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## Review of Siyasa Dauliyah on the Immigration Document Control System for Indonesian School Students in Kota Kinabalu by the Consulate General of the Republic of Indonesia Kota Kinabalu Sabah Malaysia

Syifa Atqiyatun Nisa<sup>1</sup>, M. Asro<sup>2</sup>, Lutfi Fahrul Rizal<sup>3</sup>

<sup>1</sup> UIN Sunan Gunung Djati Bandung, Bandung, Indonesia, [syifanissa02@gmail.com](mailto:syifanissa02@gmail.com)

<sup>2</sup> UIN Sunan Gunung Djati Bandung, Bandung, Indonesia, [muhammadasro@uinsgd.ac.id](mailto:muhammadasro@uinsgd.ac.id)

<sup>3</sup> UIN Sunan Gunung Djati Bandung, Bandung, Indonesia, [lutfifahrulrizal@gmail.com](mailto:lutfifahrulrizal@gmail.com)

Corresponding Author: [syifanissa02@gmail.com](mailto:syifanissa02@gmail.com)

**Abstract:** This research aims to conduct an in-depth review of legal supervision of immigration documents of Indonesian School students in Kota Kinabalu by the Consulate General of the Republic of Indonesia in Kota Kinabalu Sabah Malaysia through the perspective of Siyasa Dauliyah. This study uses an empirical legal method by looking at the legal reality that exists in society which includes legal identification of legal effectiveness. The data collected were analyzed descriptively. The results of the study indicate that supervision of immigration documents of Indonesian citizens residing in foreign countries has been regulated in Law Number 6 of 2011 concerning Immigration. This law regulates the implementation and function of immigration both domestically and as representatives abroad. This study also identified several obstacles in the supervision of immigration documents of Indonesian citizens residing in Malaysia. These obstacles include understanding the rights and obligations of living in other countries, lack of awareness of the importance of travel documents or residence permits in other countries, and criminal provisions for not having complete immigration documents. That supervision of immigration documents of Indonesian citizens needs to be improved through comprehensive efforts. There needs to be a better awareness of the importance of immigration documents when outside Indonesia, whether travel documents or residence permit documents in other countries, an understanding of the rights and obligations of migrant citizens, and the criminal acts of not having complete immigration documents.

**Keyword:** Document Control, Immigration, Indonesian Consulate General, Siyasa Dauliyah.

### INTRODUCTION

In the current era, technology is developing rapidly which is one of the factors in increasing the mobility of the world's population, so that various consequences arise from the development of the current era. The impacts caused are diverse, ranging from beneficial to

detrimental to the life of the nation and state. So in this case the role of the Law is of course very necessary for the sake of ensuring respect that is in line with legal certainty, as well as protection that is useful for the advancement of Human Rights (Rudi, 2007). International law has a role and function in granting rights and authorities to all countries to exercise jurisdiction over human persons and/or material things as well as various acts that occur in a territory in a country (Widagdo, 2019). Travel in and out of countries that are carried out between countries and involve people in a territory of the country have certainly been regulated, both in terms of requirements are ranging from documents to travel periods, they have been regulated by regulations with immigration aspects that apply in each country and are both universal and special, of course, in accordance with the values and needs of the country (Alan Hasan, 2015).

Indonesia is a sovereign legal state and has the goal of prospering all Indonesian people (Isharyanto, 2020). In this regard, Indonesia must be able to realize its goal of protecting all the interests of the nation and participating in implementing world order in relation to other countries. In the 1945 Constitution it is stated that "Then to form a government of the state of Indonesia that protects the entire Indonesian nation and all of Indonesia's bloodshed and to advance general welfare, educating the life of the nation and participating in implementing the world order, which is based on independence, lasting peace and social justice."

Chapter 1 Article 1 of Law Number 6 of 2011 talks about immigration, which is part of the enforcement of sovereignty over Indonesian territory in order to maintain orderly life of the nation and state towards a just and prosperous society based on Pancasila and the 1945 Constitution. Immigration has a function to regulate the traffic of people entering or leaving Indonesian territory and its supervision in order to maintain order in the life of the nation and state (Armansyah, 2019).

