

ARTICLE

Education Service for Children of Unregistered Indonesian Migrant Workers in Malaysia

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ABSTRACT

Following registration records for the 2022 Unlicensed Foreign Worker Recalibration Program (PATI), 418,649 Indonesian citizens are participating in the labour recalibration program in Malaysia, so this will have a negative impact, namely an increase in the number of children of Indonesian migrant workers. Malaysian immigration authorities do not allow all migrant workers to invite their families to come live in Malaysia. This causes migrant workers' children to feel ostracized, discriminated against and denied their right to education due to a lack of access to education and love from their parents. The research aims to explore the role of government in providing educational services. The research method is descriptive and qualitative. The subjects of this research were the Indonesian and Malaysian governments, the children of unregistered immigrant workers in several guidance studios, and migrant workers. Data was collected through interviews, observation, and documentation. Data analysis techniques include data reduction, data presentation, and conclusion drawing. The research results found that the rights of Indonesian citizens and children have been fulfilled, such as access to education. Fulfilling these needs is achieved through the role of government, such as establishing formal and non-formal schools to foster a sense of comfort and protection. In addition, the government, with its role, can create appropriate policies to provide rights and safety to the children of unregistered immigrant workers.

A. INTRODUCTION

Besides Taiwan, the main destination for Indonesian migrant workers is Malaysia, compared to other Asian countries. The high number of Indonesian immigrants in Malaysia is caused by socio-cultural and geographical proximity (Mangadi, 2020). Based on registration records for the Unauthorized Foreign Worker Recalibration Program (PATI), until 2022, 418,649 Indonesian citizens are participating in the workforce recalibration program in Malaysia. Note that this will harm many migrant workers in Malaysia by increasing the number of migrant workers' children. Under foreign employment regulations, Malaysian immigrants cannot bring their families to participate in their lives and settlements. Despite these restrictions, migrant workers live for years on Sabah's remote plantations as legal or illegal workers until they marry, have families and children, and live in confined environments. Illegal migrant

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workers' children in Malaysia have given rise to new issues related to Indonesia and Malaysia to resolve the problem of migrant workers' children in Malaysia (Christie, 2016; Widiawati et al., 2023). Not only that, the problem experienced by Indonesian migrant children is that it is complicated to receive an education in Malaysia due to incomplete administrative factors. For example, Indonesian immigrant children living in Malaysia do not have complete necessary documents, especially passports. Problems Indonesian immigrant children face make it difficult to obtain their right to study (Muhtarom & Andi, 2022; Muyamin, 2019).

The lack of official documents, as well as the identity crisis, make it difficult to access education for unregistered immigrant children in Malaysia, whereas education is something that everyone must obtain. Therefore, the government is responsible for giving Indonesian children the right to education. The government has the authority to administer the state, especially in the field of education, by the mandate in Law Number 20 of 2003 concerning the National Education System that the government and regional governments are obliged to guide, direct, assist, and supervise the course of education activities, apart from having the task of providing services easy related to the provision of quality education for everyone without discrimination (Astawa, 2020).

The government should ensure that its people receive proper education by the 1945 Constitution, namely Article 31, paragraphs (3) and (4) (Sirait, 2020). The government seeks and implements a national education system to make the nation's life more prosperous by allocating an annual budget for education as much as at least twenty per cent of the state revenue and expenditure budget as well as regional revenue and expenditure budgets to meet the needs for the implementation of national education. This makes it clear that the government's responsibility to fulfil the right to education for Indonesian children is not exceptional for the children of unregistered immigrants in Malaysia.

In meeting community needs related to development, the government plays an essential role as the foundation of a country. There are three types of government roles: the first is to maintain, secure, and maintain order in developing countries; the second is the definition of a service state, meaning that the government plays a role in meeting needs that need to be regulated in a social aspect; the third is the role of government in entrepreneurship or initiating community business initiatives; Apart from that, there is also an element of renewal or development. Even though society has a decisive role in development, the government has a more significant role in education development (Saputri & Khairani, 2021). One form of government service to people's lives is education service. This is because the fundamental right of every Indonesian is to receive an education so that they can act, feel, and obtain their rights (Mahardhani, 2022).

