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Rights of Indonesian Migrant Workers' Children to Access Education at Sanggar Bimbingan Hulu Langat Malaysia

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Received: 20/06/2023 Revised: 20/09/2023 Accepted: 26/10/2023 Abstract Human rights are fundamentally crucial to every individual, especially the right to education, which has also been stipulated in the Indonesian constitution following the international agreements. This research aims to obtain information about what causes the Indonesian migrant workers in Malaysia to have undocumented status, what problems they face in sending their children to a school, and what efforts and solutions can be made to obtain education for them. Through qualitative methods and a systematic approach, the researchers used various methods to gather data, such as interviews, observations, and documentation. This research found that the undocumented Indonesian migrant workers whose children lack proper documentation, let alone as they had entered Malaysia illegally, have no valid work or residence permission (overstaying), and got married in Malaysia to another foreign citizen. There were problems with their right to send their children to school, so the Sanggar Bimbingan Hulu Langat was established to overcome the problems and help the children get an education in Malaysia. The agenda turned out to be a means of resolving the issues that Indonesian migrant workers' children face so that they were able to access educational rights. Keywords Human Rights; Children's Education; Indonesian Migrant **Undocumented Migrant Workers**

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1. INTRODUCTION

Indonesia is a legal state in which, in every legal state, there is always recognition and protection of citizens as human rights. (Rahmiati et al., 2021). Human rights are inherent fundamental human rights that are universal and universal as a gift given by the One God to every individual human being and serve to safeguard the survival of life, freedom, and development of man and society, which cannot be neglected, deprived, or disturbed by anyone (Hutabarat et al., 2022)(Nadziroh et al., 2018). Human rights have an essential meaning inherent in human life as a citizen, and human rights are fundamental rights that have been possessed since birth(Triwahyuningsih, 2018). As human rights experts have shown, the fundamental right is the gift of God acquired from birth (Kunto, 2005)(EJ Anggraeni, 2023). The United Nations (UN) defends that human rights are the rights of every individual, so if their presence is absent, humans will not be guaranteed or protected.

The human rights in the State of Indonesia are based on the national philosophy of Pancasila, with values expected to be important considerations for citizens of the State acting as its citizens (Heriana et al., 2021) (Dwi Hartanto et al., 2023). According to Indonesian Law No. 39 1999, "human rights are a set of fundamental rights that are inherent in the reality and existence of man as a creature of the One God and are His gift that must be respected, cherished, and protected by the State, law, government, and every person for the honour and protection of human dignity." (Pemerintah Republik Indonesia, 1999).

According to Umairso 2011, education is essential in influencing a nation's life (Tikly, 2004) (Trisiana, 2020). Education is a fundamental attempt to create a dynamic, organic unity of personality, skills, and knowledge (Ahmadi, 2014)Nadziroh et al., 2018) (Gall et al., 2007). In addition, education also aims to animate humanity with a process that is humanized as a whole. (Akbal, 2016). Therefore, human rights apply to every individual, including Indonesian migrant workers abroad. In 2019, the Central Bureau of Statistics noted that the East Asian Region still dominates the country of destination of Indonesian migrant workers, reaching a figure of 57%, and the Southeast Asian Region at a figure of 37%, with the average country target of the majority workers being Malaysia, Hong Kong, and Taiwan. (Tando, 2022).

Not only migrants but also children of migrants have the privilege of education, as human rights and the right to education are strongly related. Therefore, there is a guarantee that everyone has an equal right to access education as stipulated in Global Economic and Article 13 on Civil and Political Rights of the Social Covenant, specifically paragraph 1, Which declares that "the States Parties to the Treaty Admit That Everyone Has a Right to Education." (Indriyani, 2017). One of the duties of the State to assist its inhabitants is education, as set out in the Basic Law of 1945. Article 31's first sentence states, "Every citizen of the state has the right to education" (Pemerintah Republik Indonesia, 1945). Education should be given to every individual citizen of the State without exception based on the values that grow and develop as well as the participation in the application of education (Sujatmoko, n.d.), which means education is part of one of the fundamental human rights for every individual because education becomes an essential thing of life for humanity. (Rahmiati et al., 2021).

There are many migrant workers from Indonesia, including one in Malaysia. (Nasirin, 2020). In 2018, 44,800 Indonesian migrant workers were placed in Malaysia. The data showed an increase of 5,464 Indonesian migrant employees in Malaysia in 2017 (Viviansari, 2019) (Asmaroini & Trisofirin, 2023). Despite the increase in the number of migrant workers from Indonesia in Malaysia, there are still a lot of Indonesia migrants who are not registered in immigration, which means having non-documented status, so the conflict in the oversight of migrant workers in Indonesia is a mode that resulted in a large number of distributors using illegal methods in giving recommendations to prospective Indonesia migrant workers, in addition to it also many occurrences of fraud acts carried out to get the Republic of Indonesia Travel Document (DPRI) to go abroad. (Tando, 2022). The increase is also due to the number of migrant workers who carry family members even though they are not allowed to carry family, pregnancy, and childbirth in Malaysia, thanks to NGOs taking care of migrant workers' rights. (Yusra,

2022). The condition then created a more serious problem, namely the emergence of stateless children due to a lack of documents such as passports and residence permits of their parents and unregistered marriages. In addition, the next problem is that children who do not have documents or are stateless have difficulty accessing education because they can not register at regular school (Handoyo & Triarda, 2020).

