

SB AMI Penang's Efforts to Fulfill the Educational Rights of Children of Undocumented Indonesian Migrant Workers in Penang, Malaysia

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ABSTRACT

Education is essential for the life of a country. Indonesia is one of the countries that guarantees the right to education as mandated in the preamble to the highest constitution of the 1945 Constitution. However, in reality, there is still no equality of education, including guaranteeing the right to complete education for the children of undocumented Indonesian migrant workers, one of whom lives in the Penang region, Malaysia. This article aims to present the results of research carried out by the author on the enthusiasm of Indonesian migrant employees who participate in implementing the educational rights of the children of undocumented Indonesian migrant workers in Penang, Malaysia. The research was conducted using qualitative methods and a descriptive approach. Data was collected using interviews, observations, and documentation based on the subjects observed consisting of students, parents, teachers, and the head of SB AMI Penang. The results of the research show that SB AMI Penang plays a big role in realizing the educational rights of the children of undocumented Indonesian migrant workers in the guidance studio. This can be proven by the efforts that have been carried out by teachers, the head of SB AMI Penang, and the parties involved in recruiting students and facilitating the learning process in terms of infrastructure, educators, and curriculum. This is a solution to fulfill the educational rights of the children of undocumented Indonesian migrant workers on Penang Island, Malaysia.

Keywords:

Rights, Education, Migrants

1. Introduction

Human rights can be interpreted as the fulfillment of human nature inherent in him, having a universal and natural nature to maintain the continuity of independent life in the development of humans and society (Wahyu et al., 2023). As the declaration of universal human rights (HAM) by the General Assembly of the United Nations (UN) on December 10, 1948, coincided with the commemoration of World Human Rights Day or *Hak Asasi Manusia* (HAM), it symbolizes the emergence of support for the realization of a just, independent and free civilization. oppression and exploitation that occurs (Wijaya et al., 2020). The declaration stipulates 30 types of human rights that must be protected. One of the 30 human rights declared is the protection of the right to education. As one of the top supporting countries for the Declaration of Human Rights, Indonesia guarantees the human rights in question, including the right to education. This is proven by the establishment of one of the goals of the founding of the Indonesian state, namely education aimed at all Indonesian people and also aimed at making the nation's life more intelligent (Santoso et al., 2023). The goals of the country are then explained in more detail in Article 31 paragraph 1 of the 1945 Constitution which states that every citizen has the right to education (Ayuningthya et al., 2021). Based on the constitutional provisions, it is clear that in the process of providing education in Indonesia, all citizens have the right to education, whether domiciled within the country or abroad without exception.

Problems arise when Indonesian citizens work and live abroad, especially for illegal migrant workers whose children are born and live in the country where they work, especially in Malaysia (Trisofirin et al., 2023). Because the status of parents and children is illegal, they do not have the right to education. Indonesia is one of the other countries that has a large number of migrant workers. It was recorded that in June 2023, the Indonesian Migrant Worker Protection Agency or *Badan Perlindungan Pekerja Migran Indonesia* (BP2MI) reported that the number of placements of Indonesian migrant workers abroad reached 20,388 people (BP2MI, 2023). One of the placements for Indonesian migrant workers is in Malaysia (Hanum et al., 2023). Based on data from Bank Indonesia (BI) and the National Agency for the Placement and Protection of Indonesian Workers or *Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia* (BNP2TKI), the number of Indonesian migrants in Malaysia from 2016 to 2021 ranks first compared to other countries and always increases every year (Bank Indonesia, n.d.). The calculation of the number of migrant workers raises the problem of many of their children having difficulty accessing education (Adwidya Udhwalalita & Fathoni Hakim, 2023). The Ministry of Foreign Affairs in Minister of Foreign Affairs Regulation number 7 of 2015 concerning the management and implementation of Indonesian education abroad explains that the Indonesian state facilitates the education of its migrant citizens in formal and non-formal forms (Minister of Foreign Affairs, 2015). Formal education was actualized in the form of the establishment of the Indonesian School Abroad or *Sekolah Indonesia Luar Negeri* (SILN). However, this school is only valid for Indonesian citizens or *Warga Negara Indonesia* (WNI) who meet the requirements, which means it cannot be accessed by children who do not have documents. Moreover, the children of Indonesian migrant workers also cannot access education from Malaysian state-owned schools. The existence of undocumented Indonesian migrant children has an impact on fulfilling migrant children's right to education, becoming an increasingly complex problem. This is