One part of state government affairs is providing immigration services. State government also has other functions, such as maintaining the law, maintaining state security, and encouraging the development of social welfare. In Law Number 6 of 2011 Chapter 1 article 1 paragraph (1) states that to carry out immigration functions, the government determines immigration policies, paragraph (2) immigration policies are implemented by the Minister, paragraph (3) immigration functions along the Indonesian territorial borders are implemented by immigration officials including immigration checkpoints and border crossing posts. Article 4 paragraph (1) states that to carry out the immigration function as intended in article 3, an immigration office can be established in a district, city or sub-district, paragraph 2 states that in each working area of the immigration office an immigration inspection site can be established, paragraph (3) states the establishment Immigration places as in paragraph (2) are determined based on the Minister's decision, paragraph (4) reads, apart from the immigration office as intended in paragraph (1), immigration detention centers can be established in the national capital, province, district or city, paragraph (5) reads Immigration offices and immigration detention centers are technical implementation units under the Directorate General of Immigration. According to Article 5, appointed immigration officials and/or foreign service officials carry out immigration duties at each representative office of the Republic of Indonesia or elsewhere abroad. Every individual entering or leaving the territory of Indonesia must have valid and valid travel documents. The supervisory function is an action carried out by the leader or body assigned to see and compare the tasks given to the implementer (Warhan Wiranto, n.d.).

Immigration, which is often referred to as the gatekeeper of state traffic in carrying out its immigration functions, often finds various forms of immigration violations committed by both foreign nationals and Indonesian citizens, namely entering or leaving Indonesian territory without going through Immigration checkpoints, owners or users of the premises. for lodgings that do not provide data or information about foreigners staying at their place,

guarantors who deliberately provide incorrect information or do not fulfill the guarantees given to them, foreigners who enter or are in the territory of Indonesia who do not have valid travel documents and visas and still applies, foreigners who use fake travel documents, make fake visas or falsify visas, foreigners who abuse or carry out exercises that are not in accordance with the provision of home grants, provide incorrect data to obtain immigration documents, add, subtract, change or remove information or stamps from travel documents (Syahrin, 2018).

Completeness of immigration documents such as passports and visas is something that foreigners who wish to enter a region or country must pay attention to. All administration will first be verified by the immigration authorities as the gatekeepers for the entry of foreigners into a country (Okky Cahyo Nugroho, 2017). The phenomenon that occurs when many Indonesian citizen (WNI) children are born in Kota Kinabalu, Sabah, Malaysia is one of the factors due to the use of immigration administration and residence permits in unofficial foreign countries, lack of sensitivity from parents who come from Indonesia so that when the child grows up they will be prone to being caught by the immigration authorities in Malaysia (JIM) because they do not have an administrative residence permit in that country. One of the educational institutions that accommodates Indonesian children in Kota Kinabalu, Sabah, Malaysia is the Indonesian School Abroad (Sekolah Indonesia Kota Kinabalu) (Purbayanto. A, 2014). Based on data obtained by the author through temporary observations, it is proven that there are still many incomplete administration of residence permits for students who study there, as a result there are high phenomenon of children who do not have a residence permit in that country so they are netted by the Malaysian Immigration Department who are then taken to a detention house before they are returned from the country. Not only their children were netted but parents who did not have complete and official residence permits were also netted by the Malaysian Immigration Department (JIM).

One of the phenomena that occurred and happened to one of the students at the Pasir Putih Community Learning Center (CLC), in this case CLC, is an educational institution formed by the Kota Kinabalu Indonesian School to provide education in remote areas in the Sabah region. CLC Pasir Putih student named Wiwi Suryani, a grade 9 student who was forced to drop out of school because he was caught in a raid by illegal immigration immigrants from Sabah Malaysia. Wiwi Suryani was arrested by Jabatan Immigresen Malaysia (JIM), Sabah, East Malaysia early this morning at 01.00 Sabah Time because he did not have official permission to stay in Malaysia. He was arrested with all his family members and held in Kota Kinabalu prison for 7 months before being deported to Indonesia. Even though Wiwi Suryani was born in the Sabah region, because he did not have valid residence documents including a residence permit in the region, and while attending an education program through an alternative institution for children of Indonesian Migrant Workers (PMI) in Sabah, Wiwi lived with his teacher, but Wiwi had to return to go home because the learning period is carried out using the distance method. The school and the Consulate General of the Republic of Indonesia, Kota Kinabalu, only found out about the news when Wiwi was about to be deported to his country of origin, namely Indonesia. If the school and the consulate knew this news quickly, he could still be released from his arrest and Wiwi could continue his educational activities (Darmawan, 2021).

