

*Research Article***The Fulfillment of Rights to Citizenship for Migrant Worker Deportees in Nunukan District**

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ABSTRACT

Rights to Citizenship must be protected because it is the basis to be able to access the other rights. Rights to citizenship of migrant workers in Nunukan District is potentially expired and lost if they do not renew their passports. The same case may occur with illegal migrant workers who stay for 5 years abroad. This article aims to analyze the potential of stateless person in Nunukan District, the effort made by the government to handle the issue, and the ideal construction of legal protection for stateless person. This study applied socio legal approach using primary and secondary data which were collected through interview, observation, and in depth interview. Those data then were analyzed qualitatively. Based on the analysis, it is concluded that: (1) the potential of being stateless person in Nunukan District occurred in migrant workers whose passports were expired for more than 5 years, irregular migrant workers who stayed abroad for more than five years, the descendants or children of migrant workers who were born and were raised in Malaysia; (2) the government prevents the occurrence of stateless person: (a) integrated management of handling migrant workers; (b) sweeping in order to prevent irregular migrant workers; (c) simplifying the issuance of Letter of Arrival of Indonesian Citizen (SKDWINI) and Letter of Overseas Arrival (SKDLN); (3) ideal construction of the protection of right to citizenship for migrant workers is the extension of the scope of migrant workers protection agreement, and the placement of Citizenship and Civil Record Agency officers in order to make the paperwork handling of citizenship document easier.

Key words: Right to Citizenship; Deportee; Migrant Workers; Stateless.

A. INTRODUCTION

Universal Declaration of Human Rights (hereinafter referred to as DUHAM) promulgated on 10th December 1948 in France is one of historical documents aiming to protect both individual and group rights. One of human rights which is most important is the right of citizenship. In Article 15 Universal Declaration of Human Rights is stated everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality. Article 15 DUHAM is considered bedrock in regulating relation between

citizens and the country (Nergis, 2020). Right to citizenship becomes highly important because it is this right that becomes the foundation for the people to access other various rights in the domain of administration, education, social help, right to participate in politics, and the other rights.

Based on the understanding on how important right to citizenship is and in order to prevent the occurrence of stateless person, the regulation of citizen rights becomes significant part of other various international Conventions, such as: 1. *Convention on the Rights of The Child* (hereinafter

referred to as CRC) which emphasizes on the importance of the fulfillment of children's rights in the form of registration to acquire birth certificate and other various citizenship documents. Even, Article 7 section (2) of this Convention mandates to all state parties to perform their obligation for child's rights to citizenship in order to prevent the child to become stateless. This issue is also highlighted in *International Covenant on Civil and Political Right*; *2. International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* which emphasizes on the importance of the fulfillment of women's rights in acquiring citizenship and the right to not be treated discriminatively for the service.

The importance of regulating right to citizenship is particularly stipulated in Convention Relating to the Status of Stateless Persons Year 1954. First thing first, stateless person is defined as a person who is not viewed as a citizen by all countries. Then it is necessary to take into account the introduction of the convention stating that this 1954 Convention is an effort to overcome issues related to stateless persons which are not only limited to the issues of refugees. This means that this convention is expected to be the solution of various cases of non-refugee stateless persons. In addition, there is also The 1961 Convention on the Reduction of Statelessness which also focuses on handling or reducing the cases of stateless persons. Another important thing that needs to be considered is that Indonesia has not yet ratified both of the Conventions which regulate stateless persons.

According to what is stated by United Nations High Commissioner for Refugee, there are approximately 10 million people who are stateless persons all over the world (United Nations High Commissioner for Refugee, 2019). In 2017, UNHCR recorded data of 3.9 million stateless persons (United Nation High Commissioner for Refugees, 2018). There are some factors causing a person to lose his/her citizenship. Some of the factors are: (1) legal conflict related to the relinquishment of citizenship; (2) the change of the country region; (3) marriage law; (4) Administrative procedure; (5) discrimination; (6) not having birth certificate; (7) relinquishment of the status of nationality.