what attracted the author's attention to research efforts to fulfill the educational rights of non-documented PMI children through the Malaysian Indonesian Child Guidance Studio Penang (*SB AMI Penang*) which was initiated by Indonesian Migrant Workers or *Pekerja Migran Indonesia (PMI)* on Penang Island.

2. Method

This research uses a type of qualitative research with descriptive presentation and interpretation of the results of observations, interviews, and documentation that the author conducted on the research object, namely the efforts of the Malaysian Indonesian Child Guidance Studio, Penang, in realizing the implementation of the right to education for the children of undocumented Indonesian migrant workers. in the Bukit Mertajam area, Penang Island, Malaysia. The subjects of this research are all aspects related to SB AMI Penang, including SB AMI Penang students who are in grades 1 to 6 of elementary school, teachers, school principals, parents, guardians, and the community involved. The research was carried out using observation, interviews, and documentation methods.

3. Results and Discussion

Children of Indonesian Migrant Workers in Malaysia

Malaysia is one of the many countries in the world where Indonesians migrate to find work in the hope of a more decent life (Abao, 2019). The data recorded until 2023 is that 450,000 *PMI* are residing in Malaysia based on Malaysian government data quoted on the website of the Directorate General of Immigration, Ministry of Law and Human Rights of the Republic of Indonesia. Of this number, not all have permission to stay in Malaysia, where data shows that 309 Indonesian citizens are currently in the Malaysian Immigration Detention Depot. Apart from that, the Chief Immigration Director also revealed that there were 11,000 *PMI* who had been deported from Malaysia due to residence permit documents that they did not have. Data on the number of migrants is spread across all regions in Malaysia, one of which is on the island of Penang, with 50,628 people based on information from the Indonesian Consulate General in Penang, Malaysia. (Ministry of law Jambi, 2023)

This data shows that many Indonesian migrant employees are making a living in Malaysia, which has an impact on the increasingly strong protection efforts being intensified by the Indonesian government through its representatives for *PMI* who experience problems while working in that country. Among the problems that exist, one of them is the problem of education (Sahureka & Sosiologi, 2024). Indonesian workers on Penang Island were recorded as factory workers as many as 28,792 people (47.50%), household assistants as many as 6,414 people (10.58%), construction as many as 4,606 people (7.60%), students as many as 1,052 people (1.74%), fields as many as 896 Performance Reports of the Indonesian Consulate General in Penang 2020 12 people (1.48%), services as many as 2090 people (3.45%), and others as many as 16,760 people (27.65%). Among them, there are unskilled workers with an average working period of 10 years (Sulistyo Handoyo & Triarda Reza, 2020). As Indonesian migrant workers in Malaysia, they must comply with applicable regulations, one of which is the prohibition of Indonesian migrant workers from marrying and bringing their families to Malaysia. However, it cannot be denied that in reality there are quite a few Indonesian workers who are married and give birth to several of their daughters and sons in the country where they work. This phenomenon then triggers new problems in the form of children of Indonesian migrant employees not being able to have complete official documents, which has an impact on their difficulty in gaining access to services to fulfill their rights. (Sholina, 2022). Of the many rights that are not fulfilled, one of them is the right to education. This was triggered by them not being allowed to register at formal schools due to the lack of official documents that these children had. There are children of Indonesian Migrant Employees on Penang Island who do not access education, the consequence is that they cannot change their family conditions for the better this can also have an impact in the form of losses to the country (Tri Kurniawan, 2023). Moreover, the government has not provided adequate facilities for the children of Indonesian Migrant Workers. (Yulianto et al., 2023)