Numerous children of unauthorized Indonesian migrant workers endure challenging living circumstances (Alunaza et al., 2022). Immigrant workers' children have trouble getting into school, where the children of migrant workers should have good conditions and deserve to grow and develop. Because of this, the children of migrant workers must get a quality education, health services, and access to the child of migrant workers (Perkebunan et al., 2022) (Darmono et al., 2023). Meanwhile, protecting children and fulfilling the rights of children who accompany their parents as Indonesian migrant workers in Malaysia is not only a duty of the State or parents but also an international responsibility (Wirasasmita, 2013). In 2015, Indonesian President Joko Widodo made a working visit to Malaysia and asked the Malaysian government to give non-documented migrant workers a chance to go to school. It is reflected in international provisions that Malaysia and Indonesia have ratified on migrant workers' and their families' rights (Sulastri, 2017).

Meanwhile, Hulu Langat is one of the nine districts of Selangor, Malaysia. In the area of Hulu Langat itself, many Indonesian migrant workers settle, where most of them work as housekeepers, building workers, plant workers, contractor workers, parchment workers, and cleaning services. (Nasirin, 2020). Based on the findings of some interviews, citizens who work in Malaysia said that there are also Indonesians who have long settled and obtained permission to stay longer in Malaysia. Hence, they are not only working as migrant workers in the State of Malaysia but also some who open and have their own private, such as grocery stores and others. To protect their children's right to an education, especially for Indonesian migrant workers who have settled in and around the Hulu Langat area, there is a mentoring canteen in the River Lui, Batu 21, Selangor Malaysia. The Sanggar is used to obtain education and address education-related problems for Children of Indonesian migrant workers without documentation residing in Hulu's Langat neighbourhood. Based on information obtained through interviews with the chief administrator of the sanggar, the Hulu Langat mentoring Sanggar was established at the end of the last year, 2022, and was also officially inaugurated by the Kuala Lumpur School of Indonesia (SIKL) as the master of the mentoring sanggar that exists in Malaysia for the benefit of the kids of migrant workers from Indonesia as well as serving as the country's educational hub in Malaysia the Indonesian Embassy (KBRI)'s sponsorship, the Indonesian government has established a scholarship program. Also, the inauguration and establishment of the Langat mentoring staff are based on the large number of migrant workers' children who miss school due to the difficulty of getting an education. Due to a lack of documentation, migrant children's educational rights are not being upheld. Eventually, a group of Indonesians settled in Malaysia and initiated the initiative to establish Sanggar Bimbingan Hulu Langat there.

Based on the information obtained from the Sanggar administrator, at the launch of the Sanggar, they had already received good responses from the migrant workers in Hulu Langat, so more than 40 pupils were registered in Sanggar. They came not only from the area around Sanggar but from outside and around the Hulu region Langat. Then, of over 40 pupil participants, almost half were children of undocumented migrant workers. So, based on this, the parents who work as migrant workers were very enthusiastic about educating their children and fulfilling their right to education. Because all this time, the offspring of migrant Indonesian workers in that country are those in private schools but not getting a school degree, and the cost of private schools is expensive. Some rely only on education given by parents at home. Because it is not easy to educate a child in Malaysia, children with non-document status may be said to be hampered and hindered by the Malaysian government's policy against foreign nationals getting an education in Malaysia.

In general, this research is aimed at obtaining information data and analyzing data related to what

causes issues to arise when children of Indonesian migrant workers lack documentation in getting an education and how efforts, as well as solutions, can be made in acquiring education in Malaysia for children of undocumented Indonesian migrant workers.

2. METHOD

The researchers employed qualitative research methods and descriptive approaches. Qualitative research investigates the condition of natural objects (Khoiri & Irwan, 2020). (Sari & Dewi, 2020). The research carried out is a review of the ham for non-documented children of Indonesian migrant workers to receive education under studio direction Hulu Langat Malaysia by finding out what causes children of Indonesia migrants to have non-documented status and what problems encountered in acquiring education against children of migrants of Indonesia with non-Documents then how efforts, as well as solutions, can be made in obtaining education in Malaysia to children of migrant employees of Indonesia Non-documents. As for the location, the research is in the direction of Hulu Langat Selangor Malaysia. Then, this study uses data collection techniques for this research, consisting of performing observations with observations to obtain information and data, interviews conducted with some migrant workers and Sanggar managers to get data about the research carried out, and documentation. Data analysis uses data triangulation techniques by analyzing interviews, observations, and documentation data.

