
**THE FULFILLMENT OF CITIZENSHIP RIGHTS FOR THE CHILDREN OF
INDONESIAN MIGRANT WORKERS WHO ARE WORKING ILLEGALLY IN
MALAYSIA**

Yogi Prabowo^{1*}, Wicipto Setiadi², Ahmad Ahsin Thohari³

National Development University "Veteran" Jakarta, Indonesia

E-mail: yogiprabowo1911@gmail.com¹, wiciptoSetiadi@upnvj.ac.id²,

ahmadahsint@upnvj.ac.id³

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ABSTRACT

The right to citizenship is a basic human right. However, there are still individuals who have not been able to access their citizenship rights, namely children of Indonesian migrant workers who work illegally in Malaysia. researchers want to know how the protection of citizenship rights for children of Indonesian migrant workers who work illegally in Malaysia, as well as the responsibility of the state in fulfilling the citizenship rights of these children. This research uses a qualitative normative method. This research relies on literature and written sources as data sources. The results show that the children of Indonesian migrant workers who work illegally in Malaysia, in accordance with the principles and applicable laws, are Indonesian citizens. However, they do not have documents to prove their citizenship. The Indonesian government has the responsibility to ensure the ownership of citizenship documents for the children of Indonesian migrant workers who work illegally in Malaysia.

INTRODUCTION

Every individual born into the world possesses inherent human rights. These rights are not granted by the state or society but always exist because every individual has inherent dignity as a human being. Human rights are global; therefore, every person, regardless of skin color, gender, nationality, culture, or social status, unequivocally possesses them. Besides being universal, human rights are inalienable, meaning they cannot be taken away and are inherent to every human being as creations of God. Human rights apply to anyone, anywhere, and at any time, thus having a global nature. Human rights, in principle, cannot be eliminated, cannot be divided, and are interconnected and mutually supportive (Triyanto, 2013).

Indonesia, as a state based on the rule of law, recognizes and protects human rights. The state and government have a responsibility to respect, ensure, protect, and uphold the rights of every citizen without discrimination. Indonesia's adherence to human rights stems from Pancasila as a guiding principle in national life. Conceptually, human rights in Pancasila accommodate the aspect of humans as both individual and social beings. The recognition of human rights is fundamentally expressed in the second principle of Pancasila. To make the abstract concept of human rights more concrete and legally binding, it is necessary to provide

explanations and implement them in the existing laws and regulations. This will ensure that human rights are concretely recognized, respected, and protected within the Indonesian legal system. In the Indonesian constitution, there is a specific section that regulates human rights, namely Chapter XA which covers Article 28A to Article 28I, all of which provide guarantees for the basic rights of every citizen (Wilujeng, 2013).

Citizenship is a fundamental right for every human being. This is affirmed in the Constitution of the Republic of Indonesia of 1945 Article 28D paragraph (4), which states that every person has the right to citizenship status. Furthermore, in the Universal Declaration of Human Rights of 1948 Article 5, it is stated that every individual has the inherent right to citizenship, and no one can arbitrarily be deprived of their citizenship or denied the right to change their citizenship. Therefore, both in national and international law, it is important to recognize that citizenship plays a crucial role in ensuring the fulfillment of human rights. Citizenship status is one of the most significant aspects of life in a country. The position of citizenship is one of the most important elements in national life (Adolf, 1996).

In an era of globalization characterized by ease of transportation and information access, there has been an increase in migration between countries. Changes in national loyalty and population movements between countries, influenced by globalization factors and other reasons, have resulted in a significant number of Indonesian citizens deciding to work abroad. Indonesian labor migration is a natural consequence of globalization dynamics. The increasing intensity of global economic interactions has had a significant impact on economic integration, accompanied by the diminishing of national boundaries. Malaysia is one of the primary destinations for Indonesian migrant workers. The number of Indonesian migrant workers in Malaysia totals 1.29 million people (Pusat Data dan Informasi, 2023). However, among this number, a considerable portion of Indonesian migrant workers depart illegally. Factors contributing to Malaysia's status as a preferred destination for Indonesian migrant workers working illegally include, firstly, higher wages in Malaysia compared to Indonesia. Secondly, linguistic and cultural similarities between Malaysia and Indonesia. Thirdly, Malaysia's proximity to Indonesia. Indonesian migrant workers who work illegally in Malaysia are predominantly unskilled workers. Unskilled workers are individuals without specific skills or expertise, lacking specialized training, and typically with low educational attainment (only completing high school, vocational school, junior high school, or even elementary school) (Orbeta Jr, 2013).