Referring to aforementioned elaboration, being stateless person is closely related to losing a citizenship. In the context of national law, there are some factors causing a person to lose his/her citizenship as regulated in Article 23 to Article 30 Law No. 12 Year 2006 on Citizenship (hereinafter referred to as Citizenship Law). Article 23 letter I states that one of the causes of the losing of citizenship is living outside the territory of the Rep. of Indonesia for 5 (five) consecutive years for non-official purpose, without legal reason, and deliberately refusing to declare their intention to remain as Indonesian citizens before the 5 (five) years limit ends, and in each of the next 5 (five) years the said person fails to declare their intention of retaining their citizenship to the Indonesian Representative offices in which the said person's residence is under their jurisdiction although the said Representative Office has informed

them in writing, as long as the incumbent does not become stateless because of such negligence.

The substance of the Article is very relevant with the condition of Indonesia. Indonesia has many migrant workers. The goal of the migration of those migrant to other countries is to improve the welfare of those workers, aside from the fact that the number of unemployment people is high. This is in line with expected income model of rural-urban migration which states that the background of the migration of the migrant workers in Indonesia is to find a job and to earn higher income (Puspitasari, 2017).

Mita Noveira, according to the theory of neoclassical economy and dual labor market, affirmed that the condition of migration of the migrant workers in Indonesia will keep going continuously if difference in job opportunity and wage among countries still occur and there is request from developed countries. One of the Countries which become the destination of Indonesia Migrant Workers is Malaysia which borders with Kalimantan Island including North Kalimantan particularly Nunukan District. This fact has made many Indonesian migrant workers move to other countries including Malaysia and start their new life there. If those migrant workers, who work in other countries through either official or unofficial way, in this case in Malaysia, live in that country for 5 or more consecutive years until the 5 years limit ends, they may become stateless. In this context, if Indonesian Migrant Workers lose their citizenship, they will also lose their rights as the citizen of the country and this will bring disadvantages for those workers.

The theory of justice referred to in this article is the theory of justice by John Rawls and Ronald Dworkin. John Rawls in his book "A Theory of Justice" introduced different principles consisting of two principles as follows (Norton, 1989) : 1.All people have right to develop their life (original position, veil of ignorance); 2. Within the society, there are groups which are weak and need to be given ease in developing their life (fairness).

The concept of fairness stated by John Rawls is based on the influence of Imanuel Kant who viewed law not only within its abstract domain but also within the reality of the law itself. At this point, law must also consider the existence of difference in interests and ability among the people. In this case, Rawls has actually considered justice and fairness as two equal things.

In terms of partiality to the weak, John Rawls' view is aligned with Ronald Dworkin's view which introduced justice as the best political morality. In order to reach justice, Dworkin introduced equality of resources consisting of 2 main points as follows (Brown, 2007): 1.Political preference, meaning that the interest of the weak must be taken into account because there is difference in ability of the group to access the resources; 2.Personal preference, meaning that social and cultural condition of the society must become consideration in creating a fair policy.

Both previous points show that there is correspondence between Dworkin's concept and Rawls' concept stating that partiality to the weak or disadvantaged persons is important. This is

necessary to ensure that all people can develop their life.

Universal Declaration of Human Rights and various international conventions, namely CRC, CEDAW, Convention Relating to the Status of Stateless Person Year 1954, and Convention on The Reduction of Statelessness regulate the importance of prevention and handling of stateless person. However, Article 23 Law No. 12 Year 2006 on Citizenship stipulates that a person may lose his/her citizenship if he/she lives outside Indonesia's territory for 5 (five) consecutive years without legal reason and does not declare his/her intention to remain as the citizen of Indonesia. The provision of the loss of citizenship has potential to be imposed to Indonesian migrant worker deportees in Nunukan District, who did not extend their passport when living in Malaysia for five years. The loss of citizenship will prevent them from accessing other human rights.

