

## Collaborative Governance in Fulfilling the Right to Education for Children of Non-Document Migrant Workers in Malaysia

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**Abstract:** *This article aims to look at the government's role in fulfilling the right to basic education for the children of undocumented migrant workers in Malaysia. The research was conducted in the Kepong area of Selangor, Malaysia, with a qualitative method. Sources of data using primary and secondary data and data collection using observation, interviews, and documentation. The results obtained in this study show that the government has not been able to fulfill basic education rights for the children of migrant workers, especially those who do not have documents. The government is coordinating with community organizations, one of which is Muhammadiyah, to set up a guidance center that provides education rights for children of Indonesian migrant workers who do not have documents under the control of the Kuala Lumpur Indonesian School.*

**Keywords:** *Collaborative Governance; Education Rights; Indonesian Migrant Workers*

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## Introduction

Along with Indonesia's independence, all people have the right to equal or equal rights in all aspects of life, including the educational aspect, without distinguishing gender, social status, ethnicity, religion, or race. Basically, the term education is an effort to teach, guide, and create learning situations and conditions to optimize the existing skills of students (Arianti, 2019).

In addition to spiritual, religious, and character-building processes. Education is also a process of personal development in the emotional, cognitive, and psychomotor domains (Arifin, 2017). This means that education also plays an important role in the formation of the next generation of the Indonesian nation. That education serves to advance the nation and society. The existence of a community or community group is expected to be able to make a real contribution and work well with the school so that the goals to be achieved can run smoothly.

Article 31 of the 1945 Constitution states that the government also has the obligation to fulfill the rights of all citizens to education, and the government also has the obligation to organize a national teaching system that is regulated by law. Even so, the government's inability to provide access to education to all people is still a weakness of the government itself (Sirait, 2017; Yonantias, 2019; Zulkarnaen & Dwi Handoyo, 2019).

Indonesia is an archipelagic country that has a coastline of around 81,900 kilometers and is bordered by various countries. This line separates land and sea. Indonesia has direct land borders with Malaysia, Papua New Guinea, and Timor Leste. The land border of Indonesia and Malaysia can be seen from the north, namely on the island of Borneo, precisely

in West Kalimantan and East Kalimantan (Aos Y. Firdaus & Harun Umar, 2022).

The border area between Indonesia and Malaysia has always been a major concern. The problem is that border areas are far from the center of government and are in remote places that are difficult to reach, and inadequate transportation accessibility causes a low level of community welfare (Rachmawati & Dewi, 2021). In border areas, there are also many people who have dual citizenship (Affandi & Darmawan, 2021). This is an open secret for border communities. They kept the two citizenship cards and their ownership status secret from the security forces of the two countries. With Malaysian citizen status, they have the privilege of being able to get Malaysian products at low prices and can also trade between countries easily. This kind of activity occurred on Sebatik Island, Nunukan Regency, North Kalimantan.

In Indonesia, community groups formed for specific purposes on the basis of a collective agreement are referred to as community organizations (Herdiansah, 2016). On the basis of some similarities or objectives, organizations can be established, for example, social, religious, or educational organizations.

Muhammadiyah, as the oldest Islamic organization in Indonesia, is never tired of doing its best for the benefit of the people. This organization has played a major role in handling various problems in the nation's education system. For example, establishing schools from elementary to high school and tertiary levels is a form of Muhammadiyah's important role as an Islamic organization in the context of educating the life of the nation (Sulton et al., 2021). Not only domestically, Muhammadiyah also participates in dealing with the

educational problems of the children of undocumented Indonesian migrant workers in Malaysia.

The Indonesian migration program makes women dependent on intermediaries, exit service providers, and other parties and even makes migrant workers vulnerable to extortion and violence, including sexual violence (Husna, 2014). This vulnerability affects undocumented migrant workers in a number of situations, resulting in restrictions on their access to information services and the exercise of human rights. The large number of children of Indonesian migrant workers who were born abroad, especially in Malaysia, is the most obvious and risks not having citizenship status.