Based on this phenomenon, the connection with *Siyasah Dauliyah* which has the meaning of the authority of the head of state by regulating a country in terms of relations with other countries or international relations, dealing with regional or territorial issues, nationality issues, extradition of prisoners, exile of political prisoners, and expulsion of citizens. Foreigners, and even regulate between citizens and state institutions from other countries. Several matters which are related to legal material are summarized in legislation Number 6 of 2011 concerning immigration, including those related to immigration functions and also entry and exit from Indonesian territory (Ismail, 2017).

Regarding entry and exit from Indonesian territory as regulated in articles 8 to 23 of Law Number 6 of 2011 concerning Immigration, there are several articles that are related to *Siyasah Dauliyah*. Article 10 of Law Number 6 of 2011 concerning immigration regulates the fulfillment of requirements on how to obtain permission to enter Indonesian territory. Of course, this article means that every person who wants to enter or leave Indonesian territory is obliged to pay attention to the conditions that must be met when they want to obtain permission to enter a territory.

Based on the problems explained above regarding the foreign national supervision system, a temporary analysis emerged of the need for a level of supervision from the Representative government or Consulate General of the Republic of Indonesia Kota Kinabalu Sabah Malaysia in supervising and protecting Indonesian citizens in Kota Kinabalu and carrying out tracking or data collection and also facilitates the creation or renewal of residence permits in the country, so that various forms of violations such as the incident mentioned by the author no longer occur, and the police and Immigration carry out stricter supervision at border points, airports, docks, ports which provide entry and exit access. foreign nationals to the country. Therefore, prospective researchers took the initiative to conduct more detailed research in order to find out "Review of *Siyasah Dauliyah* on the Immigration Document Control System for Indonesian School Students in Kota Kinabalu by the Consulate General of the Republic of Indonesia Kota Kinabalu Sabah Malaysia".

## **METHOD**

The author's research is included in the category of qualitative descriptive research, namely research that aims to describe various current or past phenomena. Basically, the aim of this research is to show conditions that actually exist resulting from processing qualitative data through observations and interviews (Muri Yusuf, 2017). This method helps writers describe research results in the form of narrative text or story lines that are easier to understand for both the writer and other people. The author also uses this type of library research (library research), as a supporting source which aims to obtain data and information sourced from books, magazines, manuscripts, notes, historical stories, documents, and other things that are used as provisions for carrying out research in the field. This research has the ability to build familiarity with research subjects or informants as they participate in the research process, so that the author can convey data as factual events that occurred in the field where the author carried out the research. This research was carried out in the hope that there would be an approach that could provide answers to the problem formulation that had been proposed (Amiruddin dan Zainal Asikin, 2010). The method used during the research period was empirical juridical. The empirical juridical legal research method is by looking at the legal reality that exists in society which includes legal identification and legal effectiveness (Zainuddin Ali, 2019).

## **RESULTS AND DISCUSSION**

Immigration is a matter of the movement of people entering or leaving Indonesian territory and its supervision in order to maintain the upholding of state sovereignty (M. Iman Santoso, 2017). Immigration in this case carries out its function in providing immigration services, law enforcement, state security, and facilitating community welfare development. The Immigration Agency is an agency that implements state sovereignty over Indonesian territory as protection and filtering for Indonesian citizens and foreign citizens traveling in and out of Indonesian territory. Immigration is not only focused on the traffic of people entering and leaving Indonesian territory, but is also related to selective policy law enforcement based on the interests and prosperity of the Indonesian people (Syahrin, 2018)

Law Number 6 of 2011 concerning immigration is the basis for law enforcement for immigration implementation in Indonesia. In Law Article 1 Number 6 of 2011 concerning



immigration, it is explained that immigration is a matter of the movement of people entering or leaving Indonesian territory and its supervision in the context of upholding state property rights. The immigration function is part of state government affairs in providing immigration services, law enforcement, state security and as a facilitator of community welfare. The Director General of Immigration is an institution that plays a role in carrying out these four functions. As time progresses, the function of facilitating community welfare development has become a function that has received more attention from the Government. This is reinforced by the policy direction and strategy of the Directorate General of Immigration which focuses more on strengthening the role of immigration as a facilitator of community welfare development (Warhan Wiranto, n.d.).

