, and diplomatic positioning. This finding supports the view that improving passport strength requires a multidimensional strategy that extends beyond legal reform to include institutional strengthening and international engagement.

G. Case Study Expansion: Japan's Selective Mobility Governance

Japan's visa policy toward Indonesian citizens provides a compelling case for examining how international mobility is governed through a selective and risk-based framework. While Japan has introduced a visa exemption scheme for Indonesian nationals holding electronic passports (e-passports), this policy is neither universal nor unconditional. Instead, it requires prior registration and approval, indicating that mobility access is mediated through administrative and security-based considerations rather than granted as a general legal entitlement.

From a legal standpoint, this arrangement is grounded not in binding international obligations, but in bilateral cooperation mechanisms between Indonesia and Japan. The policy operates within the broader framework of Japan's domestic immigration law, particularly the Immigration Control and Refugee Recognition Act, which grants the Japanese government full discretion to regulate entry, stay, and visa requirements for foreign nationals. This reinforces the principle that immigration control remains a sovereign prerogative, even when facilitated through international cooperation.

The requirement of prior registration for Indonesian e-passport holders reflects a form of trust-based but conditional access. Unlike full visa exemption regimes, this system allows Japanese authorities to pre-screen travelers, thereby reducing perceived risks associated with irregular migration or overstays. In this sense, mobility is not treated as a right, but as a controlled privilege that is selectively granted based on administrative verification and risk assessment.

A comparative perspective further highlights the selective nature of this policy. For instance, countries such as Thailand enjoy broader visa exemption access to Japan without the same level of

procedural requirements imposed on Indonesian citizens. Similarly, Vietnam, while still subject to visa requirements, has experienced gradual facilitation measures in recent years, reflecting evolving diplomatic and economic relations. These differences suggest that Japan's visa policy is not uniform across ASEAN, but is calibrated according to country-specific factors, including migration risk perception, economic ties, and levels of institutional trust.

Quantitatively, data from Japan's immigration statistics indicate that visa issuance and entry approvals are closely monitored, with particular attention to overstay rates and compliance patterns among foreign nationals. Although Indonesian travelers have increased significantly in number over the past decade, the continued use of conditional visa exemption mechanisms suggests that Japanese authorities maintain a cautious approach. This reinforces the interpretation that mobility access is shaped not only by legal agreements, but also by empirical assessments of risk and compliance.

From the perspective of international law, this case illustrates a broader pattern in which legal frameworks facilitate cooperation but do not eliminate discretionary state control. The existence of bilateral arrangements does not create enforceable rights for individuals; rather, it provides a structured mechanism through which states can selectively grant access. As such, the Japanese case demonstrates that international mobility governance operates through a combination of legal norms, domestic regulatory frameworks, and policy-based risk management.

In a broader analytical context, this case supports the argument that international law functions as an enabling framework rather than a determinative force in mobility regimes. The selective and conditional nature of Japan's visa policy toward Indonesia reflects how state sovereignty, trust, and risk perception continue to shape mobility outcomes, even in the presence of formal cooperation. This reinforces the central claim of this study that immigration barriers cannot be fully addressed through legal mechanisms alone, as they are embedded within a wider system of political and structural considerations.

Empirical indicators further reinforce this interpretation. Data from the Japan National Tourism Organization (JNTO) show that the number of Indonesian visitors to Japan has increased significantly in recent years, reaching more than 400,000 annual arrivals prior to the pandemic period, reflecting growing mobility demand and bilateral engagement (Japan National Tourism Organization, 2020). However, immigration control data from Japanese authorities indicate that visa issuance and entry policies continue to be calibrated based on compliance indicators, including overstay rates and migration risk assessments (Immigration Services Agency of Japan, 2021). Although the overstay rate of Indonesian nationals remains relatively low compared to several other countries, the persistence of pre-registration requirements for e-passport holders suggests that Japan continues to apply a precautionary approach. This demonstrates that increased travel volume alone is not sufficient to guarantee full mobility liberalization, as access remains contingent upon sustained trust, compliance performance, and administrative control mechanisms.

H. Theoretical Implications: International Law and Mobility Inequality

Building upon the empirical findings presented above, it is necessary to situate these results within a broader theoretical framework of global mobility inequality. The findings of this study carry important theoretical implications for understanding the relationship between international law and global mobility inequality. While international law is often framed as a neutral and universal system of norms, the empirical patterns observed in this study suggest that it operates within, and is shaped by, broader structures of global inequality.

Recent scholarship has highlighted that international mobility is deeply stratified, reflecting what Mau et al. (2023) describe as a "global mobility divide," where access to cross-border movement is unevenly distributed across states. In this context, passport regimes function not merely as administrative tools, but as mechanisms that reproduce global hierarchies. Citizens of economically and politically dominant states enjoy extensive mobility privileges, while those from developing countries face restrictive visa regimes and conditional access.

From a legal perspective, this raises important questions about the role of international law in either mitigating or reinforcing these inequalities. Kochenov and Vegter (2022) argue that citizenship and legal status are central to the distribution of rights in the international system, suggesting that mobility rights are inherently tied to state-based hierarchies. This implies that international law, rather than serving as a fully equalizing force, may be structurally embedded within systems of inequality.