This article will discuss 3 problems. Those 3 problems are what is the potential of the occurrence of statelessness for Indonesian Migrant Workers in Nunukan District? And what is the effort that the government did to prevent the occurrence of stateless person in Nunukan District? And what is the ideal construction for the protection of right to citizenship for Indonesian migrant workers? It is expected that this article can contribute in the development of academic study related to citizenship and also contribute in strategy setting and public policy making related to protection of Indonesian migrant workers.

This article is different from the journal written by Reece Jones which discussed stateless person condition in the border between India and Bangladesh caused by political factor (Jones, 2009). This article is also different from an article written by Sharif A Wahab which focuses on the lack of protection for Rohingya people who were stateless who were seeking refuge in Bangladesh because there is hybrid governmentality applied by Bangladesh government. (Wahab, 2022). The different between this article and the article by Sofie Bäärnhjelm is that this article specifically discusses about right to citizenship for deportees while the article by Baarnhielm focuses on the perspective of human rights related to the fulfillment of rights generally for the deportees (Baarnhielm, 2017)

This article is also different from an article by Adharinalti which was normative research and does not focus on right to citizenship for migrant workers, but instead focusing on the importance of the ratification of international convention on protection of migrant workers (Adharinalti, 2012). In addition, this article is different from an article written by Koesrianti which specifically discusses protection for migrant workers for domestic workers viewed from the concept of the Country's responsibility without discussing issue on right to citizenship of the migrant workers (Koesrianti, 2015). Another article which has similar topic is an article by Aga Natalis and Budi Ispriyarso focusing on the politics of female migrant workers protection based on the theory of feminist law. Meanwhile, this article does not only cover female migrant workers, it covers both male and

female migrant workers. This article also does not discuss about legal politics, but instead about right to citizenship for migrant workers (Natalis, & Ispriyarso, 2018).

B. RESEARCH METHODS

This study is a qualitative research which tries to understand perception, comprehension, thoughts, interpretation, and individual action on a certain phenomenon, which in this case is the phenomenon of stateless person. This study is socio legal research, a research with legal concept as a symbol. This means that law is no longer merely an action as in empirical research. Law is used to investigate deeper about the comprehension and interpretation which become the basis of an action. In this case, the authors do not merely investigate what is stated by the research subjects, which were officials in related institutes during the process of data collection (Nalle, 2015). Data used in this research were primary and secondary data. Primary data are data which are directly collected through field research.

These primary data were collected through in depth interview and participant observation which was conducted by a research team in the field. Primary data in this study were collected through in depth interview, which is a research technique of qualitative data involving intensive individual interview in order to explore individual perspective on an idea, program, or a certain situation. In addition, this study also used participant observation, meaning that the researchers become part of the related society. Participant observation emphasizes on

detailed or thick description about the concerned society either in the form of an action, social condition, cultural condition, economy, and environment affecting the understanding and action of the related society (Becker, 1958)

Data collected from the field were then organized and prepared to be analyzed after the data were read, and then the data passed through coding process. In other words, the data were classified based on certain themes. In addition, this method also elaborates description or general picture of the society being researched in terms of social condition, economy, and culture. Then, the theme and description are related to each other so that the problem analyzed can be explored properly. After that, the meaning behind the relation between the theme and the description are analyzed (Heaton, 2008).

C. RESULTS AND DISCUSSION

1. The Potential of The Occurrence of Stateless Person in Nunukan District

Based on data owned by The Indonesian Migrant Workers Protection Agency, in 2019, there were 276,553 Indonesian migrant workers, consisting of 133,993 Indonesians working in formal sectors and 142,560 Indonesians working in informal sectors. There was half or 50% of Indonesian Migrant Workers working in informal sectors. From those data, the number of Indonesian Migrant Workers who were in Malaysia was 79,663 workers or approximately 28.8% of the total number of Indonesian Migrant Workers (Indonesian Migrant

Workers Protection Agency, 2021). This number is potentially growing because, apart from Indonesian Migrant Workers registered in BP2MI, there were also many Indonesian Migrant Workers in Malaysia who used unofficial way to work there. Those migrant workers worked in informal sectors such as plantation.