The function of the immigration facilitator has a very important role to supervise and ensure the welfare of Indonesian citizens. In Article 8 of Law number 6 of 2011, it is explained that every person entering or leaving the territory of Indonesia must have a travel document or an official document issued by an authorized official from a country which contains the identity of the holder and is valid for traveling between countries. Without having a valid and valid travel document (passport), no one will get permission to enter or leave Indonesian territory (M. Iman Santoso, 2017). One of the many legal provisions in Law no. 6 of 2011 which is a special immigration regulation, of course in article 75 paragraph (1), in this article it reads "Immigration Officials have the authority to carry out Immigration Administrative Actions against foreigners residing in Indonesian territory who carry out dangerous activities and are reasonably suspected of endangering security and public order or not respecting or disobeying laws and regulations." Whether we realize it or not, this article is a legal rule that is the basis for every Immigration Officer to be able to optimally guard and guard the country's gates from any threat from foreigners who want to enter Indonesian territory (Subehan Khalik, 2021).

As an international area marked with a yellow line, the immigration area has a position that is as important as a country's sovereignty (Wilner, 2015: 2-3). Even though it is only an imaginary line, the immigration area represents the authority of that country. In article 22 paragraph (3) of Law number 6 of 2011, it is stated that "The head of the immigration office, together with the operators of airports, seaports and border posts, shall determine the immigration area as intended in paragraph (1)." Therefore, the area of immigration has a clear legal position and must be respected (M. Iman Santoso, 2004).

The theory of selective immigration policy is a fundamental principle that applies universally to all countries in the world. This principle is an embodiment of state sovereignty which must be respected (M. Iman Santoso, 2017). In its implementation, this selective policy must pay attention to the balance between the security approach and the prosperity approach (Tinggatormanu, 2015). This is where the multidimensional lies of legal institutions, guardians of state sovereignty, and facilitators of community welfare development. As a representative institution of the Indonesian state, in this case the Consulate General of the Republic of Indonesia, Kota Kinabalu, should carry out its supervisory function over Indonesian citizens living in Sabah, Malaysia, while still prioritizing the rights and obligations of Indonesian citizens as migrants, including immigration documents or travel documents, in this case passports.

Sekolah Indonesia Kota kinabalu (SIKK), located in Sabah, Malaysia, is one of the largest Indonesian Overseas Schools in Asia (Hidayat and Hariyani, 2022). The location is close to the province of North Kalimantan and slightly borders East Kalimantan. Where there is quite a lot of entry and exit access for foreign nationals, either using valid travel documents or not using travel documents at all, meaning the entry and exit of foreign nationals to Sabah using undocumented methods or illegal. The problem currently being faced by Indonesian citizens is that many do not have valid immigration documents, in this case passports. A passport is an immigration document that is used as a requirement for traveling into and out

of a country. The problems that occur are one of the challenges for the immigration agency appointed by the government of the Republic of Indonesia to resolve problems that occur in Sabah for Indonesian citizens who live in that country. What must be of concern is the immigration documents of students and female students at the Kota Kinabalu Indonesian School. The large number of students who do not have complete immigration documents is one of the factors in the selection of students attending the Kota Kinabalu Indonesian School (M.N. Hidayat, 2015).

Various factors cause many Kota Kinabalu Indonesian School students do not have complete immigration documents, one of the factors being their parents. There are many cases where parents who work in the fields are then promised various forms of guarantees including residence visas or work visas and passports, but their rights and obligations are not fulfilled by the employers where they work. There are parents who are married to local residents and do not report it to representative institutions of the Government of the Republic of Indonesia or in this case the Consulate General of the Republic of Indonesia, Kota Kinabalu, Sabah, Malaysia. If there is an Indonesian citizen who marries a foreign citizen in Sabah, the first thing to do is report it to the representative of the government of the Republic of Indonesia, in this case the Consulate General of the Republic of Indonesia. Why does this have to be done, because immediately after getting married and having a child, the child will have the status of a Child with Dual Citizenship (ABG). In this case, it is the concern of the Indonesian Consulate General in Kota Kinabalu to pay attention to and fulfill the rights of children born to parents with different citizenship status, by making a Birth Registration Proof (SBPK), and the SBPK is one of the conditions so that the child can be issued a passport and other immigration documents while staying in the territory of Malaysia.