3. FINDINGS AND DISCUSSIONS

Reasons and Causes of Indonesian Migrant Workers' Children Non-Documented

The large number of Indonesians in Malaysia as migrant workers is not without what is called the problems related to the completeness of documents and administration of these migrants. Among them is the incompleteness of documents held by Indonesian migrant workers. Of course, this concerns the status of the family members of the migrant worker, in this case, the status of the children of the migrant worker Indonesians. Children of the immigrant workers of Indonesia who have hundreds of non-documents are not free of the role and responsibility of the parents in this matter as migrant workers in Malaysia.

Therefore, there are reasons for the undocumented offspring of Indonesian migrant workers. Specifically, the early migrants from Indonesia depart some vote legally, and many of them are migrants working illegally, which allows the migrant workers of Indonesia to enter the territory of Malaysia without having valid documents or work permits. (Handoyo & Triarda, 2020). Consequently, the status of children of Indonesian migrant workers is also undocumented, and eventually, their status also turns into this. Then, the existence of the migrant workers of Indonesia who did not have this document caused a new problem. When Indonesian migrant workers marry and give birth to a child in Malaysia, the child automatically does not have a complete identity document. (Mahardhani & Rusdiani, 2023).

Based on research through interviews with one of the Indonesian migrant workers, they are told that the cause of hundreds of these non-documented children is because of Indonesian migrants who are married to fellow Indonesian migrant employees in Malaysia. Some Indonesian migrant workers marry other foreign migrant workers in Malaysia who probably also the foreign migrants do not have documents. The child born from such marriage automatically has a non-documented status. As for the marriage made by Indonesian migrant workers in Malaysia, it is a religiously valid marriage, but some marriages are not registered by law in the State of Malaysia, so that is one of the reasons that the child of the migrant worker has difficulty in obtaining the documentation of citizenship or birth certificate of the State. (Perkebunan et al., 2022). Then, based on the information obtained from the results of the conversation with one of the Indonesian migrant workers who are in Malaysia said that there are also

Indonesian migrants who are married to fellow citizens of Indonesia or with other foreign nationals in Malaysia who decided to make a divorce, so there are children who arrived in custody or handed over to their family members who were in Malaysia with the condition that the child is non-document status in the State of Malaysia.

Other reasons that have resulted in Indonesian migrant workers' children having non-documented status in Malaysia other than because they initially entered the territory of Malaysia illegally and worked as migrants without having a valid work permit, namely because of Indonesian migrant workers who legally enter and then work in Malaysia with family members including their children, which is carrying family members has become a common thing done by the Indonesia migrants because there are family members may wife or husband and children do not want to separate far away for too long in Indonesia to follow to Malaysia. That is what is causing Indonesian migrant workers' children to have difficulty accessing health facilities, access to education, and so on in Malaysia(Bunga Wulandari et al., 2022) (Yusra, 2022).

According to research conducted during interviews with some Indonesian migrant workers, there are problems or cases faced by Indonesians who have documents or permits to work legally in the territory of Malaysia and then cause their children to become non-document status. Several issues or cases are related to the administration in which their documents and work permits become invalid due to various reasons such as expiry of time, subsequent termination of employment contracts, and forgery or misuse of documents by employers in employing Indonesian migrant workers. Thus, problems such as forgery or misuse of documents as the identity of these migrant workers can result in migrant migrants and family members, including their children brought to Malaysia, becoming non-document status.

This problem is why the children of migrant workers from Indonesia in Malaysia are currently undocumented, so the child is experiencing obstacles and difficulties in obtaining facilities and access while in Malaysia. Such a condition must be one of the forms of a violation of the children's rights listed in every child has the right to have an identity, according to article 8 of the Child's Rights Convention, a name, a nationality, and a family bond and to receive a bail from the government when any part of his identity is lost" (Pankungun et al., 2022). (BAPPENAS RI, 2002). Not to mention other fundamental rights that are not fulfilled because of the nullity of the migrant workers from Indonesia's citizenship, such as the rights to social assistance, health care, employment, education, and other fundamental human rights, to other rights of special protection (Indriati, Noer, 2017).

