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The Role of the Government of Indonesia in Fighting for Recognition and the Right to Education for Children of Indonesia Migrant Workers in Malaysia

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ABSTRACT

This study describes the role of the government and the struggle to get education for Indonesian citizens in Malaysia and to fulfill the right to education for the children of Indonesian Migrant Workers in Malaysia. There are several cases of children of Indonesian workers in Malaysia whose children's rights to education are not fulfilled, especially for illegal Indonesian migrant workers. In this study, the authors used a qualitative research method - descriptive with the techniques used for data collection in the form of observation, interviews, and documentation. The results of the study show that the government has not been able to provide maximum facilitation for the children of illegal Indonesian workers that the existence of non-formal learning centers in the form of guidance workshops plays a very important role in the achievement of migrant children who are struggling to get an education in Malaysia. From simple enrollment and low-cost tuition fees to many flexible solutions. This school is also considered to have fulfilled the indicators of achieving the right to education for the children of Indonesian workers, one of which is in the Gombak area, Selangor, Malaysia. The conclusion obtained in this study is that the government must guard the existence of Indonesian migrant workers in Malaysia with all its problems so that Indonesian migrant workers and their children can obtain proper education rights in accordance with policies issued by the government.

INTRODUCTION

Diplomacy can be seen by the public as an object or as a subject. The public as an object in the sense that the public of other countries is the object or goal of state diplomacy (Effendi, 2013). While the public is seen as a subject in the sense that indigenous people participate in government diplomacy, public diplomacy is also interpreted as a state effort to influence the views of the public and leaders of other countries to achieve foreign policy goals (Saefudin, 2017).

Public diplomacy in this case is the field of education, which is expected to play an important role, especially in influencing negative perceptions between parties (Wulandari et al., 2022). In the dimension of citizenship, education is a right that is a basic need for every citizen so that it is hoped that it can be fulfilled by the state (Nadzirah et al., 2018). Ideally, all education services should be evenly distributed throughout Indonesian society wherever they are (Mahardhani, 2021) and also to citizens who live in other countries, but with some limitations, there are some imbalances in the provision of educational service facilities between certain regions, especially abroad.

According to Article 31 paragraph 1 Chapter XIII of the 1945 Constitution: Every citizen has the right to education; Paragraph (2): Every citizen is obliged to attend basic education and the state is obliged to finance it; Paragraph (3): The government seeks and organizes a national education system that promotes faith and piety as well as noble character in relation to legal education in public life (Silviana Devi Lestari & Mardiana, 2012).

Government Regulation Number 47 of 2008 concerning Compulsory Education, the Government of Indonesia has established a nine-year compulsory education program that aims

to expand educational opportunities for all citizens and also to improve the quality of human resources. This program is open to all Indonesian citizens between the ages of seven and fifteen who attend compulsory education both inside and outside Indonesia (Kosasih, 2018).

In addition, the Decree of the Minister of Education and Culture of the Republic of Indonesia No. 19 of 2016 discusses the Smart Indonesia program and states that the Government of Indonesia supports the implementation of universal secondary education for twelve years of compulsory education (Kementerian Pendidikan dan Kebudayaan Republik Indonesia, 2016). This also includes children of Indonesian migrant workers, because all social classes must have the right to equality and equity in access to education.

The National Human Rights Commission records that there are 300,000 Indonesian citizens with stateless status in Malaysia (Chaeruddin, 2022). Migrant workers who have children in Malaysia have created new problems for Indonesia and Malaysia. According to the Consulate of the Republic of Indonesia in Tawau, around 21,627 Indonesian migrant workers in Malaysia have never received education and only around 8,000 children of Indonesian migrant workers have received informal education (Hartati & Andawiyah, 2021).

In 2001, the Malaysian government enacted the employment certificate and Education Act. This regulation began to limit the freedom of migrant workers who previously could work without documents and send their children to school in Malaysia. Then, in 2002, complete documentation requirements were introduced for all foreign workers and foreign students. This hinders Indonesian migrants from accessing education for their children. One of the weaknesses of the Indonesian government is the

increasing number of people who can be said to have little or no education at all. Basically, the state government of Malaysia can accept foreign students or children of Indonesian migrant workers studying in Malaysian royal and private schools as long as they meet certain requirements. However, most students with Indonesian citizenship cannot fulfil several requirements including child identity documents, parents' immigration status documents, and also where they live (Christie, 2016).