The jobs obtained by Indonesian migrant workers who work illegally in Malaysia are often labor-intensive and long-term, such as domestic workers and plantation laborers. Despite lacking skills, the higher income compared to Indonesia makes many of these illegal Indonesian migrant workers feel comfortable working, residing, and even getting married and having children in Malaysia. The marriages they enter into are usually not officially registered and, thus not legally recognized. This is because Indonesian migrant workers who work illegally are in Malaysia unlawfully and violate immigration and labor regulations. With marriages that are not legally recognized, new problems arise, namely, the children of these illegal Indonesian migrant workers cannot obtain birth certificates. Birth certificates are a manifestation of identity for all individuals and are an inseparable component of the civil and political rights of citizens (Kuwing & KEBUDAYAAN, 2022). One of the primary roles of a birth certificate is to provide

data on citizenship and the initial identity of newborn individuals recognized by the government. Therefore, the unavailability of birth certificates for the children of Indonesian migrant workers who work illegally in Malaysia can potentially impact their ability to obtain the citizenship rights they should rightfully have (Karim, 2021).

Indonesia and Malaysia both adhere to the principle of *Ius Sanguinis*, which determines an individual's nationality based on descent or the law of blood. Therefore, in theory, someone born to Indonesian or Malaysian parents can acquire their parents' nationality. However, legally, the lack of marriage certificates for the parents and birth certificates for the child renders the child of Indonesian migrant workers who work illegally in Malaysia unrecognized under the law. According to the National Commission on Human Rights, in 2022, approximately 325,477 individuals of Indonesian descent in Malaysia were potentially stateless. Hundreds of thousands of Indonesian children in Malaysia are potentially stateless (Agus Raharjo, 2023). Being stateless renders them unable to access their rights as citizens, such as education, healthcare, social security, and others. Stateless children, unable to fully exercise their human rights and basic freedoms, become highly vulnerable to various forms of abuse, violence, and exploitation. Their inability to obtain adequate legal protection exposes them to risks threatening their welfare and safety. Therefore, it is crucial to address citizenship-related issues for children seriously to protect their rights and well-being (Chia, 2016).

The purpose of this study is to analyze the conditions of children who are descendants of Indonesian migrant workers who work illegally in Malaysia. This includes understanding the challenges and difficulties faced by the children in terms of access to education, health, and protection.

Realizing the importance of the right to citizenship for children, every country, including Indonesia, has a moral and legal responsibility to protect and fulfill this right in accordance with applicable laws and regulations. Efforts to protect and fulfill children's rights to citizenship are integral parts of international commitments recognized by states to safeguard and promote children's rights, ensuring that every child can grow and develop in a safe and supportive environment. Therefore, states must act to fulfill their obligations in this regard and ensure that children obtain citizenship status based on the law and applicable regulations (Kosasih, 2012).

Based on the description above, the author is interested in discussing: First, how is the protection of citizenship rights for the children of Indonesian migrant workers who work illegally in Malaysia? Second, what is the state's responsibility in fulfilling the citizenship rights of the children of Indonesian migrant workers who work illegally in Malaysia?