International law also recognizes that states have an obligation to treat foreign citizens in their territory in accordance with agreed standards from that country if there are citizens who violate the law in the country they are visiting (Bakry, 2017). The establishment of the Community Learning Center (CLC) which is part of the Kota Kinabalu Indonesian School spread across Sabah, Malaysia to support education for the children of Indonesian Migrant Workers spread across plantation land or fields. Education is a citizen's right and the right of all the nation's children, so the government has officially established a Community Learning Center which is directly affiliated with the Sekolah Indonesia Kota Kinabalu (SIKK). In this case, the government has fulfilled the rights of the children of Indonesian Migrant Workers to be able to receive education in Malaysia. Apart from the establishment of Sekolah Indonesia Kota Kinabalu (SIKK) and the Community Learning Center (CLC), the Consulate General of the Republic of Indonesia is trying to enter farming or plantation areas to provide outreach on the importance of education for their children. Apart from conducting outreach, the Indonesian Consulate General also checks Indonesian citizens who do not yet have immigration documents such as passports and residence permit visas or work visas for Indonesian Migrant Workers who are on plantation land. In this case, there are still many Indonesian citizens who do not have complete immigration documents, especially children of Indonesian citizens who live in plantation or field areas (Sudiar, 2012).

Documents in the form of Proof of Birth Registration (SBPK) are very important for the children of Indonesian Migrant Workers in Sabah, Malaysia, which are a requirement for obtaining residence visas, study visas and passports. These immigration documents are very important for students at Sekolah Indonesia Kota Kinabalu (SIKK) and Community Learning Centre (CLC) in every field and non-farm area for them to apply for educational scholarships until they continue to the next level. Parents lack awareness of their children's education so they only think about how their children will grow up quickly and can help their parents to work in the fields and without thinking about any immigration documents. This is the function of monitoring and protecting the Indonesian Consulate General for Indonesian Migrant Workers children in carrying out their education process.

The efforts made by the Consulate General of the Republic of Indonesia to monitor the completeness of immigration documents for students at the Sekolah Indonesia Kota Kinabalu (SIKK) and the Community Learning Center (CLC) are to continue to carry out massive outreach to each field regarding the importance of immigration documents, as well as providing passport making services by visiting the home. located in plantation or field areas so that students and parents can have complete immigration documents so that they will be safe to work, live and settle in Malaysia without the threat of arrest or deportation from Malaysian Immigration Department (JIM), also helping to direct making visas, whether work visas for parents or student visas for SIKK and CLC students, so that they are safe when carrying out the education process while in Malaysia. Passports and student visas also function for them to be able to continue their education to the next higher level, up to university.

Another effort made by representatives of the Indonesian government, in this case the Indonesian Consulate General in Kota Kinabalu, for students to be able to carry out their education comfortably and comfortably is by providing the ADIK (Affirmation of Higher Education) and ADEM (Affirmation of Secondary Education) scholarship programs, in the form of beginners for SIKK and CLC goes to their homeland to continue their education, especially at university, and the costs are fully borne by the government. This is to reduce the impact of arrest and deportation of SIKK and CLC students due to incomplete immigration documents while they live or carry out their education in Malaysia. In addition to these efforts, government representatives, in this case the Indonesian Consulate General, continue to make approaches to obtain permits to establish educational institutions, especially CLCs located in plantation fields, with the Malaysian government, so that the children of workers in the fields can receive a safe and comfortable education and are free from inspection by Malaysian Immigration Department (JIM) because it is undocumented both in terms of the study facilities and the students studying at the CLC.

According to the theory of state sovereignty, the state has the highest authority or power, sovereignty begins with the founding of the state, which is the highest institution of national life. Apart from that, law and the constitution are the needs and interests of the state. State sovereignty is considered the highest power of a country to do what the country wants as long as it does not conflict with international law (Kusumaatmadja, 2017). Supervision of immigration documents for Indonesian School Kota Kinabalu and Community Learning Center (CLC) students must continue to be carried out firmly, fairly and evenly. The state has the authority to determine who can enter and leave its territory, the state must also have an effective mechanism to prevent undesirable things happening to its citizens while carrying out work or activities outside Indonesia.

In carrying out its role as a representative institution of the Indonesian Government, the Consulate General of the Republic of Indonesia in fulfilling the rights of the children of Indonesian Migrant Workers certainly experiences various kinds of challenges. The large number of students who are undocumented or do not have complete immigration documents is caused by several factors, the lack of awareness from parents about the importance of education for children and the importance of immigration documents such as passports, residence visas, work visas, student visas makes parents indifferent to this matter. Many parents who work in fields or plantations feel safe because they have received security guarantees from the employers where they work, but there are also those who have only been promised even though their employers have not implemented these guarantee rights because they feel safe from threats from Malaysian Immigration Department (JIM). The end of the parents' work period at the old workplace, so that to work in a new place they need to use a different name so that many parents, especially heads of families, have double names, this of course has a big impact on children who will make a Birth Proof Registration Certificate (SBPK) as a condition for making a passport and visa.