The government's role in fulfilling education is one way to solve the problem of not having official citizenship documents since immigrant workers marry fellow immigrant workers through unregistered marriage. This makes it difficult to obtain rights as Indonesian citizens, and children also suffer the consequences of not being able to receive education when they reach school age because they do not have birth certificates (Putra et al., 2019).

Based on the background above, several questions arise regarding the government's role in providing educational services for the children of immigrant workers in Malaysia. Then, in what way does the government give the educational rights of the children of unregistered immigrant workers in Malaysia, and what do the children of unregistered immigrant workers get, mainly when the government fulfils services or educational rights?

For this reason, the role of the Indonesian government is urgently needed in continuing the welfare of unregistered immigrant children, especially regarding the right to education. The Embassy of the Republic of Indonesia in Malaysia has made an effort by establishing a formal school, the Overseas Indonesian School (SILN), which consists of the Kuala Lumpur Indonesian School (SIKL) and the Kota Kinabalu Indonesian School (SIKK), an Indonesian

educational institution established abroad and aimed at Indonesian people in Malaysia (Setyani et al., 2021). Because SIKL and SIKK are also official or formal schools, the Indonesian Embassy's Atdikbud and SB founders, namely Sanggar Guidance, also established a non-formal school to provide essential education services related to literacy and numeracy. An effort by the Indonesian Embassy and the Ministry of Foreign Affairs to deal with the problem of illegal migrant children is by establishing several formal and non-formal schools.

Apart from providing primary education, the Guidance Studio was established to obtain original documents or identity as a birth certificate, which can later change the status from illegal to legal and eliminate feelings of alienation. After getting the rights above, at least the children of these unregistered immigrant workers have a sense of security because they already have an official written identity and can go to the official school at SIKL.

The results of this research will help the government and society understand the condition of migrant workers and their children who do not have original documents. Apart from that, the results of these findings can be used to provide input for the government and society of Indonesia and Malaysia in formulating the problems of migrant workers that often occur so that later they can resolve existing issues and increase the right to justice as well as the prosperity that must be obtained. The results of this research can provide information to the Indonesian people about how migrant workers live their lives in foreign countries so that they can be used as lessons to minimize things that can make it difficult for immigrant workers to survive in foreign countries, especially the mental health and justice of their children. The aim of research on the role of the government in educational services for unregistered immigrant children in Malaysia is to look at government programs that can help unregistered immigrant child workers obtain their rights and welfare.

B. LITERATURE REVIEW

Several previous studies stated that the children of unregistered immigrant workers in Malaysia had difficulty obtaining their education rights because Indonesian citizens who left and worked in Malaysia were initially legally using visitor visas but continued staying without processing or extending official documents like visas. They did not want to return to Indonesia (Asmaroini et al., 2023). Apart from that, other research showed that Malaysia has a policy that states that there is no opportunity for the children of migrant workers to receive education in Malaysian national schools (Lumayag, 2020; Loganathan et al., 2022). This is stated in the Malaysian Teaching Act 1998, Article 5, Paragraph 1B.

To solve this problem, the Indonesian Consulate General in Johor Baru, the representative of the Republic of Indonesia, held a meeting with the Malaysian government represented by the Board of Directors for Education, Information, and Development of Entrepreneurs and Johor State Officials. The meeting discussed education for migrant workers' children and Indonesian citizens in the PATI category who cannot receive education in Malaysia and then received support to build infrastructure to provide educational protection for migrant workers' children. Not only that, a study stated that the Indonesian government's role in providing educational services to the children of unregistered immigrant workers in Malaysia is an essential and urgent task. Therefore, education needs to be implemented for all children in the world, including Indonesian children, who are the nation's next generation, through various collaborations between the Indonesian and Malaysian governments and other essential parties in the field of education (Anita et al., 2021).

One of them is that Indonesian President Jokowi held a meeting with the Malaysian prime minister, who had the same discussion regarding the education of Indonesian children in Malaysia. The facilities and infrastructure that Indonesian children have experienced in Malaysia are the construction of Indonesian schools through direct data collection in the working area of the Indonesian Consulate General in Johor Bahru, Indonesian community

centres in other regions such as Muar and 106 Pahang for learning opportunities, and Indonesian transportation services for Indonesian students in Johor Bahru, with the participation of the Johor Bahru Consulate, making the children of migrant workers get excluded from the regulation because they are still under the jurisdiction of the Indonesian state (Mangadi, 2020).