METHOD RESEARCH

This research used a normative legal research method to identify legal principles and doctrines to address the legal issues at hand. The literature used consisted of 2 (two) legal sources: 1) Primary legal sources consisting of basic norms or principles, provisions or fundamental regulations, as well as legislation; and 2) Secondary legal sources, which provided further explanations of primary legal sources in the form of literature, journal articles, and relevant research results (Marzuki, 2010). Data collection was conducted through a literature review of books, articles, research findings, and relevant legislation. Data analysis was performed descriptively and qualitatively to address the research questions.

RESULTS AND DISCUSSION

The state is a human institution; it is humans who form the state. Humans who form the state are individual beings (*edelwelzen*) and also social beings (*gameenschapswezen*). Although national societies are divided into groups, the state forms a cohesive unity and represents an idea (*een idée vertegenwoordngt*). The people are one of the elements for the formation of a state, alongside territorial and governmental elements. A state will not form without a population, even if it has a certain territory and a sovereign government. Similarly, if the people are in a certain territory but do not have their sovereign government internally and externally, then the state itself clearly cannot exist (Soekanto, 2006). The relationship between the state and its people indicates the following: First, the state and its people are inseparable, signifying that discussions regarding constitutional law cannot be detached from the roles and functions of citizens. Second, citizenship issues, including human rights, become fundamental topics that cannot be overlooked in studying constitutional law. Third, the main element of the state as a power organization is the existence of the people who act as members and also as constituents of the state organization (Kartasapoetra, 1987).

Citizenship status is an inseparable part of Human Rights. The right to citizenship is a fundamental basis for explaining the legal relationship between the state and its citizens. Citizenship is a legal bond between an individual and a state. Citizenship provides individuals with an identity, but more importantly, citizenship enables an individual to have rights and to exercise various inherent rights to fully participate in society. Because the absence of citizenship or statelessness can be dangerous, and even in some cases, it can destroy the lives of those affected. Therefore, the state must avoid stateless situations to ensure protection for individuals without citizenship.

Given the importance of citizenship status for an individual, Indonesia has authorized legislation and established state institutions to ensure the protection of the right to citizenship, including:

A. Legislation as the Foundation for the Protection of Citizenship Rights

a. Constitution of 1945

As a result of the 1998 reform movement, amendments were made to the 1945 Constitution as the foundation of the state. The 1945 Constitution has undergone four amendments. One of the objectives of amending the 1945 Constitution was to ensure the guarantee and protection of human rights (HAM) in line with the development of human rights principles and human civilization, which are prerequisites for a rule of law state. As a result of this objective, a new chapter entitled Chapter XA on Human Rights was included. The inclusion of this chapter represents an expansion of the human rights content that existed in the 1945 Constitution before the amendment, namely in Articles 27, 28, 29 paragraph (2), 30 paragraph (1), 31 paragraph (1), and 34. With the inclusion of human rights provisions in the 1945 Constitution, the constitutional rights of every Indonesian citizen and resident are guaranteed (Thohari, 2015).

The rights of citizens regulated in the 1945 Constitution encompass 40 (forty) rights of Indonesian citizens divided into 14 (fourteen) clusters, including the right to citizenship, the right to life, the right to self-development, the right to freedom of thought

and freedom to choose, the right to information, the right to work and decent living, the right to ownership and housing, the right to health and a healthy environment, the right to family, the right to legal certainty and justice, the right to be free from threats, discrimination, and violence, the right to protection, the right to advocate for rights, and the right to governance. The right to citizenship is one of the recognized rights in the 1945 Constitution, specifically in Article 28D paragraph (4) which states, "Every person has the right to citizenship status."

b. Law No. 12 of 2006 concerning the Citizenship of the Republic of Indonesia

After the 1945 Constitution underwent changes that provided greater protection for human rights and the rights of citizens, and the previous Citizenship Law was no longer in line with the developments and demands of the Indonesian society as part of the international community in the global arena, which demanded equality of treatment and status of citizens before the law as well as gender equality and justice. Therefore, Law No. 12 of 2006 concerning the Citizenship of the Republic of Indonesia was enacted.