The case of the Indonesian passport illustrates this dynamic clearly. Despite the existence of international legal principles such as freedom of movement and non-discrimination, Indonesian citizens continue to face significant mobility restrictions. This suggests that these principles operate in a limited and indirect manner, constrained by the overriding authority of state sovereignty. In practice, mobility rights are not universally guaranteed but are mediated through state interests, diplomatic relations, and perceived risk factors.

This tension reflects a broader theoretical divide between the normative aspirations of international law and its practical limitations. On the one hand, international law promotes ideals of equality and fairness. On the other hand, its implementation is dependent on state consent and cooperation, which are often influenced by asymmetries in power and trust. As a result, international law may inadvertently legitimize existing mobility inequalities by deferring to sovereign decision-making in immigration control.

In this sense, the findings of this study support a critical perspective that views international law not only as a regulatory framework but also as a structure that coexists with, and potentially reinforces, global inequalities. This does not imply that international law is irrelevant; rather, it suggests that its capacity to transform mobility regimes is inherently limited unless accompanied by broader political and institutional changes.

I. The Role and Limitations of International Law

The findings of this study indicate that international law plays a facilitative yet inherently limited role in addressing immigration barriers. Rather than functioning as a comprehensive regulatory system, international law operates as a framework that enables cooperation while simultaneously preserving the discretionary authority of states.

On the one hand, international law performs an important facilitative function. It establishes general normative principles, such as freedom of movement and non-discrimination, which provide a foundational reference for mobility rights. In addition, it offers institutional and legal frameworks that support cooperation among states, particularly through bilateral visa agreements and regional arrangements. These mechanisms contribute to the gradual easing of mobility restrictions and create pathways for negotiated access. In this sense, international law serves as an enabling structure that allows states to coordinate and manage cross-border movement in a predictable manner.

On the other hand, the effectiveness of international law is fundamentally constrained by its structural limitations. The most significant of these is the enduring dominance of state sovereignty, which grants states full authority over immigration control. As demonstrated throughout this study, states retain the right to determine entry conditions, impose visa requirements, and selectively grant or deny access to foreign nationals. This sovereign prerogative limits the extent to which international legal norms can be translated into enforceable mobility rights.

Furthermore, the absence of binding global obligations concerning admission into a foreign territory creates a significant gap within the international legal framework. While individuals are recognized as having the right to leave their country, there is no corresponding obligation for other states to admit them. This asymmetry reinforces the discretionary nature of mobility and contributes to unequal access across different nationalities.

In addition, international mobility governance relies heavily on voluntary cooperation, rather than centralized enforcement mechanisms. Bilateral and regional agreements depend on mutual consent and can be adjusted or withdrawn based on shifting political and strategic interests. As a result, mobility

arrangements remain conditional and uneven, reflecting variations in trust, diplomacy, and perceived risk among states.

Taken together, these findings suggest that international law does not operate as an equalizing force in global mobility, but rather as a framework that both enables and constrains movement. While it facilitates cooperation and provides normative guidance, it ultimately defers to state sovereignty, thereby limiting its capacity to address structural inequalities in mobility access. This dual character underscores the central argument of this study: that immigration barriers cannot be fully understood or resolved through legal mechanisms alone, but must be examined within a broader context of political and structural dynamics.

J. Critical Discussion: Mobility Inequality and Legal Constraints

This suggests that international law, rather than functioning as an equalizing force, may inadvertently legitimize mobility inequalities by deferring to state sovereignty. The evidence suggests that disparities in passport strength are not merely administrative issues, but reflect deeper structural inequalities in the international system.

Countries with stronger economic and political influence tend to enjoy greater mobility privileges, while developing countries, including Indonesia, face stricter immigration controls. International law, in its current form, has not been able to fully address this imbalance, as it prioritizes state sovereignty over universal mobility rights.

This study set out to identify the types of immigration barriers affecting the Indonesian passport and to examine the role of international law in addressing these barriers. The findings indicate that immigration constraints are shaped by an interplay of legal, political, and structural factors, rather than by legal rules alone. From a legal standpoint, visa requirements represent formal restrictions that are fully justified under the principle of state sovereignty, which explains why international instruments such as the UDHR and ICCPR recognize the right to leave a country but do not guarantee entry into another. Politically, the results show that diplomatic relations and mutual trust significantly influence visa policies, while structurally, factors such as perceived migration risks and economic disparities reinforce unequal mobility access. These findings are consistent with previous studies, which argue that global mobility is deeply stratified and shaped by broader geopolitical and socio-economic conditions (Mau et al., 2023; Neumayer, 2021; Czaika & de Haas, 2022). At the same time, this study provides a more focused legal perspective by demonstrating that international law plays a facilitative rather than decisive role. While some scholars suggest that legal frameworks can promote mobility equality (Kochenov & Vegter, 2022), the present findings align more closely with critical perspectives that emphasize the enduring dominance of state sovereignty in immigration control (Guild, 2021; Costello & Foster, 2022). The case of Japan's visa policy toward Indonesian citizens further illustrates that even within cooperative arrangements, access remains conditional and selective, reflecting national interests rather than binding legal obligations. In a broader context, these results suggest that disparities in passport strength are not merely administrative issues, but manifestations of structural inequality within the international system. Consequently, international law alone is insufficient to overcome these barriers, and improving mobility access requires a multidimensional approach that includes diplomacy, trust-building, and international cooperation. Future research should explore empirical assessments of bilateral agreements and comparative studies across similar economies to deepen understanding of how legal and non-legal factors interact in shaping global mobility.