Several studies have demonstrated the inability of Indonesian migrant workers, especially illegal ones, to access education for their children (Handoyo & Triarda, 2020; Hartati & Andawiyah, 2021; Sholina, 2022; Widiawati et al., 2023). From the research that has been done, it is hoped that the government's proactive efforts in providing equal access to education to all children of Indonesian migrant workers, apart from that the existence of Indonesian community organizations in Malaysia will also assist the government in overcoming this disability, namely through the establishment of guidance studios in the form of education. informal.

Therefore, with the existence of the Kuala Lumpur Indonesian School (SIKL) as a formal institution and guidance studio as a non-formal institution located in several regions in Malaysia, they have a strategic role and are at the forefront of educational diplomacy in Malaysia in the context of developing human resources for Indonesian children based on Pancasila and the 1945 Constitution.

Both institutions are under the auspices of the Indonesian Embassy (KBRI). SIKL and the existence of this guidance center were established for Indonesian migrant children who are in Malaysia, however this SIKL will accept children with complete documents and the guidance center will accept those who do not have documents. No less important is the existence of these two institutions, namely acting as educational diplomats to promote the preservation and promotion of Indonesian culture in Malaysia, even among people from friendly countries. The contribution of SIKL and guidance centers in Malaysia to the world of national education is very clear because they strive to provide and facilitate access to education for the children of Indonesian migrant workers in Malaysia (Mubarok et al., 2021; Setyani et al., 2021).

Based on the problems above, this paper will look at the role of the Indonesian government in the field of education, especially for children of Indonesian migrant workers who are in Malaysia without documents to obtain full and equal citizenship rights with other Indonesian children.

METHOD

The method used by the author in this research is descriptive qualitative. Theoretically, descriptive qualitative research is more directed at disclosing a problem that occurs in the circumstances as it is and reveals some of the facts that exist (Anwar et al., 2022). Qualitative research used by the author in this study uses a descriptive analytic study approach. Research subjects are individuals who directly experience an event. The subjects in this study were representatives of student guardians, teachers and managers of the North Gombak guidance center as one of the non-formal education providers in Selangor, Malaysia. To obtain complete information, several methods were used, namely: observation, interviews, and documentation which were all conducted in November - January 2023. For data processing using interactive analysis, namely through four components of the analysis process: (1) data collection, (2) reduction data, (3)

data presentation, and (4) drawing conclusions (Sugiyono, 2018).

RESULTS AND DISCUSSION

The Right to Obtain Citizenship Status for Children of Indonesian Migrant Workers

Indonesian migrant workers in the state of Selangor, Malaysia have difficulty finding birth certificates for their children. This is because their parents carry out unregistered marriages while in Malaysia. Of course, this will not receive official documents, which will impact the identity of the child, who certainly does not have one. The original marriage certificate is proof of the legality of the marriage by the government. However, unregistered marriage is a marriage where there is no proof of the validity of the marriage and the family tree status of the child is only related to the mother. Therefore, it is difficult to obtain a birth certificate due to the unprovable legality of the marriage.

The Indonesian Embassy issues its own birth certificates for children whose parents are not legally married in Malaysia. For matters of child birth, the Indonesian Embassy has two types of birth certificates. First, the Birth Acknowledgment Letter (SPL) in the form of a deed, for example. birth certificate, and can be issued if both parents are legally married in Malaysia. Second, a copy of the Birth Certificate (SKL) can only be sent, even if the marriage is not official, as long as the child can prove that one or both of his parents are Indonesian citizens.

All children born in Malaysia are automatically issued with a birth certificate. But the parents are not Malaysian citizens, children who are recognized as Malaysian citizens will get a blue identity card. In Malaysia, the requirements for issuing a birth certificate are a blue identity card or a red identity card, they are required to show their passport, marriage certificate and work permit to the government if they are going to take care of paperwork to the Indonesian Embassy including in processing birth certificates.

The birth certificate only contains the child's record or statement of birth in Malaysia, but the child is not recognized as a Malaysian citizen. Because of this, the child could not attend any government royal schools, but only attended private schools to study. It is difficult for migrant workers to produce birth certificates for children. The original marriage certificate is proof of the legality of the marriage by the government. However, marriages that are not registered are marriages where the validity of the marriage cannot be proven, and the genealogical status of the child is only related to the mother. The process of unregistered marriages for Indonesian workers in Malaysia is a very easy and fast process. Prospective spouses do not need to fill out the required documents if Indonesian citizens wish to marry in Malaysia.

It is difficult for children of Indonesian migrant workers born through unregistered marriage to obtain a birth certificate because the legality of the marriage cannot be proven. Yuli, a migrant worker, experienced this when she returned to Indonesia and brought her child who was born in Malaysia. She had difficulty getting his son's birth certificate. The birth certificate he needs is a condition for taking care of children for school registration in Indonesia. Dealing with a child's birth certificate is very difficult in Indonesia, so they have to go back and forth to the court. Parents are also willing to spend a lot of money to get birth certificates for their children. The problem is that these documents are considered important due to their

child's school registration. The background is that there is no marriage certificate for them so there is nothing to prove marriage.