The principles adopted in Law No. 12 of 2006 are as follows:

- a) The principle of *ius sanguinis* (law of the blood) is the principle that determines a person's citizenship based on descent, not based on the country of birth.
- b) The principle of *ius soli* (law of the soil), in a limited sense, is the principle that determines a person's citizenship based on the country of birth, which is applied restrictively to children in accordance with the provisions stipulated in this law.
- c) The principle of single citizenship is the principle that determines one citizenship for everyone.
- d) The principle of limited dual citizenship is a principle that allows dual citizenship for children in accordance with the provisions stipulated in this law.

B. Indonesian State Institutions Responsible for Protecting the Right to Citizenship

a. Directorate General of General Legal Administration, Ministry of Law and Human Rights.

The Directorate General of General Legal Administration is tasked with formulating and implementing policies in the field of general legal administration services in accordance with the provisions of laws and regulations. The functions of the Directorate General of General Legal Administration are as follows (Hukum & Nomor, 28 C.E.):

- a) Formulating policies in the fields of business entities, civil law, criminal law and dactyloscopy, central authority, and international law, constitutional law, as well as general legal administration information technology in accordance with the provisions of laws and regulations;
- b) Implementing policies in the fields of business entities, civil law, criminal law and dactyloscopy, central authority, and international law, constitutional law, as well as general legal administration information technology in accordance with the provisions of laws and regulations;
- c) Providing technical guidance and supervision in the fields of business entities, civil law, criminal law and dactyloscopy, central authority and international law,

constitutional law, as well as general legal administration information technology in accordance with the provisions of laws and regulations;

- d) Implementing monitoring, evaluation, and reporting in the fields of business entities, civil law, criminal law and dactyloscopy, central authority, and international law, constitutional law, as well as general legal administration information technology in accordance with the provisions of laws and regulations;
- e) Implementation of the Directorate General's administration; and
- f) Implementation of other functions assigned by the Minister.

b. Legal Affairs Division of the Embassy of the Republic of Indonesia in Malaysia

The Legal Affairs Division of the Embassy of the Republic of Indonesia in Malaysia is led by a Legal Attaché, who is a Civil Servant of the Ministry of Law and Human Rights assigned to the Representation of the Republic of Indonesia in Malaysia. The Legal Attaché is tasked with coordinating legal cooperation, protecting Indonesian citizens in matters of citizenship, and providing assistance in legal processes requiring special handling. The functions of the Legal Attaché are as follows:

- a) Implementation of coordination to enhance legal cooperation with the Ministries/Technical Agencies of the Receiving State, including reciprocal legal assistance in criminal matters, extradition, and the transfer of prisoners between countries.
- b) Providing legal facilitation with Malaysian state agencies and technical attaches at the Representation of the Republic of Indonesia in Malaysia;
- c) Implementing requests to regain Indonesian citizenship;
- d) Implementation of coordination with consular functions and/or other technical attaches to assist in handling Indonesian citizens requiring special attention;
- e) Monitoring the legal processes of Indonesian citizens requiring special attention at every level of the judiciary and taking legal actions as necessary;
- f) Implementation of coordination with retainers and/or in-house lawyers in the trial process of Indonesian citizens facing severe or death penalties at every level of the judiciary and taking legal actions as necessary; and
- g) Monitoring, analysis preparation, and reporting related to the protection of Indonesian citizens regarding citizenship matters, assistance in legal processes requiring special handling, and implementation of legal cooperation with Malaysia.

With the establishment of the right to citizenship in Indonesia in accordance with the laws and regulations, it is only right that every individual subject to these laws and regulations should have their citizenship rights protected, including the children of Indonesian Migrant Workers who work illegally in Malaysia. In implementing the laws and regulations, especially those related to the protection of the right to citizenship, the Indonesian government as the executive body has established a State Institution authorized to implement the laws and regulations related to the right to citizenship, namely the Directorate General of General Legal

Administration of the Ministry of Law and Human Rights, to provide services for determining Indonesian citizenship status. To specifically address citizenship issues affecting Indonesian citizens or descendants of Indonesian citizens in Malaysia, protection will be provided by the Legal Division of the Embassy of the Republic of Indonesia in Malaysia. Therefore, ideally, citizenship issues faced by the children of Indonesian Migrant Workers who work illegally in Malaysia can be assisted and resolved by the Legal Division of the Embassy of the Republic of Indonesia in Malaysia.