Stateless children. Stateless children are children who do not have citizenship due to their parents not having a passport or residence permit and an unregistered marriage. Apart from that, stateless children are also caused by the arrival of migrant workers' parents illegally or without a valid work permit, administrative problems related to documents and work permits that are invalid for various reasons, termination of employment contracts, or falsification of documents by the employer (Hidayat et al., 2023)

Stateless children which can make their lives difficult. This difficulty lies in the difficulty they have in accessing public services, including health services, citizenship, and education. They tend not to have access to education because they cannot register at school. The result of *PMI* children not going to school will most likely give rise to other new branches of problems such as the creation the problem of the phenomenon of *child labor*, namely the employment of underage children, exploitation of children, and even The marriage of underage children is either a result of their own will or an arranged marriage between their parents (Samad et al., 2023). This is certainly a loss for the country concerned. The impact of losses for the Indonesian government is in the form of an increase in the number of Indonesian citizens with low human resources as a result of a lack of education,

The Malaysian government, based on previous applicable law, permitted the establishment of Community Learning Centers (*CLC*) like the ones that previously existed in Sabah and Sarawak. However, the strict regulations in force mean that the Malaysian government does not allow the establishment of *CLCs* anymore, except for the

educational institutions that were founded, namely the Indonesian School of Kuala Lumpur in Kuala Lumpur and the Indonesian School of Johor Bahru in Johor Bahru (Dahlia, 2019). However, the existence of SIKL in Kuala Lumpur and SIJB in Johor Baru does not allow all Indonesian children in all areas of Malaysia to be able to access them due to the large number of children of Indonesian migrant workers and their locations have spread to all corners of Malaysia, one of which the author researched is on Penang Island, which is very far from Johor. New. This ultimately encouraged PMI to initiate the establishment of guidance studios in certain areas. One of the guidance studios in Malaysia is SB AMI Penang.

The cause of the lack of access to education is influenced by several factors, namely the existence of domestic policies from the Malaysian government that place restrictions and even tend to make it difficult for children of foreign nationals to access and study at schools under the auspices of their government (Viviansari, 2019). **Second**, there is the problem of limited teaching staff or teachers to teach the children of Indonesian migrant workers, especially since the establishment of schools initiated by the Indonesian government is experiencing difficulties due to the limited regulations that apply in Malaysia itself (Viviansari, 2019). **Third**, the phenomenon of low human resources affects the thoughts and awareness of migrant workers in paying attention to the importance of their children's education as a necessity. This third factor gives rise to children's decisions to prefer their parents to work rather than pursue education (Viviansari, 2019).

Establishment of SB AMI Penang in Fulfilling the Right to Education

The emergence of problems among the children of undocumented Indonesian Migrant Workers prompted the initiation of SB AMI Penang to realize the right to early education through the establishment of a tutoring studio as a non-formal educational institution. This can be justified by government policy in foreign regulations number 7 Article 3 of 2015 concerning the management and implementation of Indonesian education abroad, which states that education provided abroad consists of formal and non-formal education pathways (Minister of Foreign Affairs, 2015). The establishment procedures were initiated since the Covid-19 outbreak which required PMI to take time off work. The phenomenon of children just playing around made the head of SB AMI Penang take the initiative to establish a learning studio with the aim of Indonesian children being able to access education and PMIs being able to have a school for Indonesian children in Malaysia.