Another obstacle experienced by the Indonesian Consulate General is that there is no data on companies that hire Indonesian Migrant Workers, so that when there was an inspection by the Indonesian Consulate General's immigration officer there were not workers but a family whose child was not known whether they were born in Indonesia or in Malaysia because there was no evidence. Birth registration is valid and it is not known whether their arrival to Malaysia was through immigration checks or not, so it was found that many heads of families did not have complete immigration documents including passports and work visas. So the efforts made by the Indonesian Consulate General are to carry out data collection and at the same time provide facilities to issue a valid Birth Registration Proof to be used properly in making a passport or as a requirement for continuing education.

Specifically, the presence of Indonesian Migrant Workers in Sabah, Malaysia, especially in the plantation sector, is the only sector that allows workers to bring their families, except if they work outside the plantation sector, they will not be given permission to bring their family members, so this has an impact on why there are so many children - children of Indonesian Migrant Workers in Sabah, Malaysia. The status of the children of Indonesian migrants who are in Sabah will very much depend on the status of their parents, if the children come from parents who have permission to work in Sabah then efforts will be made for these children to have residence permits in Sabah. To enter a school in accordance with the Malaysian Education Act, the child will not be permitted to attend general education owned by the Malaysian government. So the Indonesian Consulate General in Kota Kinabalu made an agreement to provide access to formal education at Sekolah Indonesia Kota Kinabalu (SIKK) and informally through Community Learning Centre (CLCs) spread across every plantation field.

Legally, the absence of valid immigration documents for the children of Indonesian Migrant Workers is considered a violation. When leaving or entering a country, you must use a valid immigration document, in this case a passport. If there are no valid immigration documents, children or even parents who leave Indonesian territory for Malaysia are considered legally undocumented or illegal. If caught by the Malaysian Immigration Department (JIM), they can be sent to detention which ultimately leads to being sent back to their homeland or deported.

The next issue is how we provide attention to the children of Indonesian Migrant Workers who are studying at Sekolah Indonesia Kota Kinabalu (SIKK) and Community Learning Centre (CLC). We understand that not all of the Indonesian Migrant Workers, in this case their parents, have complete immigration documents. The State of Sabah is bordered by North Kalimantan Province and then slightly bordered by East Kalimantan so that there is a lot of access for people coming in and out, whether legally or undocumented or without using any documents and they can freely enter the Sabah area. Whatever the problem, the efforts made by the representative institution, in this case the Indonesian Consulate General, are to collect complete data on children and parents who do not have documents so that they can be provided with documents. One of the efforts made is to create a pilot project, namely by providing documents to the children of Indonesian migrant workers. If these efforts have been made, the next challenge being faced by the Indonesian Consulate General's representative institutions is permission for these children to undertake education at Sekolah Indonesia Kota Kinabalu (SIKK) and Community Learning Centre (CLC). Because not all children who study at Sekolah Indonesia Kota Kinabalu (SIKK) and Community Learning Centre (CLC) does not have a student passes or student visas. For children who follow their parents to plantation fields and do not have immigration documents, it is certainly a serious challenge and quite dangerous for them if they leave the area where they live or the fields.

Documentation issues for Sekolah Indonesia Kota Kinabalu (SIKK) and Community Learning Centre (CLC) children, if they do not have a student visa, another effort that needs to be made by the representative institution is to determine that the children are truly the



children of Indonesian Migrant Workers or who have Indonesian citizenship, then the documents will be provided in the form of Proof of Birth Registration (SBPK) and SBPK are a requirement for admission to schools, both Sekolah Indonesia Kota Kinabalu (SIKK) and Community Learning Centre (CLC). The large number of children are born in fields and gardens to parents who do not have any documents. Regarding the lack of documents from parents, the farming or plantation sector is one of the sectors that can bring the family, usually when the head of the family or father comes, then within six months he will invite his wife and children to help work, when entering Sabah. There are two possibilities, entering officially using an official work permit document and entering without using unofficial or illegal procedures from Indonesia. If the person entering is the mother and child then of course they will enter without using a Working Permit. If the head of the family or father changes work location without terminating his contract then he is deemed to not have a contract and his work permit will automatically be terminated and he will not have a Working Permit or is illegal. In this way, the head of the family does not have official documents and automatically his wife and children will also become people who do not have documents or are undocumented. Efforts made to provide legal status are carrying out a regularization process, which is a process where representatives of the Consulate General of the Republic of Indonesia Kota Kinabalu will enter oil palm fields and plantations to provide documents in the form of passports, not only to workers but also to family members in the fields.