Indonesian Migrant Workers who work illegally in Malaysia usually enter the country through document forgery, such as passports and visas, or by using illegal entry points. This results in them being undocumented. Consequently, they are often referred to as undocumented migrant workers. Workers classified as undocumented migrant workers are those who do not possess any valid documents either because they have expired or because their documents are falsified. Typically, undocumented migrant workers will reside and settle in Malaysia for an extended period. As a result, many of them eventually decide to marry either Malaysian citizens or other migrant workers. They go through with the marriage but do not register it legally because of their undocumented status and fear of being detained by Malaysian authorities. The undocumented status of Indonesian Migrant Workers working illegally in Malaysia also impacts their offspring. The children of undocumented migrant workers eventually become undocumented as well. Due to their parents' unregistered marriage, their births are also not legally registered. Consequently, their children end up being undocumented, lacking birth documents such as birth certificates or any proof of birth.

Indonesia adheres to the principle of *jus sanguinis*. *Jus sanguinis* is the principle of determining a person's citizenship status based on descent or "law of the blood." Under this principle, a child automatically acquires the citizenship of one or both parents. Because Indonesia follows the *jus sanguinis* principle, anyone born to Indonesian citizen parents will acquire Indonesian citizenship. This is further reinforced in the annex of Law Number 12 of 2006 concerning Indonesian Citizenship, which states that Indonesia adheres to the principle of *jus sanguinis*. Based on the citizenship principle adopted by Indonesia, the children of Indonesian Migrant Workers working illegally in Malaysia should still acquire Indonesian citizenship because their parents are Indonesian citizens. However, a new legal issue arises when marriages of Indonesian Migrant Workers working illegally in Malaysia are usually not legally registered. Then, what about the citizenship status of their children? Article 4, paragraphs g and h of Law Number 12 of 2006 concerning Indonesian Citizenship regulate that a child born outside of a valid marriage from an Indonesian citizen mother; A child born outside of a valid marriage from a foreign citizen mother acknowledged by an Indonesian citizen father as his child, and the acknowledgment is made before the child reaches the age of 18 (eighteen) years or before marriage. Thus, based on the provisions of Article 4, paragraphs g and h of Law Number 12 of 2006 concerning Indonesian Citizenship, even if born outside of a valid marriage, the child of Indonesian Migrant Workers working illegally in Malaysia remains an Indonesian citizen.

The Indonesian government should rightfully grant citizenship to anyone born to one or both parents who are Indonesian citizens. However, the undocumented status of children born to Indonesian Migrant Workers working illegally in Malaysia means they cannot legally prove

they are children of Indonesian citizens, thus they cannot access their rights to Indonesian citizenship. If a child cannot prove their citizenship, they will be considered stateless (*apatride*). Statelessness can be understood as a situation where someone does not have citizenship or is not recognized by any country as its citizen. Regarding Indonesian Migrant Workers working illegally and their descendants in Malaysia, after the 2006 Law was enacted, the Directorate General of Legal Administration collaborated with the Ministry of Foreign Affairs, the Directorate General of Immigration, the Labor Section of the Indonesian Embassy in Malaysia, the Malaysian Immigration Department, and palm oil plantation owners in Malaysia. The clarification of Indonesian citizenship was provided to all individuals who could be recognized as Indonesian citizens according to the 2006 Law.