C. METHOD

This qualitative research type focuses on describing and interpreting social phenomena or understanding the experiences and views of the natural subjects being studied (Fadli, 2021). The study in this research is educational services for children of unregistered Indonesian migrant workers in Malaysia. Researchers used a qualitative descriptive research methodology that examined educational services for the children of unregistered Indonesian migrant workers in Malaysia. The descriptive approach in qualitative research is a technique that aims to describe the current situation or circumstances. The subjects of this research were the Atdikbud of the Indonesian Embassy in Malaysia, children of non-documented immigrant workers, managers or founders of formal and non-formal schools, and parents of PMI. Research data was collected through observation, interviews, and documentation. Observation is used to observe student behaviour or activities in several formal and non-formal schools in Malaysia. Interviews were conducted to obtain information from questions and answers from researchers with the Indonesian Embassy's Education and Culture Office in Malaysia, administrators or founders of formal and non-formal schools, children of unregistered migrant workers, and parents or migrant workers. Documentation is the collection of information using notes or documents related to research. The results of this method were then analyzed to determine educational services for the children of unregistered Indonesian migrant workers in Malaysia (Rijali, 2018).

D. RESULT AND DISCUSSION

The consequence of increasing the allocation for migrant workers is providing opportunities for irresponsible parties to participate in the process of transporting migrant workers to Malaysia. The ease of the migration process caused some people who wish to become migrant workers to choose not to follow the procedures regulated by the Ministry of Manpower, which results in unregistered status for migrant workers. Labour regulation in Malaysia is a major immigration problem for migrant workers, including requiring migrant workers in Malaysia to work formally, have legal documents, must not bring family members to accompany them or live in Malaysia, and are prohibited from marrying local citizens or foreigners. However, the fact is that many migrant workers get married, bring their wives and families, and many even give birth in Malaysia.

The children of migrant workers brought new problems for the Indonesian government and Indonesian representatives in Malaysia. These migrant workers' children are in an illegal position; that is, they do not have official documents, and their existence is not recognized in Malaysia, so these children cannot access primary education at Malaysian national schools. One of the problems that hinders PMI children in Malaysia from obtaining educational services is the lack of birth certificates. Some PMI children in Malaysia are born to parents who are married without any legal documents, so they cannot produce a birth certificate for the benefit of their child (Novia, 2023).

Labour Regulations in Malaysia require migrant workers to have legal documents and are prohibited from marrying local citizens or foreigners. The birth certificate is one of the requirements for every child to study at an educational institution. Birth certificate is also one of the requirements for obtaining a passport. Migrant workers who violate labour regulations in Malaysia create new problems for their children who were born in Malaysia. It is difficult

for these children to obtain birth certificates, so their existence is not recognized in Malaysia, and it is difficult to access education. Education is a conscious and planned effort to realize that students actively develop their potential to have religious and spiritual strength, self-discipline, personality, intelligence, noble morals, and the skills needed by themselves, society, nation, and state. Education is an essential part of development. The training process cannot be separated from the development process ([Makkawaru, 2019](#)). Therefore, the Indonesian government must play a role in realizing and providing educational rights for the children of unregistered immigrant workers in Malaysia.

Government of Indonesia's Policy Regarding Education Services

The research results, conducted through observations and interviews, show the government's role in educational services for unregistered immigrant children in Malaysia in overcoming existing educational problems through cooperation between the Indonesian and Malaysian governments. This is because the Indonesian government cannot handle the processing independently if the country where the migrants work does not give permission or participate in the efforts to provide educational services. So, through observations on the Indonesian government's efforts, it is evident that some efforts already exist, such as the establishment of foreign schools, guidance studios, and the direct sending of teaching staff to Malaysia through a community service program, a collaborative program between the Indonesian and Malaysian governments involving students from universities throughout Indonesia with the Indonesian Embassy.