Efforts that are being made are how to provide documents to 1,100 children who are in Sekolah Indonesia Kota Kinabalu (SIKK), holding passport services for around 800 passports to SIKK students, with the hope that children who already have passports will receive educational permits to study from the Ministry of Education and local immigration agencies. The second pilot project is how to provide the same documents to Indonesian Migrant Workers who are in plantation areas. Thus, the Indonesian Consulate General as a representative institution continues to strive for the best for Kota Kinabalu Indonesian School students who are carrying out their education safely and comfortably without the threat of deportation or arrest from the Malaysian Immigration Department (JIM).

This research is viewed from *Siyasah Dauliyah*, where *siyasah* means organizing or administering or making decisions (Saebani, 2015). Meanwhile, *Dauliyah* has the meaning of sovereignty, kingdom, authority and power. *Siyasah Dauliyah* has the meaning of the power of a head of state to regulate the country in terms of international relations, territorial issues, nationality, extradition, detention, exile of political prisoners, expulsion of foreign citizens, and regulating reciprocal relations between countries (Ija Suntana, 2015). Islam is a religion that prioritizes benefit and happiness. In accordance with its name as a religion of peace and prosperity, Islam prioritizes peace and cooperation with any country, and through cooperation with various countries, Muslims are expected to be able to present a more sympathetic and cool figure of Islam so as to attract other parties to accept its own awareness (Ismail, 2017). In this case, representatives of the Indonesian government, in this case the Indonesian Consulate General in Kota Kinabalu, have partnered with the State of Malaysia to support the educational needs of the children of Indonesian Migrant Workers who are studying at the Kota Kinabalu Indonesian School. The science of international relations in the study of Islamic politics is known as *Siyasah Dauliyah*.

The principle of equality in *siyasah dauliyah* emphasizes that every nation in the world must place other nations as owners of the same level. Relations between nations are not permitted to take into account origin, race, religion, language and social status in determining the right to develop international relations. The contents of the relationship or cooperation agreement must place each nation in an equal position in terms of rights and obligations (Ija Suntana, 2015). In carrying out its duties as a representative institution of the Indonesian state, the Consulate General of the Republic of Indonesia Kota Kinabalu in fulfilling the

rights of the children of Indonesian Migrant Workers must be massive and evenly distributed regardless of status, origin, race, religion or culture.

The principle of justice in *siyasa dauliyah* requires that every nation be placed in its position, and that its rights should not be violated. Each point of the agreement formulated stipulates that each country is responsible for the risks and consequences of every action it takes (Ija Suntana, 2015). In carrying out its duties as a representative institution of the Indonesian State in Malaysia, the Consulate General of the Republic of Indonesia in implementing its policies continues to prioritize the benefit of the people first above the interests of individuals and certain groups. In accordance with the rules of *fiqh siyasah*:

بِالْمَصْلَاحَةِ مَنْوُوطِ الرَّاعِيَّةِ عَلَى الْإِمَامِ تَصَرُّفٌ

*"A leader's policy towards his people must be based on benefit"*.

Thus, in the implementation of relations between countries, agreements are made in all fields to facilitate relations between the two countries. This is also carried out by Indonesian state representative institutions or the Consulate General of the Republic of Indonesia Kota Kinabalu in providing supervision of immigration documents for Indonesian citizens including students at the Sekolah Indonesia Kota Kinabalu (SIKK) and Community Learning Centre (CLC), as well as fulfilling the rights of Sekolah Indonesia Kota Kinabalu (SIKK) and Community Learning Centre (CLC) students to be able to obtain a decent education in Malaysia with a sense of security and comfort, so that a collaboration was held with the Malaysian government to provide formal education in Kota Kinabalu intended for Indonesian migrant children. Because there is no power higher than state power, there is no power that can impose its will to carry out supervision, so that an agreement or agreement can be implemented as well as possible. This principle intends to provide guidelines for each country based on an agreement or treaty