The Right to Get Education Services for Children of Indonesian Migrant Workers and Their Problems.

Human Rights are something that humans have since they are still in the womb until they are born into the world (Nasution, 2019). For example, their right to live, to get an education, the right to live with dignity, the right to be able to speak and write, the right to equal rights before the law, and so on. Human rights are absolutely owned by someone and no one can take them. Everyone has the same rights, including children. The right to education is an exception. In addition to Indonesian laws that regulate and protect children's rights, this is also regulated internationally in the UN Convention on the Rights of the Child. This convention regulates what the state must do for every person and every child can grow up, optimally healthy and schools are protected from freedom of expression and treated fairly (Lestari & Fachri, 2017).

Education is a basic need for everyone. Everyone has the right to education. According to the Universal Declaration of Human Rights in 1948, Article 26 stated: 'Everyone has the right to education', meaning that everyone has the right to education. Everyone in this world, without exception, has an equal right to education, including that of children. Based on article 28 (1) of the Convention on the Rights of the Child (CRC), adopted by the General Assembly of the United Nations (UN) on November 20, 1989, which states: 'Participating countries recognize the right of children in education and will realize this right in stages, and on an equal opportunity basis' (Dewi, 2018).

Indonesia also has several articles that protect the right to education. This is in accordance with Article 31 paragraph 1 of the 1945 Constitution which reads: 'Every citizen has the right to education'. Article 12 of the 1999 Human Rights Law, which states: 'Every person has the right to protection for his personal development, to obtain education, educate themselves, and improve the quality of life in order to become a human being who has faith, is pious, responsible, has noble character, happy, and prosperous in accordance with human rights' (Kasim, 2016).

There are many cases of limited access to education for children of Indonesian migrant workers in Malaysia (Dewi, 2018; Musli et al., 2023; Udhwaliita & Hakim, 2023). This is motivated by the fact that Malaysia is the destination country for the majority of Indonesian migrant workers. Given the proximity of the two countries, it is undeniable that there are Indonesian migrant workers who enter Malaysia not only legally but also illegal Indonesian migrant workers.

These illegal Indonesian migrant workers have emerging social problems, one of which is the problem of education for the children of Indonesian migrant workers who are in Malaysia. Data on the number of Indonesian migrant workers working in Malaysia each year increases, so that Indonesian migrant workers are spread throughout Malaysia. Therefore, the problem of limited education for the children of Indonesian migrant workers has also become an increasingly complex matter.

Parents (legal guardians) are primarily responsible for their child's education. Wherever a child studies, whether formal, non-formal or informal education, parents still play an important role in shaping the future of their child's education. Parenting outside the home, not in the sense of making

parenting easier, but solely because of the limited knowledge of parents, because knowledge develops from time to time when parents are at their limit. As family educators, parents have a responsibility towards their family members. In this case, parents must take care of their children's education, clothing, food, housing and health so that children can live independently (Vandana, 2017).

The role of parents (guardians) is very important to measure the success of their children's education (Ruli, 2020). For example, the main roles and responsibilities may include leadership and training in non-formal education institutions to fully support children's learning in accordance with the programs their children learn in guidance centers.

The Role of the Guidance Center in fulfilling the right to Education for children of Illegal Indonesian Migrant Workers.

According to Soejono Soekanto in a book entitled Introduction to Sociology, explains the concept of role as a dynamic aspect of a position (status) (Trisnani, 2017). When a person succeeds in carrying out his rights and obligations in accordance with his duties and functions, and carries out his role properly. Creating understanding and providing perceptions about the importance of education for the children of Indonesian migrant workers, especially for Indonesian migrant workers who do not have official documents (Widiawati et al., 2023). This learning center plays an important role in providing education, understanding and educational solutions for the children of Indonesian migrant workers in the North Gombak area, Selangor, Malaysia.

The North Gombak Guidance Studio has clear roles and responsibilities in the surrounding community. This study center is dedicated to giving students a proper education for Indonesian children in North Gombak. The rights that must be obtained by learning centers are facilities that support teaching and learning activities, starting from related educational services such as appropriate places, textbooks and teaching aids, computers and other technology-based supporting tools. The balanced rights that should be given to guidance studios further support the feasibility of fulfilling obligations. The roles of the parties are balanced through rights and obligations to provide opportunities for children studying at the North Gombak guidance center to enjoy a good and comfortable education without fear that their right to education is not being fulfilled.