Based on the results of the data analysis, the government's role in educational services for unregistered migrant workers' children in Malaysia is to establish guidance centres and Indonesian schools abroad. In 2008, at the Annual Consultation in Kuala Lumpur, Malaysia, we agreed to establish the Kota Kinabalu Indonesian School (SIKK). Still, this SIKK was only intended for migrant workers' children who had birth certificates or student cards, and finally, this educational facility operated formally. It turns out that SIKK can only serve migrant workers' children in Kota Kinabalu and its surroundings. The establishment of SIKK provides a reality that if it has not been able to meet the needs of educational services for migrant workers' children in other areas, access to education remains limited. Several efforts have been made by the Indonesian government related to providing academic services for migrant workers' children organized by the Indonesian government in Malaysia, such as the Overseas Indonesian School (SILN), which consists of the Kuala Lumpur Indonesian School (SIKL), and SIKK, which is included in the category of an expatriate school. The role of government is vital in the field of education. The government organizes education towards regional autonomy with the help of teachers' professional skills, increasing the quality and salaries of teachers, growing educational opportunities, developing quality students, and paying full attention to the future of Indonesia's young generation ([Arkian et al., 2020](#)). The UN Refugee Agency (UNHCR) praised the Indonesian government's attitude regarding fulfilling and handling the rights that should be obtained by asylum seekers and international refugees, especially those in the most vulnerable situations.

Then, the Indonesian government's policy for providing other educational services was the formation of the CLC (Community Learning Center). This non-formal educational institution focuses on the children of immigrant workers in Malaysia. In providing educational access and facilities to fulfil Indonesia's national interests for migrant workers' children who mostly are unregistered or non-documented. This CLC collaborates with the Indonesian and Malaysian governments and palm oil plantation companies. In this situation, the Indonesian government has been unable to build learning buildings or schools because they have crossed the boundaries regulated and owned by their respective countries. Therefore, the Indonesian government is trying to carry out diplomacy with Malaysia regarding the education of migrant workers'

children, initially in the Sabah section, through the 2004 Annual Conference by the President of the Republic of Indonesia, Megawati Soekarnoputri, and the Prime Minister of the Republic of Indonesia. Malaysia, Abdullah Ahmad Badawi ([Sulistya Handoyo & Triarda, 2020](#)). Currently, there are many learning centres for children of migrant workers, such as CLCs and Indonesian Overseas Schools, in various regions.

Besides CLC, a non-formal school for migrant workers' children who do not have official documents, guidance studios have been established in various regions of Malaysia. Guidance Studio is a non-formal school in Malaysia. This studio was started in 2019, initially because the concerns of Indonesian children in Malaysia had not yet touched on access to education at all. At that time, one of the founders of Guidance Studio heard that there would be illegal access to education for children, so he asked the Indonesian Embassy about Atdikbud. Then, the Atdikbud invited one of the founders of the Guidance Studio to take care of unregistered Indonesian children in Malaysia. Then why is it called a learning studio? Because there is no permission from the Malaysian side. Do not use the sample names school, learning, learning, study, and others.

Apart from various educational services for migrant workers' children mentioned above, apart from the government's role as the main spearhead in obtaining their rights in a foreign country, unregistered immigrant children in Malaysia also need encouragement and support from their parents, such as full attention and affection, and their parents need always to get to know and accompany them during the growth process. Parents or families are responsible for children's development and progress ([Ruli, 2020](#)). On the other hand, parents also have a role as caregivers for their children to influence the child's character and behaviour development. Mistakes at the parenting or guidance stage will impact the child when he grows up. Parenting patterns can be interpreted as activities carried out continuously through the interaction of parents and children to encourage optimal and maximum growth and development in children ([Kurniati et al., 2020](#)).

In line with that, the role of the family is also to provide a sense of love, affection, security, and attention among family members. Togetherness with family can create a safe, comfortable, fair and protective atmosphere. The family is a place to complain about all the problems that all family members have encountered. This is in line with the Family Planning Coordinating Board's (BKKBN) idea that the family has the functions of love and affection, religion, social culture, reproduction, protection, economics, education, and environmental functions ([Zahrok & Suarmini, 2020](#)).