The establishment procedure is carried out by providing infrastructure for teaching and learning activities and providing teaching staff. The teaching and learning facilities are obtained from volunteers who care about educational services for children. In the process of recruiting students, the head of SB AMI Penang and teachers were surveyed to find students. The establishment of SB AMI Penang is located at Jalan Lorong Tampoi no 5 Bukit Mertajam, Penang Island, Malaysia on August 17, 2020, which was then acknowledged in 2021 by obtaining an official letter of support from PNF and Atikbud Kuala Lumpur. SB AMI Penang itself is an abbreviation of the Malaysian Indonesian Children's Guidance Studio, Penang. Since being founded, SB AMI Penang has received permission from the government and support from the local community. This can at least be seen from the number of participants which continues to increase from 2021 to 2024 as shown in the following table:

Year	The number of students
Year 2021	15 students
Year 2022	27 students
Year 2023	55 students
Year 2024	50 students

From these data, it can be concluded that Indonesian children of undocumented migrants have enthusiasm in pursuing education but they need facilities to access it. Until now, in running the education wheel, SB AMI Penang receives income from donors who want to take part in creating intelligent Indonesian children. In its implementation, SB AMI Penang applies a learning curriculum as implemented in formal schools in Indonesia with minimal reference sources.

Program Implementation

SB AMI Penang in its operations facilitates kindergarten and elementary school age children to pursue education. According to the phase, children at this age are in the counting, writing, and reading phases (Khaulani, 2019). Apart from that, they are also in a developmental phase with the main aspects of personality including physical-motor, cognitive, socio-emotional, and socio-religious aspects. This motivates SB AMI Penang to emphasize in its learning outside of student subjects the eradication of literacy and numeracy through several programs as follows.

The first program, eradicating illiteracy and numbers using calistung (reading and writing arithmetic). Illiteracy can be defined as a person's limitations or inability to read or write even simple sentences in any form of language (Made & Suarniti, 2023). We should not underestimate the problem of illiteracy, especially based on data from the Central Statistics Agency (BPS) in 2020 showing that around 1.93 percent of the Indonesian people are still exposed to illiteracy. Illiteracy is a problem that should not be considered because it turns out to have a big impact

on poverty and backwardness (Waziroh, 2018). To eradicate illiteracy, SB AMI Penang launched a calistung program to provide understanding and improve children's abilities in reading, writing, and calculating. Calistung is a basic ability that a child needs to have before learning anything else (Wibowo & Louisky, 2022). The activities implemented include activities related to literacy and numeracy, namely calculating numbers, writing letters, and reading letters. Learning is applied either orally, in writing, or with learning media. With the calistung program, it can form confident children, have a more constructive personality, and balance brain performance. This is because reading, writing, and arithmetic are the basis for humans to behave in socializing and interacting in the environments they travel to. The implementation of the program to eradicate illiteracy and numeracy at SB AMI Penang is carried out as is carried out in other formal institutions and Guidance Studios in the Malaysian region. Activities are carried out by including calistung activities in learning activities for students in grades 1, 2, and early childhood (TK). Learning uses letters and numbers as media and calistung books. As far as researchers have observed, the realization of the calistung program has gone very well with the support of adequate learning media. This can be measured from the ability of students who can read and write letters and arrange them into words to sentences and numbers, whether writing, reading, or calculating.

The second program, increasing knowledge with teaching and learning activities such as in formal institutions. As a non-formal institution, the head of SB AMI Penang thought about what the fate of non-documented Indonesian children would be in the future, so he worked out how to ensure that the existing structure and facilities run like formal institutions in Indonesia, both in terms of the availability of teaching staff, infrastructure, and learning curriculum. Apart from that, SB AMI Penang is also working on having a Student Identification Number (NIS) and end-of-semester assessment report cards and diplomas with the aim that Indonesian children who are taking non-formal education in Malaysia can continue their education to the next level after having the documents or after returning to Indonesia.