Malaysia, the main destination country for Indonesian migrant workers (Sholina, 2022), has an immigration policy that does not allow migrant workers in Indonesia to bring their families, marry, or have children while living or working in Malaysia. These children will have difficulty obtaining citizenship or birth certificates for the country. Therefore, children are vulnerable to criminal acts and violence such as exploitation, trafficking, and underage labor practices.

The obstacle experienced by illegal Indonesian migrant workers is difficulty accessing documents because most of them come through illegal channels and are afraid of being arrested and deported when trying to submit documents, resulting in difficulties for their children to access formal education in Malaysia (M. I. Jatmika, 2023). In this condition, the government's ability to solve this problem is also very limited because of the large number of illegal workers' children.

As a result, they can only receive informal education from communities or organizations established by Indonesian

citizens in Malaysia (Makhtar et al., 2015). To help fulfill these children's education, the government provides opportunities for various campuses in Indonesia to send their students as accompanying teachers in various guidance studios in Malaysia (S. Jatmika, 2022).

The government's limitations limit undocumented children's access to education, which affects future job opportunities and living wages. The phenomenon of stateless children can, of course, be explained as a form of violation of child protection, namely that every child has the right to a name as a form of self-identity and citizenship status.

This paper will look at the government's collaboration with community organizations in order to deal with the problem of fulfilling the right to education for Indonesian children who do not have complete documents and the role of the Muhammadiyah Organization in fulfilling the right to basic education in the Kepong area, Malaysia.

## **Method**

This study uses a type of qualitative research. Research is designed to describe, clarify, or explain the problem being researched (Fauzi et al., 2022). Furthermore, understanding the phenomenon or problem under study, such as descriptive perceptions, actions, motivations, or other behaviors explained in descriptive language, is the goal of qualitative research (Pahleviannur et al., 2022). This research focuses on the government's collaboration with Muhammadiyah community organizations in fulfilling basic education rights in Kepong, Malaysia.

The research location is in the Kepong Region, Malaysia. The data sources used in this research are primary and secondary data, which are restated.

Primary data review was obtained through in-depth interviews with the informant, Mr. Aqil, as the manager of the Kepong Guidance Center, teachers there, and students at the Kepong Muhammadiyah Guidance Studio.

Data collection techniques are applied by researchers through in-depth interviews to receive information orally through direct debriefing of a number of sources who can provide information about research questions. Furthermore, researchers also conduct literature studies without reading literature or written sources such as books, previous research, papers, journals, or relevant articles.

### Result and Discussion

Previous research with the title "Indonesia's Efforts in Handling the Education of Indonesian Workers' Children in Sabah, Malaysia" (Christie, 2016), This research examines the efforts made by the Indonesian government in dealing with the education of the children of Indonesian migrant workers. Indonesia's efforts are divided into two efforts to fulfill the education of the children of Indonesian migrant workers in Sabah. The connection between the governments of Indonesia and Malaysia is due to the fact that the Indonesian government itself is deemed not yet ready or even unable to provide a solution if the country where Indonesian migrant workers seek a source of income does not provide permission and participate in handling efforts in education services. However, not only by cooperating with Malaysia, the government also has other initiatives, such as establishing schools abroad, holding study groups, and sending educators from Indonesia to teach children in Sabah. This type of research is a descriptive analysis with a qualitative approach. Has similarities with

researchers, namely discussing the education of children of Indonesian migrant workers, but has a different research location, namely in Sabah. While the researchers took the location in Kepong.

Another study entitled "Active Role of NGO Humana in Facilitating the Education of Children of Indonesian Migrant Workers (TKI) in Sabah, Malaysia" (Muyamin, 2019), This research discusses the background of Humana as a non-governmental organization in Sabah, Malaysia, providing access to education to Indonesian children who do not have documents. The results of this study show that Humana has a basic idea that encourages goals or targets and aims to play an active role in providing educational facilities to the children of Indonesian migrant workers in Sabah. The existence of an institution or organization that is the subject of research is a similarity between this research and the researchers. The research location is Sabah, Malaysia, which distinguishes this research from the others. While researchers are in Kepong, Malaysia.