K. Policy Implications for Indonesia

The findings of this study carry important policy implications for Indonesia in its efforts to enhance international mobility and strengthen passport access. Given that immigration barriers are shaped not only by legal frameworks but also by political trust, institutional capacity, and international

perception, policy responses must adopt a multidimensional approach that extends beyond formal legal reform.

First, Indonesia should prioritize strategic bilateral visa negotiations with key partner countries. Rather than relying solely on broad international frameworks, targeted agreements with countries that represent high mobility value—such as members of the European Union, Japan, and advanced economies in Asia—can provide more immediate and practical improvements in visa access. These negotiations should be supported by data-driven assessments of travel patterns, compliance rates, and overstay statistics to strengthen Indonesia's credibility as a low-risk partner.

Second, Indonesia can leverage its position within ASEAN regional frameworks to promote more coordinated mobility arrangements. While ASEAN has established visa-free travel for short-term visits among member states, there remains significant disparity in global mobility access. Indonesia should take a more proactive role in advancing regional initiatives that enhance external mobility, including collective negotiation strategies or mutual recognition mechanisms that strengthen ASEAN's bargaining position in global mobility governance.

Third, improving institutional trust and governance quality is essential for enhancing international mobility. As demonstrated in the comparative analysis, countries with higher levels of administrative efficiency, legal certainty, and low corruption tend to receive more favorable visa treatment. Therefore, domestic reforms aimed at strengthening document security, improving immigration management systems, and enhancing transparency can contribute indirectly but significantly to increasing passport strength.

Fourth, Indonesia should adopt a trust-building approach in international mobility governance, focusing on compliance assurance and security cooperation. This includes strengthening mechanisms for monitoring outbound travel, preventing irregular migration, and cooperating with destination countries in addressing migration-related risks. By demonstrating consistent compliance and reliability, Indonesia can gradually shift its international perception from a risk-sensitive to a trust-based partner.

Finally, policymakers should recognize that improving passport strength is not solely a legal objective but a strategic national goal that intersects with diplomacy, governance, and international relations. As such, a coordinated policy approach involving multiple stakeholders—including immigration authorities, foreign affairs institutions, and security agencies—is necessary to achieve sustainable improvements in global mobility access.

4. CONCLUSION

This study set out to examine the types of immigration barriers affecting the Indonesian passport and to assess the extent to which international law can address these constraints. The findings demonstrate that immigration barriers are not solely legal in nature, but emerge from the interaction of legal restrictions, political dynamics, and structural conditions, as conceptualized in the proposed framework of mobility inequality. In this regard, visa requirements represent formal legal constraints, while diplomatic relations and institutional trust shape access through political mechanisms, and broader structural factors such as economic disparities and migration risk perceptions reinforce unequal mobility outcomes across states.

From a legal perspective, this study confirms that international law plays a facilitative rather than determinative role in global mobility governance. While it provides normative guidance through principles such as freedom of movement and non-discrimination, and supports cooperation through bilateral and regional arrangements, it does not establish enforceable obligations to guarantee entry into foreign jurisdictions. This limitation reflects the enduring dominance of state sovereignty, which allows states to regulate cross-border mobility according to national interests and risk considerations. As illustrated through the ASEAN comparison and the case study of Japan's selective visa policy, mobility access remains conditional, negotiated, and unevenly distributed.

Theoretically, this study contributes to the growing literature on mobility inequality by demonstrating that international law operates within, rather than above, global power structures. The findings support a critical perspective in which legal frameworks, while enabling cooperation, may also coexist with and indirectly sustain structural inequalities in mobility access. This highlights a fundamental tension between the universal aspirations of international law and its context-dependent implementation in practice.

In practical terms, the Indonesian case illustrates that improving passport strength requires a multidimensional strategy that goes beyond formal legal reform. Legal instruments must be complemented by sustained diplomatic engagement, institutional strengthening, and trust-building measures that address underlying perceptions of migration risk and governance capacity. This underscores that mobility access is not merely a legal entitlement, but a negotiated outcome shaped by law, politics, and structural positioning within the international system.

Future research should extend beyond normative analysis by incorporating empirical investigations into visa policies, bilateral agreements, and mobility outcomes. Comparative studies across countries with similar economic and institutional profiles would be particularly valuable in identifying patterns and effective strategies for enhancing mobility access. In addition, emerging developments such as digital identity systems and evolving regional cooperation frameworks present promising avenues for further inquiry, particularly in examining how they may reshape the balance between state sovereignty and more equitable forms of global mobility.

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