Problems, Efforts, and Solutions in Getting Education

Because of the causes that have caused the Malaysian-based offspring of Indonesian migrant workers to be at risk of becoming undocumented, this can cause problems for children of migrants who do not have documents. In this case, the problem is the difficulty obtaining education during their stay in Malaysia. The existence of domestic policy regulations reinforces the plight of the children of Indonesian migrant workers that restrict or even tend to make it difficult for foreign nationals to be able to settle and obtain education in schools that are under the shadow of the Malaysian government and the constraints in the educational capacity as well as the difficulty of establishing schools initiated by the government of Indonesia later restrictions in the rules that exist in Malaysia. (Viviansari, 2019). Thus, with the policy regulations of the Malaysian government, it has become a problem for children of Indonesian migrants to access and obtain educational facilities while in Malaysia.

Education is an essential supply in the face of evolving and changing lives, so there is the challenge of changing times that are constantly changing and developing, so demanding education must always keep going with the needs and developments of the world (Saputra Purnama, 2020). Accordingly, every individual needs education, outlined in Basic Law's first sentence of Article 1 of 1945, which declares that "every citizen of the State has a right to education." Under this Basic Act, According to human rights laws governing access to education, education is one of each person's fundamental human rights, so

education becomes an essential thing for Indonesian migrant workers' children who struggle to attend school in Malaysia, as well as education for kids who do not have documents or even non-documents in getting their education rights.

The Government of Indonesia, through Kuala Lumpur, Malaysia's Embassy of the Republic of Indonesia (KBRI), actually provides schools and exam programs packages A, B, and C held through the Kuala Lumpur School of Indonesia for migrant children (SIKL) (Yusra, 2022). However, most migrants who received the information have not attended and enrolled their children in the schools and programs due to the long distance to the Kuala Lumpur Indonesian School (SIKL). Based on research conducted through interviews with several sources, parents who work as Indonesian migrant workers in Malaysia say that it is more difficult for their children to get an education than for those who do not have documents. Thus, parents try to keep their children educated by enrolling them in private schools and Tahfidz schools in the surrounding mosques, just not getting a degree. However, some children rely only on the education given by their parents at home because to enrol their children in private schools, they also need some documents and, of course, it is not cheap, so they rely on the education provided by the parents.

However, the causes and problems occurred in Malaysia, where most of the offspring of undocumented migrant workers from Indonesia attend school. In this case, those living in Hulu Langat Selangor Malaysia, to overcome the problem, established the educational centre named Sanggar Bimbingan Hulu Langat. The Sanggar is a non-formal school founded at the end of 2022 and was also officially established by the Indonesian Consulate General and the Indonesian Embassy School of Kuala Lumpur (SIKL) as a centre or nursery of non-formal schools for children of migrant workers from Indonesia, especially those without documentation, will receive their degrees. When expected to return to Indonesia, they can continue their education to the next stage.



Figure 1. Hulu Langat Guidance Center Selangor-Malaysia

The instruction given in non-formal schools that are covered under the shadow of the Indonesian School of Kuala Lumpur (SIKL), including Hulu Langat's guidance, is directly coordinated by the SIKL by implementing educational curricula referring to the curriculum used in Indonesia (Mahardhani & Rusdiani, 2023). Thus, despite following the conflict of educational curriculum existing in Indonesia, the teachers and administrators of the teaching system also adjust and consider the capacity of the pupils in the Hulu Langat guidance system so that they might cultivate the virtues and civilization of an honourable society to enlighten national life, and to maximize the potential of the students (Asmaroini, 2016). Then, the teachings in the learning system continue to do the learning as they should by seeing the students' ability to receive and understand the given material. The importance of teachers in the educational system is not only as teachers who transfer knowledge to the pupils but as a teacher must also transfer values, at the same time being an example, a reference to pupils in the learning process (Dimyati & Mudjiono, 2006)(Rudiawan & Asmaroini, 2022).



Figure 2. The Atmosphere of the Learning Process in the Classroom



Figure 3. Learning to Know Pancasila as the Basis of the Indonesian State Through Laptop Media



Figure 4. Introducing the Territorial Form of the Unitary State of the Republic of Indonesia Through the Media of Embossed Maps

4. CONCLUSION

Therefore, Considering the research's findings, it can be said that there are reasons there are Malaysian children of unauthorized Indonesian migrant workers, among other things, the arrival of parents of migrant workers illegally or without a valid work permit, marriage with foreign nationals in

Malaysia, and administrative problems related to documents and permits of work invalid for various reasons, termination of the employment contract, or falsification of documents by the employer. This condition has ultimately resulted in children of Indonesian non-documented migrant workers experiencing obstacles and difficulties in obtaining education in Malaysia. Thus, with the establishment of non-formal schools and by implementing educational curriculum learning that refers to the curricula in Indonesia and then adjusted to the capacity conditions of the pupils, the Sanggar is expected to overcome and become a container for the children in obtaining education during their stay in Malaysia. This situation is related to obtaining education, which is the right of any citizen to obtain the right to education. Thus, establishing Sanggar Bimbingan Hulu Langat is sufficient to positively contribute to fulfilling children's educational rights, particularly those of undocumented migrant workers.

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