Indonesian Migrant Workers entered Malaysia as their destination country through some areas which directly borders Malaysia such as Nunukan District in North Kalimantan Province. In Nunukan District, there is one way that can be passed by using passport, which is through Tunon Taka Seaport while crossing way of Indonesians using Border Crossing Pass is through 5 ways, consisting of Tunon Taka, Inhutani, Sei Pancang, Limbis, and Krayan. The type of passport used by Indonesian Migrant Workers can be passport for long term employment or passport for certain period of time..

According to the research result in Nunukan, Migrant Workers who used visit pass are in high risk because the period of visit pass is only temporary while those workers are going to work for longer period of time so that they may be overstayed and become illegal workers instead. The potential to become illegal and stateless workers also occurs in migrant workers who used passport without renewing the passport, either because of negligence or the passport holder or because the passport was held hostage by their employers. One of important aspects which must become consideration for Indonesian migrant workers is that Indonesian migrant workers whose passport has been expired for more than five

years may lose their citizenship as stipulated in Article 23 letter I Law on Citizenship. At this point, the potential of losing the citizenship or being stateless person (an individual without citizenship) occurs.

According to research data of Diponegoro University Team of Faculty of Law, in 2021, the number of deportees whose passports were expired so that they were overstayed was 139 workers. According to the result of the interview of 46 Indonesian Migrant Workers who were deported from Malaysia, there were 14 deportees of Indonesian Migrant Workers whose passport were expired for more than 10 years so that, if seen from normative positivistic logic, it can be said that those workers is potential to become states person.

The potential to become stateless is higher for Indonesian migrant workers who used unofficial way so that they were considered irregular migrant workers. In order to be able to enter Malaysia, this group crossed jungle in an area with direct land border or using small boat to reach Tawau, Malaysia. There are two factors causing the occurrence of Irregular Indonesian Migrant Workers. Those two factors are cheap cost and relatively fast process (Adharinalti, 2012). If Indonesian Migrant Workers who do not have legal documents or are irregular live for more than ten years without citizenship document or ID, the potential of becoming stateless person in Nunukan District may also occurs. Indonesian Migrant Workers who used unofficial way or whose passports have been expired is actually facing challenges in the fulfillment of their rights in terms of health services, education, various citizenship

documents, and other various basic rights. The number of irregular migrant workers who were deported by Malaysia's government in 2021 was 263 workers, and many of them were overstayed for more than 10 years in Malaysia. This is one of factors of becoming stateless person that may occur in Indonesian Migrant Workers who worked in Malaysia.

The phenomenon of stateless person can also be seen in the application of Letter of Statement of Arrival from Another Country (SKDLN). According to Rusman statement, Head Section of Move in & Move out Citizens, Citizenship and Civil Record Agency Nunukan District, the passports of most applicants of SKDLN have been expired for more than five years, and they did not even have supporting documents as well. This means that according to positivistic view some of these applicants of SKDLN were people who potentially become stateless person.

The potential of becoming stateless person as mentioned previously does not only affect the concerned person but also his/her children or descendants of those migrant workers. Considering that this circumstance makes it vulnerable for migrant workers to lose their citizenship, United Nations High Commissioner for Human Rights initiated the forming of The International Convention on Migrant Workers and Its Committee. One of important aspects regulated in this convention is right to birth certificate and nationality for children of migrant workers as stipulated in Article 29 Convention. This phenomenon also happens to children of Indonesian migrant workers who have been living for long time in Malaysia.

Based on the result of the research, It is found that in 2021, there were 34 deportees who were children or descendants of Indonesian migrant workers and were born in Malaysia and had been living there for 10, 20 or more years without citizenship document. From that number, 24 people were more than 18 years old with the oldest 50 years old. Those twenty four Indonesian Migrant Workers have high potential to become stateless person who will experience difficulties to fulfill their rights. In this condition, there are three conditions that can be the cause or factor of the occurrence of the potential of stateless person or a person without citizenship, in this case, the Indonesia Migrant Workers.