In implementing the curriculum found in the Malaysian education system, it is actually not much different from Indonesia. In Malaysia, the curriculum is continuous from preschool through primary and secondary schools and practices the concept of lifelong education. Meanwhile, in Indonesia, the curriculum is carried out in a sustainable way from preschool education through basic education, secondary education, and higher education. The aspects assessed also involve knowledge, values, and skills (cognitive, affective, and psychomotor) (Nurlitasari et al., 2023).

In the Kepong Guidance Studio itself, the teaching system refers to the Kuala Lumpur Indonesian School using the

Education Unit Level Curriculum (KTSP). The subjects taught are: natural sciences, social sciences, Indonesian language, mathematics, civic education, and Islamic religious education.

Subsequent research entitled "The Role of the Indonesian Consulate General in Kota Kinabalu in Increasing Access to Education for Children of Indonesian Migrant Workers in Sabah" (Andita et al., 2016) was carried out with a qualitative descriptive method. The results of this study describe the existence of internal and external problems that affect the performance of the Indonesian Consulate in Kinabalu in facilitating access to education for the children of migrant workers in Sabah. The similarities with researchers discussing the education of Indonesian children. The difference between this study and the researchers is that the research subject here is the Indonesian Consulate General in Kota Kinabalu. While researchers used the subject of community organizations.

Another study is entitled "Educational Problems at the Border: A Case Study of Basic Education for Children of Indonesian Migrant Workers in the State of Sarawak, Malaysia" (Sulistya Handoyo & Triarda, 2020). They discussed how cooperation with partnerships and the private sector could cover up the inability of the state to provide educational access or services. This collaboration can be said to be successful. However, this collaboration is not permanent. Therefore, it is necessary to rethink the right solution to overcome the problem. New ideas and policies must be found immediately to regulate the education of the children of Indonesian migrant workers in this area of Malaysia, especially in Sarawak. It has similarities with researchers, namely discussing the education of the children of migrant workers. However, there are

differences in the research location, namely Sarawak, Malaysia.

Furthermore, the research is entitled "State Responsibility for the Right to Education of Children of Indonesian Migrant Workers in Malaysia" (Viviansari, 2019). The results of this study indicate that the problems of the children of Indonesian migrant workers in Malaysia are indeed complex. So, it is our responsibility to help realize the right to education for the children of Indonesian migrant workers in Malaysia. With the cooperation between the two countries, Indonesia and Malaysia, a solution must be found immediately. The type of research used in this study is educational research based on conceptual and human rights law. Having similarities with researchers, namely the problems studied regarding the educational rights of children of Indonesian migrant workers. However, this research still discusses the state's responsibility for the right to education for the children of Indonesian migrant workers in Malaysia. Meanwhile, researchers discussed the role of community organizations in fulfilling the basic education rights of undocumented children.

### **The Role of the Indonesian Government in Fulfilling the Right to Education**

One of the contributors to foreign exchange throughout the country is the departure of Indonesian migrant workers abroad to work (Pasetia, 2012). The Indonesian Migrant Worker Protection Agency notes that in 2022, Malaysia will be the third-most popular destination country with 43,163 Indonesian migrant workers.

The figures above do not include undocumented Indonesian migrant workers who are illegally referred to as "unlicensed foreign migrants" (PATI). The

negative impact of the large number of migrant workers is the increasing number of children of Indonesian migrant workers. There are several reasons why Indonesian migrant workers choose Malaysia as their destination country, including getting more decent wages compared to working in Indonesia. In addition, cultural proximity and geographical location are not too far from the territory of Indonesia.

This then raises new problems related to the education rights of the children of Indonesian migrant workers in Malaysia. This problem arises due to an increase in the number of undocumented or illegal migrant workers. The absence of complete documents is one of the reasons why the children of Indonesian migrant workers do not have the opportunity to go to school formally.