Therefore, their condition as illegal citizens is enough to make these children feel that they do not have the right to obtain their rights in a foreign country, feel ostracized, and feel uncomfortable because every time they leave the house and go to a crowded place, they might be ostracized and caught by the police. Not only that, another problem experienced by migrant workers is that they do not receive salaries for several months due to violence. In addition, issues arise for the children of unregistered migrant workers in Malaysia, such as babies who cannot get official documents due to unregistered marriages and out-of-wedlock pregnancies, so their status is unclear. When these babies grow, develop, and enter school age, they will face the reality of being unable to enter formal school. Because they are not administratively registered for this, they are considered invalid for studying at a formal school. Not only that, several migrant workers who choose to work in Malaysia with their children also have difficulty getting legal documents for their children. Ultimately, these children escaped the government's attention ([Shanti et al., 2021](#)).

Educational Conditions of Children of Non-Documented Migrant Workers in Malaysia

The children of unregistered immigrant workers in Malaysia are the children of their mothers who come from Indonesia and then work in Malaysia, staying for a long time without extending the active period of official documents such as passports and visas, who then marry Myanmar, Indian, Bangladeshi, or other foreigners who also reside in Malaysia. Based on this situation, the children in Malaysia do not yet have documents such as birth certificates, family cards, and official citizenship in Malaysia or Indonesia. This triggers the children of unregistered immigrants to obtain illegal status due to unclear citizenship, resulting in their being unable to attend formal schools. This worrying condition also comes from an economic perspective, which means they cannot participate in school. This is because their father and mother do not have permanent jobs.

Not only that, but feelings of anxiety and fear due to the lack of protection from the government often make the children of unregistered immigrants choose not to go to school and stay at home. The trigger is that if the Malaysian police carry out a screening operation among people who do not have documents, then these unregistered migrant workers' children will also be caught and taken to the police station. This statement was made by the founder of the Sentul Kuala Lumpur Malaysia guidance studio in an interview on November 29, 2022, during an international community service activity. If this situation continues, it will harm their progress in the future, even though they have the same rights as citizens regardless of their unclear citizenship status.

According to the Rights of Migrant Workers in the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Their Members, children of migrant workers have the right to a name, birth certificate, and citizenship (Article 29). The children of migrant workers also have the right to receive primary education (Article 30), as it has been stated that the children of non-immigrant immigrants must obtain this right. This document is about the right to access education. Regarding this right, migrant workers often question and ask for the right to education for their children (Sholina, 2022).

These migrant workers want their children to become successful people so that, in the future, they will not follow in the footsteps of those who migrate abroad to work. Apart from that, migrant workers believe that education is important in improving intellectual abilities and ways of thinking and supporting children in achieving the dreams or futures desired by the children of immigrant workers. While searching for data through interviews, one of the parents, or migrant worker, who lives in Sentul Kuala Lumpur, Malaysia, said, *"What does my child want to be if he doesn't go to school? Suffer in a country where people don't know about education. Don't let my child live in a foreign country and still be unable to study well."* This statement from one parent proves that education is essential for children of documented immigrants for their survival in the future. Because the children of migrant workers are unregistered, they will not stay in a foreign country forever. One day, they will return to Indonesia and become Indonesian citizens, so they must be given adequate basic education in Malaysia.

Humans with integrity require intensive assistance for survival, growth, and development, both mentally and socially. A child is someone who needs teaching and education for his future. Education can be obtained through formal and non-formal education; therefore, family education is as important as the initial education at home (Harahap, 2022). The right to receive education for conditional students is stated in Law of the Republic of Indonesia Number 12 of 1995 concerning corrections to Article 14 letter c. The details are contained in Government Regulation of the Republic of Indonesia Number 32 of 1999 concerning Provisions and procedures for implementing prisoners' rights in prison, regulated in articles 9 to 13, which

contain regulations related to the implementation of education and teaching (Pangaribuan, 2020).

Through education, someone can understand something that was not initially understood. With education, a person can gain knowledge, which can show that the nation's young generation must be able to have natural resources, be educated, and then benefit the country and state. It has been stated in the Preamble to the 1945 Constitution that one of the goals of the Indonesian nation is to educate its people. This is further supported by Article 31 of the 1945 Constitution, which states that "every citizen has the right to education", which means that every citizen has the same rights regarding education without discrimination or differences in status. For this reason, the government must be able to expand access to all the nation's children in the world of education, without exception for unregistered immigrant children (Johar et al., 2022).