Teaching and learning activities at SB AMI Penang are carried out in Indonesia with an effective schedule of six days a week starting Monday to Saturday and leaving on Sunday. Learning is supervised by nine teachers with each teacher teaching 1 subject. Subjects taught include mathematics, Natural Sciences (IPA), Pancasila and Citizenship Education (PPKn), Arts and Culture, Indonesian, Islamic Religious Education (PAI), English, and Social Sciences (IPS). One of the teachers is the guardian of the students who oversees all grade levels and one of them is the manager and principal of the school. In its implementation, it has achieved success as expected by the founder of SB AMI Penang, however, some obstacles occurred, including a lack of facilities and learning materials for implementation. However, the existence of the internet makes it easier for them to independently access learning tools that apply in Indonesia.

The third program is the fulfillment of school facilities to support learning. SB AMI Penang's facilities are designed like a formal institution which has classrooms, canteens, and bathrooms. At SB AMI Penang, study benches and tables are also provided as well as textbooks that are by Indonesian textbooks. Not only that but all activities are also adapted to activities in Indonesian schools, such as the inclusion of subjects such as those at the Elementary School (SD) level in Indonesia in their learning process. The guidance studio also provides school uniforms so even though it is a non-formal institution, this guidance studio is like a formal learning institution in Indonesia.

In fulfilling these facilities, SB AMI Penang received assistance from donors who were willing to donate materials for the needs of the guidance studio. SB AMI Penang also gets regular donors from the Madurese Indonesian Migrant Worker (PMI) community who regularly donate donations every Friday night for the progress of the guidance studio. Apart from that, support is obtained from parents and guardians through contributions of 50 Malaysian Ringgit per month. This is by the agreement at the plenary meeting held at the end of each semester between parents, guardians, and administrators as a form of support in educating their sons and daughters.

However, the fulfillment of these facilities has not yet reached the maximum level with the classroom facilities only having two rooms, especially the class level which consists of seven levels, which has an impact on the implementation of learning which is less conducive. Different material and only being taught by one teacher per meeting means they have to divide the class into several forums according to their levels in one room.

The fourth program instills a sense of nationalism and love for the country by introducing culture. As Indonesian citizens living in Malaysia, it is important to instill a sense of nationalism in Indonesian children. This sense of nationalism is instilled starting from the smallest activities, namely the introduction of regional culture. The habit of singing national songs and regional songs makes children understand the regions of Indonesia. The performance of regional dances and the use of traditional clothing made them understand the beauty of diversity in Indonesia which they had never encountered directly. This activity is a flagship program from SB AMI Penang. Moreover, the implementation of this program was successful. This is because students have high curiosity and are at an age who like to play, tell stories, and sing. This has an impact on Indonesian culture which is introduced to them and is easy for them to master. Apart from implementing a sense of nationalism, the introduction of culture also encourages the implementation of the value of unity. This is because the value of unity can be realized by providing material about Indonesia in the subjects of Pancasila and Citizenship (PPKn), Indonesian culture, Indonesian dance, typical Indonesian food, and the multicultural country of Indonesia. (Asmaroini & Trisofirin, 2023)

The fifth program is character cultivation. Character is something inherent in human life that differentiates

them from other individuals. This can be seen in character, behavior, basic personality, traits, or morals. In another sense, character is a state of the true self that serves as a marker for an individual, which makes him or her seen as different or has a separate identity between himself and others (Widiana Rahayu & Taufiq, 2020). To form the next generation of a virtuous nation, it is very important to have character education. What is meant by character education is a system of education that instills character values in a student, which includes cognitive knowledge, a sense of awareness of oneself and one's environment, and the will and actions to implement the values contained therein toward God Almighty. Almighty, himself, other people, his environment, and his nation and state (Rofi'ie, 2017). In implementing character education, SB AMI Penang provides intense supervision to its students in monitoring behavior. Apart from that, character education is also realized in the form of habituation and the indoor learning process (Wirakusuma et al., 2023). Non-documented Indonesian Malaysian children live in a working community environment. They also live in places with acculturation of various ethnicities from several countries such as China, Bangladesh, India, Malaysia, and Indonesia itself. This means that these children also gain a lot of knowledge and examples of different behaviors in society. So SB AMI Penang needs to filter the attitudes and characteristics of children that do not conform to noble character. However, in terms of implementation, this program is still not running optimally. This can be proven from the children's attitude which is far from polite. The lack of progress in this program is based on the fact that they only spend a short time at school and their parents are busy at work so there is minimal supervision.