## CONCLUSION

In Law Number 6 of 2011 concerning immigration, it is explained that immigration is an institution that exercises state sovereignty over Indonesian territory as protection and screening for Indonesian citizens and foreigners who travel to a country. It is not only focused on the movement of people entering and leaving Indonesia, as well as selective law enforcement based on the interests and welfare of the Indonesian people. Immigration Law Number 6 of 2011 is the basis for immigration law enforcement in Indonesia. The Directorate General of Immigration plays a role in carrying out immigration functions, including immigration services, law enforcement, state security, and facilitating community welfare. The function of immigration facilitator plays an important role in supervising and ensuring the welfare of Indonesian citizens. One of the main provisions of the Immigration Law is Article 75, which gives immigration officials the authority to take immigration administrative action against foreigners who carry out dangerous activities or violate laws and regulations. The immigration area marked with the yellow line is as important as a country's sovereignty. Selective immigration policy is a basic principle applied universally by all countries, balancing security and welfare approaches. The lack of complete immigration documents is a challenge for Indonesian citizens in Malaysia, especially for students at the Sekolah Indonesia Kota Kinabalu (SIKK). Many children of migrant workers in Sabah Malaysia do not have complete immigration documents, which leads to their arrest. The establishment of the Community Learning Center (CLC) aims to provide education for the children of Indonesian migrant workers, who may be on plantations or fields. The Indonesian Consulate General in Kota Kinabalu, Sabah, Malaysia, is trying to ensure the completeness of immigration documents for SIKK students and is carrying out a large-scale awareness campaign about the importance of immigration documents for Indonesian citizens. Additional efforts made include providing scholarships and sending students back to Indonesia, as well as requesting permission to establish an educational institution for the children of Indonesian

Migrant Workers in collaboration with the Malaysian government. This effort aims to create a safe and comfortable learning environment for students and reduce the risk of arrest or deportation due to incomplete immigration documents.

According to the theory of state sovereignty, the state has the highest power or authority, and sovereignty begins with the establishment of the state which is the highest institution of national life. Apart from that, law and the constitution are the needs and interests of the state. State sovereignty is considered the highest power of a country to do whatever the country wants as long as it does not conflict with international law. The Consulate General of the Republic of Indonesia (KJRI) faces challenges in fulfilling the rights of children of Indonesian Migrant Workers. Many students are undocumented due to factors such as parents' lack of awareness about the importance of education and immigration documents. The Indonesian Consulate General experienced problems in obtaining data on companies that employed Indonesian Migrant Workers, so many families' immigration documents were incomplete. The Indonesian Consulate General took steps to provide valid birth certificates and facilitate the education of these children. However, the lack of valid immigration documents for these children can have legal consequences. The Indonesian Consulate General continues to strive to provide the best for Indonesian students in Kota Kinabalu, ensuring their safety and education without the threat of deportation or arrest by Malaysian Immigration Department (JIM).

This research discusses *Siyasah Dauliyah*, namely the power of the head of state to rule a country in terms of international relations, territorial disputes, citizenship, extradition, detention, political exile, expulsion of foreign citizens, and reciprocal relations between countries. Islam emphasizes peace and cooperation with any country, in the hope of presenting a more sympathetic and peaceful image. The Indonesian government, represented by the Consulate General of the Republic of Indonesia in Kota Kinabalu, has established a partnership with Malaysia to support the educational needs of the children of Indonesian Migrant Workers who attend Indonesian Schools in Kota Kinabalu. *Siyasah Dauliyah* emphasizes equality between nations, prohibiting discrimination based on origin, race, religion, language and social status in international relations. The Consulate General of the Republic of Indonesia prioritizes justice and the welfare of its citizens in carrying out its duties in Malaysia. The principle of justice in *Siyasah Dauliyah* ensures that every country is treated fairly and that every agreement requires every country to be responsible for its actions. The Consulate General of the Republic of Indonesia in Kinabalu prioritizes the welfare of the people above personal and group interests. The principle "A leader's policy towards his people must be based on benefit" guides their actions. The consulate also makes agreements in various fields to smooth relations between Indonesia and Malaysia. This includes monitoring the immigration documents of Indonesian citizens, including students in Kota Kinabalu and ensuring that they have access to quality education in a safe and comfortable environment. The consulate is working with the Malaysian government to provide formal education for Indonesian migrant children in Kota Kinabalu. This is to uphold the principle that there is no power higher than the power of the state, and no power can impose its will without proper supervision.

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