Guidance Workshops as a Solution for Education Services for Non-Documented Immigrant Children in Malaysia

Based on some of the problems stated above, immigrant workers hope for a government policy regarding the right to education for their children. For this reason, the Indonesian government and the Malaysian government are working together to help unregistered immigrant children in Malaysia. Without cooperation between those two countries, the Indonesian government itself cannot implement or make policies in other people's countries without the consent of that country because it does not have the power, even though the policies carried out are for Indonesian citizens.

Based on researchers' observations, the Kuala Lumpur Indonesian School (SIKL) has been established in Malaysia, and its education levels are elementary-high school. Still, the Kuala Lumpur Indonesian School is a formal school, which ultimately means that children of unregistered immigrants cannot attend this school because of their status. Their nationality is unclear, and there is no official document as proof of identity. With the stipulation of SIKL by the government, it was still unable to help unregistered immigrant children obtain a proper education. Finally, through the Embassy of the Republic of Indonesia (KBRI) in Malaysia and the Ministry of Education, the Indonesian government made a new regulation in the form of establishing guidance studios spread across various regions in Malaysia.

Apart from that, from the results of research conducted in one of the areas where there are quite a lot of unregistered immigrant children, namely in Sentul Kuala Lumpur, Malaysia, it appears that the children of unregistered Indonesian immigrant workers in Malaysia have problems getting an education and having official citizenship documents. Therefore, having a place to study for children will solve this problem. The place of study in question is the guidance studio. This includes access to education and guarantees the receipt of citizenship documents such as passports and birth certificates as official documents.

In this way, the guidance centre positively impacts the children of unregistered Indonesian migrant workers in Malaysia, especially in obtaining educational services. Of course, with the government's role in providing good educational services, it is hoped that the children of unregistered Indonesian migrant workers in Malaysia will have a strong identity and self-confidence without feeling isolated because of their illegal status. This will help them to survive and blend socially with society without restraint or anxiety. Other benefits they can experience from having a tutoring centre are better access to education and valid documents as citizens, helping them deal with legal and social problems they may face.

In an interview with one of the Indonesian Embassy staff, Mr. Shohenuddin M.Ed., he said he often saw children who did not have access to education. So, Atdikbud and Pak Shohehnuddin work together to help immigrant children who are unregistered or who do not have official documents. At the end of 2019, the Embassy of the Republic of Indonesia (KBRI)

in Malaysia was known to have opened access to education for illegal children whose mothers were Indonesian citizens through a guidance studio. However, this guidance centre has not been formally established or has no official permission from the Malaysian government, so it has become a place for unregistered immigrant children to study without using the words study, school, or learn.

Furthermore, with the establishment of guidance centres spread throughout Malaysia, it turns out that it can overcome the problems of unregistered immigrant children regarding their right to education. Apart from functioning as a place of study, this place will also help unregistered immigrant children obtain official documents such as diplomas and birth certificates to be processed at the Population and Civil Registration Service when they are already in Indonesia. This official document can be obtained after studying at a guidance centre up to grade 6 in elementary school and taking an exam. After receiving education at a guidance centre, the children of unregistered immigrant workers will later continue their studies at SIKL, namely the Kuala Lumpur Indonesian School at the junior high school level. After studying for three years at SIKL, aged 15–17, these children will later be returned to Indonesia to live in their own country.

E. CONCLUSION

From the research results, it is concluded that the role of the Indonesian government in educational services for unregistered immigrant children in Malaysia is crucial due to the low level of education and lack of support, love, and attention from parents towards their children's education because they are busy working. This problem is one of the reasons why children do not get their rights as citizens. Therefore, the establishment of several learning facilities, such as the Kuala Lumpur Indonesian School (SIKL), SIKK, CLC (Community Learning Center), and Guidance Studio, is a real effort from the government to facilitate and accommodate the continuity of education for the children of unregistered immigrant workers. So that educational needs can be met. Thus, the government's role in education services through access to formal and informal education can provide various benefits, such as access to education and guarantees of obtaining citizenship documents such as passports and birth certificates as official documents, thereby improving the quality of life and welfare of the children of unregistered Indonesian immigrant workers.

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Contributorship

First author collects data about problems that occur in general, second author and third guide the process of making articles, provide directions, and help revise the contents of articles that are not appropriate. Finally, the fourth author participated in field observations.

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