North Gombak Campus Learning Center, is a learning place for children - children of Indonesian migrant workers standing at Lot 6271-110A Jalan Gombak Batu 8 3/4, 53100 Gombak, at first the establishment of this guidance center was on the initiative of Indonesian students who were studying in Malaysia where they see the importance of education for the Indonesian people in Malaysia who do not get access to education, especially the Indonesian people who are in the North Gombak area. This guidance center has seven teaching staff from Indonesian students, the majority of whom are currently studying in Malaysia.

Regarding the work program, the North Gombak guidance center divides it into several large work programs which will later be realized in daily learning. Some of these work programs include educational programs, empowerment programs, religious programs, and social togetherness and sports programs. The following is a description of the program formed

by the guidance center to realize the process of non-formal education for the children of Indonesian migrant workers who are in Malaysia.

A quality formal education program for the children of Indonesian migrant workers in the North Gombak area, equivalent to the elementary school level which refers to education and uses the education unit level curriculum (KTSP) and the independent curriculum which is coordinated with SIKL and the Education Attache and Indonesian Culture at the Indonesian Embassy. So that it is expected to produce graduates who are educated and excel in the academic field of students. This education program will also get a Package A diploma if they can pass the exam.

The student empowerment program with morning apple activities which is expected to shape the character of students, this program is a program formed by teachers and learning center managers from Indonesia for students of children of Indonesian migrant workers in Malaysia. In this aspect of empowerment they are taught several things including discipline, decency, marching leadership, singing the national anthem and also love for the motherland (Nurlitasari et al., 2023).

The non-formal-based education program is also an important program for the children of Indonesian migrant workers in Malaysia, namely by providing religious guidance through activities, congregational Duha prayers, congregational midday prayers, and also learning to recite the Koran. This religious learning is also taught self-taught or directly from the teacher to students by praying before studying, praying before eating. Then every day students must get the target of reciting according to what was agreed by the teacher.

Togetherness and sports social programs are a form of activity to form the independence of the children of Indonesian migrant workers in Malaysia. Includes mutual cooperation activities, cleaning, caring for others, togetherness, and sports to nourish the students' bodies (Trisofirin et al., 2023).

One of the obstacles faced by the guidance center in providing educational services to the children of Indonesian migrant workers is a school permit. In accordance with the orders of the Minister of Foreign Affairs together with the Minister of Education and Culture of Indonesia. The Minister of Education and Culture (Mendikbud) has granted permission to organize Indonesian schools abroad based on the recommendation of the Minister of Foreign Affairs. Another issue related to permits is that of the Malaysian government.

Several things considered and suggested that educational activities in Malaysia for the children of Indonesian migrant workers be carried out in the guidance center format and not formal schools such as in Indonesian foreign schools. (Bernardianto & Sandita, 2017). Then, apart from legality issues, a number of things also appeared during the implementation regarding unexpected matters to support the guidance center's activities, at first we invited them to discuss their responsibility or commitment to be able to continue the guidance center's operations. parents agree and commit to pay a fee of 100 ringgit per month. However, this registration fee is only for the operational costs of the guidance studio. On the basis of obligation or commitment, parents provide a monthly tuition fee for operational costs where the guidance studio rents a building. To accommodate students approximately 150 students.

Parents who do not have the ability to pay monthly contributions by seeking initiation from institutions or

individual institutions to provide scholarships to students who cannot afford it, so not all students remember that we apply that if they do not have the ability while the modules are given to students is a module taught at the Indonesian Kuala Lumpur school the module is provided by the Indonesian Embassy.

CONCLUSION

The problems of Indonesian migrant workers will continue to roll with various kinds of problems in the field. It seems that the Indonesian government will not be able to provide assistance and provide various services for these Indonesian migrant workers on their own. Starting from the initial problem that the Indonesian government must provide services for Indonesian migrant workers who enter into religious marriages so that the children born will receive clear citizenship. This ideal condition did not occur so that the children born did not have clear citizenship status because they did not have birth certificates so they did not have access to a good education. Based on the research that has been done, the existence of a guidance center is very helpful in fulfilling the right to education for children of illegal Indonesian migrant workers, even though the institution is non-formal with very limited conditions because it was only founded by Indonesian community groups residing in Malaysia.

The limitation in this study is that researchers only look at the role of the Indonesian government towards the children of illegal Indonesian migrant workers in terms of their right to education, besides that researchers are only limited in conducting research on children of Indonesian migrant workers who are in the North Gombak area, so further research is needed on the role of the government in overcoming the problem of the right to education for children of Indonesian migrant workers in various areas in Malaysia, especially for those who do not have official documents of residence.

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