The sixth program instills the value of religiosity with religious habituation. Religious values are very important values that every human being adheres to. This value reflects the growth and development of life in religion with three main elements, namely worship, morals, and faith as a guide for humans to behave by the rules of their God. Religious values are fundamental as guidelines, instructions, and encouragement for humans in carrying out the wheel of life both behaviorally and internally (Dasir, 2018). In realizing the values of religiosity, SB AMI Penang plans to memorize prayers and short letters and practice reading and writing the Koran (BTA) every Friday for Muslim students. Meanwhile, non-Muslim students are facilitated with an understanding of commendable behavior and morals from all religions and an attitude of tolerance. This reflects that SB AMI Penang emphasizes the value of religiosity in its students without abandoning an attitude of tolerance and tolerance towards its students. The implementation of this program went well and achieved success. This program is also a superior program for SB AMI Penang because apart from instilling religious values, it is also an instillation of multicultural education. Multicultural education can be implemented through student harmony in accepting diversity, differences of opinion, beliefs, unity, humanity, and justice in living life (Firdaus et al., 2023). Especially with students who come from two religions. The success of this program can be proven by the mastery of the ability to perform prayers, recite prayers, and read the Qur'an by Muslim students. Apart from that, it can also be proven by the mutual acceptance and respect of Christian and Muslim students who walk side by side and together in studying.

Challenges and obstacles

The realization of the AMI Penang Guidance Studio program in realizing the fulfillment of the educational rights of the children of Indonesian migrant workers faces several challenges and obstacles in its management. The challenge begins with the need for thorough socialization from the management to the parents so that they can convince and entrust their children to be educated at the AMI Penang Guidance Studio. Managers must also gain trust from donors that the materials they distribute are truly used for children's learning activities. The needs of children at school such as lunch, uniforms, and clothes washing facilities require the management to incur costs which in the end must agree with parents and guardians regarding the range of education costs. Due to the economic level of migrant workers, the majority of whom are middle to lower education costs are only 50 ringgit per month for the sake of smooth running together.

The obstacle that occurs is the identity of the children themselves, who do not have documents, so their security from a legal perspective is not guaranteed. Another obstacle is the limited number of teaching staff who must sincerely and voluntarily educate children. Likewise in terms of the curriculum, with the existing facilities the curriculum used still uses the 2006 curriculum book and nowadays the Merdeka Belajar curriculum is implemented. However, this does not reduce the enthusiasm of SB AMI Penang managers in fighting to fulfill the educational rights of Indonesian children. Technological advances in Malaysia are used as a means of obtaining the latest information to convey to students. The enthusiasm of the management of SB AMI Penang continued to burn until they were able to establish a new guidance studio called Sanggar Guidance AMI Ar Rahmah. Until now, the management continues to recruit children of Indonesian migrant workers so that educational attainment can be evenly distributed.

4. Conclusion

Based on the research we conducted, SB AMI Penang has made good efforts to fulfill the educational rights of undocumented Indonesian migrant children in the Bukit Mertajam area, Penang Island, Malaysia. However, their fellow migrant employees still have limitations and experience many obstacles. The response of guardians and students to non-formal education is also very good, they are enthusiastic about pursuing education for their children. However, this is certainly a big homework assignment for the country so that the existing problem of undocumented migrants does not mushroom further. Advice to the government is that the phenomenon of Indonesian migrant

children can be immediately addressed and handled together so that they have clear legal certainty that they can access facilities safely, comfortably, and calmly.

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