In this case, the lack of awareness among parents about the importance of education for their children's future is also a problem. There are still many parents who want their children to not have an education and send them to work. Without support from parents, fulfillment of the right to education will also experience difficulties. Many parents still think that their children's going to school is not something that is mandatory.

Actually, there is not much difference between the requirements needed and the regulations in Indonesia, namely the complete documents from the student and everything needed, such as birth certificates and family cards. The main problem is the children of Indonesian migrant workers in Kepong, who do not have access to formal services because most of them do not have documentation such as birth certificates. Birth certificates are a problem that prevents the children of Indonesian migrant workers from getting a proper education. Birth certificates could not be

made because most of them were born to parents who were married illegally without using any documents, so their marriage was not recognized by the state. A birth certificate should be one of the most important requirements for a child to be able to go to school formally.

The Malaysian government has stipulated regulations that migrant workers may not bring their families or marry during the period of their work contracts and are required to have official documents. However, many Indonesian workers actually violate these regulations, leading to new problems with the education services provided to the children of Indonesian migrant workers who were born in Malaysia.

The existence of illegal Indonesian migrant workers causes the status of their children to become children without citizenship documents. Malaysia's National Registration Department was ultimately unable to issue birth certificates for them. Many Indonesians who are married or have families in Indonesia then bring their families here legally or illegally.

Some of them have lived permanently, and some have even reached two to three generations. Not only that, they also do not have identity documents such as identity cards and family cards. Most children of Indonesian migrant workers are born in Malaysia as a result of illegal marriages between illegal Indonesian migrant workers, or these children come to Malaysia with their parents through the border illegally. There are also children who come from illegal marriages between Indonesian migrant workers and Malaysian citizens or migrant workers. Indonesia with citizens of other countries such as Myanmar, Bangladesh, or India. This is in accordance with what was conveyed by Mr. Aqil (manager of the Kepong Guidance Studio);

"Almost all students of the Kepong Muhammadiyah Guidance Studio do not have documents because their parents' marriages were not official, and most of them also only had religious marriages without civil registration that they were married."

The lack of schools in Kepong that can provide access to education for the children of Indonesian migrant workers is also a problem. The number of schools available is not sufficient to reach all the children of migrant workers. The schools that were built were far away and hard to reach. Children of migrant workers are constrained by transportation costs to go to school every day.

**The Existence of Muhammadiyah Community Organizations by Establishing Guidance Studios**

A Center for Community Learning Activities (PKBM), namely the Guidance Center (SB), was officially established by the Leaders of the Special Branch of Muhammadiyah (PCIM) Malaysia. Kepong Guidance Studio is a non-formal education center located in Kepong, Kuala Lumpur. The Education and Culture Attaché (Atikbud) of the Indonesian Embassy in Malaysia inaugurated this guidance center on March 19, 2022.

At the start of the inauguration, the Kepong Guidance Studio had 27 elementary school-age students, all of whom were children of Indonesian migrant workers in the Kepong area (Affandi, 2022). The address of the Kepong Muhammadiyah Guidance Center is at Pelangi Magna Block A/13, Jalan Prima 3, Metro Prima, 52100 Kuala Lumpur Federal Territory. Currently, the Kepong Muhammadiyah Guidance Studio has 58 students, consisting of 5 classes: early childhood class, class 1, class A, class B, and class C.

Volunteers from Muhammadiyah and Aisyiyah in Malaysia, including students, housewives, and local residents, also helped set up the studio. Learning Guidance Studio will be adjusted to the non-formal education program by the Ministry of National Education, Government of the Republic of Indonesia. This aims to ensure that undocumented Indonesian citizens have the opportunity to study and attend school. Through this guidance center, the children of migrant workers will be able to follow the national curriculum and get a National Student Identification Number by taking the National Examination to get a school certificate, like schools in general.

The existence of a guidance center in Kepong consists of four teachers who also serve as academic staff and studio leaders. They are students and housewives who come from Indonesia but have settled in Malaysia. This limitation is a challenge for developing guidance studios in Kepong.