However, after 2011, it was found that many Indonesian Migrant Workers remained undocumented, and there were even new cases of Indonesian Migrant Workers working illegally in Malaysia. As a result, there were Indonesian Migrant Workers in Malaysia and their descendants who lacked Indonesian documents. Because the citizenship clarification program in Malaysia was not continued after 2011, the Indonesian Government, through the Legal Affairs Section of the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia, reaffirmed Indonesian citizenship by issuing a Certificate of Indonesian Citizenship Status. The process for issuing the Certificate of Indonesian Citizenship Status is as follows:

- a. The applicant registers online;
- b. The applicant comes to the Embassy of the Republic of Indonesia in Kuala Lumpur with proof of online registration according to the schedule;
- c. The applicant submits the required documents, including:
 - a) Letter of Service Request;
 - b) Applicant's documents (Mother) can be in the form of Passport/Travel Document/ID Card/Degree Certificate/Birth Certificate/Family Card/Marriage Certificate/Divorce Certificate/Death Certificate;
 - c) Birth Certificate of the child from the National Registration Department (JPN)/Affidavit from a Commissioner for Oaths/Affidavit of Birth from a Clinic/History of pregnancy examinations from a Hospital or Birth Certificate from the Village Head/Community Organization accompanied by witness identities;
 - d) Letter of Statement taking full responsibility for the child's birth data;
- d. The officer verifies the data's conformity with the documents submitted by the applicant, according to the following provisions:
 - a) If brought by someone else but known by the biological mother, a Power of Attorney from the Biological Mother must be attached.
 - b) If brought by someone else but the whereabouts of the biological mother are unknown, the applicant must report the birth to the National Registration Department (JPN) and provide a Sworn Affidavit.
 - c) If brought by someone else claiming to be the father but unable to provide a marriage certificate, the applicant must report the birth to the National Registration Department (JPN) or undergo DNA testing.
 - d) If the documents are incomplete, they will be returned to the applicant for completion.
- e. Drafting the Concept of Certificate of Citizenship Status (SKSK), Certificate for the

- processing of Birth Certificate (SBPK), and COM Introduction Letter.
- f. The legal attaché will provide approval/signature on the draft SKSK, Certificate for Processing Birth Certificate (SBPK), and Letter of Recommendation for COM.
 - g. Numbering and archiving (scanning/media transfer) of SKSK, Certificate for processing SBPK, and Letter of Recommendation for COM.
 - h. Handing over the signed SKSK, Certificate for processing SBPK, and Letter of Recommendation for COM, along with attachments, to the Applicant.

The issuance of a Certificate of Citizenship Status for Indonesian Citizens and their descendants without documents in Malaysia has not yet had a legal basis for its implementation. The issuance of the Certificate of Citizenship Status is carried out at the discretion of the Malaysian Ambassador to address the issue of the high number of Indonesian citizens and their descendants without documents. Discretion can be defined as all activities involving the process of policy-making or decision-making or actions based on one's initiative and not bound by legal provisions, with careful, contextual, and accountable considerations. Discretion is necessary as a complement to the principle of legality, which states that every action or administrative act of the state must be based on laws and regulations. However, it is not possible for legislation to regulate every implementation of government administration amid various problems that arise. Therefore, discretion is present to address issues that arise in the implementation of government administration where there is no legislation regulating it (Ansori, 2015).

With the significant number of Indonesian citizens and their descendants lacking citizenship documents and given that this practice has been ongoing since 2022, it is only fitting that the issuance of the Certificate of Citizenship Status should have a strong legal basis as a reference for its implementation. Considering this fact, in 2024, the Directorate General of General Legal Administration initiated the drafting of a Minister of Law and Human Rights Regulation on the Procedures for Confirming the Citizenship Status of the Republic of Indonesia for Indonesian Citizens Without Documents and Proof of Citizenship Outside the Territory of the Republic of Indonesia. The purpose of drafting this Minister of Law and Human Rights Regulation is to serve as a legal basis for determining and granting Indonesian citizenship status to Indonesian citizens without documents abroad and is a form of government effort to provide protection to Indonesian citizens abroad who are at risk of losing their Indonesian citizenship.

In the Draft Regulation of the Minister of Law and Human Rights on the Procedures for Confirming the Citizenship Status of the Republic of Indonesia for Indonesian Citizens Without Documents and Proof of Citizenship Outside the Territory of the Republic of Indonesia, coordination with relevant Ministries/Institutions will also be regulated. As mentioned earlier, when applicants for the Certificate of Citizenship Status have no documents at all, officials will conduct interviews to ascertain that they are indeed Indonesian citizens. The issue here is that these interviews rely solely on the conviction of the interviewing officer without accompanying verification of the truthfulness. After this Draft Regulation of the Minister of Law and Human Rights is enacted, the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia, through the Legal Attaché, can coordinate for verification of the

accuracy of the interview results with relevant Ministries/Institutions or the Administrative Government.

Upon deeper reflection, the ultimate goal of issuing the Certificate of Citizenship Status is actually to facilitate the return of Indonesian citizens and their descendants who lack documents in Malaysia back to Indonesia. It's important to realize that they are, in fact, violating Malaysian immigration regulations. Indonesian Migrant Workers who work illegally lack work permits to work in Malaysia, while their descendants lack residency permits to stay in Malaysia. Therefore, if the issuance of the Certificate of Citizenship Status by the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia, is not accompanied by strict controls to ensure that Indonesian citizens and their descendants who have obtained the Certificate of Citizenship Status do not return to Indonesia, it may give the impression that the issuance of the Certificate of Citizenship Status is a form of toleration towards the immigration law violations committed by Indonesian Migrant Workers who work illegally in Malaysia and their descendants.

The role of the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia, becomes crucial. They must ensure that the issuance of the Certificate of Citizenship Status is carried out strictly and in accordance with the applicable law. After obtaining the Certificate of Citizenship Status, Indonesian citizens and their descendants are required to immediately obtain travel documents, such as a passport or a Letter of Travel Document, and use these documents to return to Indonesia promptly. Strict supervision and consistent action by the embassy can prevent document abuse and ensure compliance with immigration laws.

It is important to coordinate and collaborate between the government, state institutions, and other relevant parties in addressing the issue of children of Indonesian Migrant Workers who work illegally in Malaysia. A comprehensive and integrated approach is needed to solve this problem, which includes strict monitoring, public education, and bilateral cooperation with Malaysia in law enforcement. Taking into account these legal, ethical, and diplomatic aspects, it is hoped that the Indonesian government can find a fair and sustainable solution to address the issue of children of Indonesian Migrant Workers working illegally in Malaysia.

CONCLUSION

In protecting citizenship rights for the children of Indonesian Migrant Workers who work illegally in Malaysia, the Indonesian government has established and enacted several legal instruments that regulate citizenship rights. Furthermore, to ensure that the fulfillment of citizenship rights runs smoothly, the Indonesian government has formed a state institution responsible for protecting citizenship rights, namely the Directorate General of General Legal Administration, Ministry of Law and Human Rights. Specifically, to resolve citizenship issues in Indonesia, the Indonesian government has established a dedicated unit, namely the Legal Affairs Department at the Embassy of the Republic of Indonesia in Malaysia.

Based on the citizenship principles adopted by Indonesia and the prevailing laws and regulations, the descendants of Indonesian Migrant Workers who work illegally in Malaysia are considered Indonesian citizens. However, despite being Indonesian citizens, they often lack citizenship documents to prove their status. The Indonesian government has a responsibility to ensure that these descendants have citizenship documents. To fulfill this responsibility, the

Indonesian government, through the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia, issues a Certificate of Indonesian Citizenship Status.

Strict supervision is necessary for issuing the Certificate of Indonesian Citizenship Status to ensure that the ultimate goal of repatriating Indonesian citizens and their descendants without documents back to Indonesia is achieved. In addition, effective measures are needed to prevent Indonesian Migrant Workers from working illegally. If the issues related to Indonesian Migrant Workers working illegally can be resolved, then the issue of citizenship for the descendants of Indonesian Migrant Workers working illegally in Malaysia will automatically be resolved as well.

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