With the establishment of this studio, it is proof of Muhammadiyah's commitment to helping and fostering the nation's children's education. The Kepong Guidance Center is the second studio established by PCIM Malaysia. The first guidance center was established in the Kampung Baru area, which is located in downtown Kuala Lumpur. The Guidance Center, which was established by Muhammadiyah, is primarily intended for children of Indonesian migrant workers who do not have complete documents.

Children and their parents welcomed with pleasure and enthusiasm the existence of this guidance center. Prior to the existence of the guidance center in the Kepong area, many of the children of Indonesian migrant workers had never received any education at all. Even at the beginning of the establishment of this

studio, almost all of them did not recognize letters or numbers, even though they were already 8–12 years old. Their activity while there was no guidance center was only helping parents work or play games on cell phones. In addition, the reason they are happy with the guidance center is because, at home, many of them often experience violence from their parents.

This is also in line with what was conveyed by a class C student named Rouf as follows: "We were very happy when there was a school here; we had never studied at school before. At the beginning of the establishment of this guidance center, we just started learning to read and count, learning to recognize letters and numbers."

Not only providing education to the children of Indonesian migrant workers who do not have documents. However, the guidance center, which operates under the auspices of the Muhammadiyah, also issues certificates as outputs or learning outcomes for children while studying at the Muhammadiyah guidance center in Kepong. A diploma is an important part of the educational process that has been carried out through learning activities at an educational center.

There are still not many guidance studios that can issue certificates officially. Most guidance centers only focus on children's education in the present and have not thought about the future. To get a diploma, the children will take the Package A Examination equivalent to elementary school at the Kuala Lumpur Indonesian School (SIKL). The Kepong Guidance Studio is the only school in the Kepong area that can issue certificates to students. The diploma itself is issued directly by the Indonesian Embassy through SIKL. So far, issuing certificates for children who do not have documents has been considered very difficult. In fact, many schools and other

learning centers provide basic education for children, but usually only learning activities are offered from grades 1 to 5, and there are no exams. The diplomas issued are expected to help their lives in the future.

The existence of the Kepong Guidance Center also helps in building character in children with basic education such as morals, knowledge, reading, writing, and arithmetic. As explained by previous researchers, there is still a low understanding of parenting styles and a lack of awareness of education for their children.

The children in the Kepong Muhammadiyah Guidance Center are not only given general knowledge. However, they are also given religious knowledge. In teaching and learning activities at schools or guidance studios, before entering class, children are accustomed to performing Duha prayers in congregation, followed by recitations of the Koran. This activity lasts 30 minutes.

In addition, this guidance center also organizes Qur'anic education activities. This activity takes place from Monday to Friday and starts after the evening prayer until the evening call to prayer. The activities carried out were evening prayers in congregation and then continuing to learn to read the Koran. Not only that, the teachers also teach children about Islamic knowledge of the procedures for prayer and the correct procedure for ablution according to Islamic law. Apart from that, they are also given knowledge about the pillars of faith, the pillars of Islam, and the names of the prophets and angels. This activity is carried out after all students learn to read the Koran with the teacher.

This condition is actually a task for the state that has yet to be carried out; therefore, the concept that should be



promoted is democratic governance in order to deal with the problem of children of Indonesian migrant workers in Malaysia who do not have documents. Collaboration between actors that occurs between the government, Muhammadiyah, and Indonesian student associations abroad is very helpful in dealing with social problems experienced by Indonesian citizens in Malaysia.

### Conclusion

The results above show that the children of Indonesian migrant workers have difficulty accessing education because their parents enter Malaysia or work there without following the requirements in accordance with applicable regulations. Seeing this problem, Muhammadiyah performs its role or contribution in dealing with educational issues in Kepong. Muhammadiyah's role is the establishment of the Kepong Muhammadiyah Guidance Center, which is used for teaching and learning activities. Researchers hope that the social problems of illegal Indonesian migrant workers in Malaysia can be resolved as soon as possible and will not interfere with the fulfillment of basic education rights so that the children of Indonesian migrant workers in Kepong, Malaysia, can go to school like children in Indonesia. And the government can find the best solution to the problem of children's education.

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