The issue of citizenship for Indonesian migrant workers has also become the focus in a study by C. Annie Jane which found that one of the issues and challenges for Migrant Workers is the absence of citizenship document which inhibit them to access various resources and services because citizenship document is foundation to receive or use resources and service (Jane, 2016). Many children of Indonesian Migrant Workers who live in Malaysia cannot receive education services. They cannot even get a chance to study from elementary level, junior high school level, and senior high school level due to the absence of citizenship documents. The fact that Migrant Workers do not have citizenship documents is one of the most fundamental justice issues nowadays (Fudge, 2014). When discussing about justice, the concept of human rights fulfillment of those migrant workers is mentioned in it. Two things in Fudge's view are inseparable or intertwined.

2. The Government Effort to Handle The Issue of Citizenship For Migrant Workers Deportee in Nunukan District

One of fundamental things when discussing about the handling of migrant workers in Nunukan District is to examine the thinking foundation of the policy makers in that area. In general, there are two options faced by the government, and the first is to think in positivistic way by referring to legislations thus making legal certainty as their foundation with linear thinking pattern (Somek, 2011). Another option is to think and be progressive and flexible by prioritizing justice and advantages (Aulia, 2018). Based on the result of the analysis on the interview performed, the government in Nunukan District was progressive and not positivistic. The government was not positivistic because the policy makers in that area did not automatically state that those migrant workers whose passport were expired for even more than ten years were stateless person or people without citizenship as stipulated in Article 23 letter I Law on Citizenship.

The officials who authorizes in handling the problems of migrant workers act progressively towards them by still helping and giving citizenship document for Indonesian migrant workers. To put it in simple way, the employees of Citizenship and Civil Records Agency state that their choice to act this way is based on humanity. The term 'humanity' if elaborated further will lead to the values of justice and benefit. The word 'justice' emphasizes on partiality to the weak or unfortunate people or in borrowing John Rawls's word known as different

principle (Knoll, 2013). Meanwhile, Ronald Dworkin called it political preference (Vujadinovic, 2016).

In accordance with Rawls and Dworkin's views aforementioned, the partiality to the weak means the partiality to Indonesian migrant workers who live helplessly without any access to resources and without citizenship documents. On the other hand, the benefit refers to the principle of utility stated by Jeremy Bentham (Macias, 2018). This means that progressive action will give more benefit to the people who become Indonesian migrant workers whose passports were expired for more than five years or who are irregular migrant workers who live in Malaysia for more than five years and also children of the migrant workers who generally are aged more than 18 years old but still not having citizenship documents. In this case, the government progressive action wil only help those workers in the fulfillment of other human rights in economic, social, cultural, and political aspects. .

Some steps or concrete efforts which have been done by the government offices in Nunukan District to overcome citizen issues for migrant workers are: 1. Integrated handling of Indonesian Migrant Workers. The word 'integrated' means that there is cooperation and integration or harmony among the offices or agencies related. This integration can be divided into two parts consisting of horizontal integration, which is integration among the same level agencies, and vertical integration, integration among agencies at different levels, or in Gustav Radbruch's term called *terma expediency* (Marume, Mutongi, & Madziyire, 2016). In this article,

the analysis focuses on the horizontal integration aspect, which is integration among agencies handling Migrant Workers in Nunukan District. Those agencies are Citizenship and Civil Record Agency Nunukan District, Immigration Office Nunukan District, Manpower Agency Nunukan District, and Indonesian Migrant Workers Protection Agency (BP2MI) Nunukan District. Essentially, the handling of migrant workers who are deported in Nunukan District has been integrated. This can be proven by providing integrated posts among agencies located in Migrant Workers Protection Agency (BP2MI) Nunukan District. The availability of integrated service involving all agencies will make it easier for migrant workers to handle paperwork for documents to go abroad. In addition, this also will make it easy to coordinate among agencies in handling the problem of Indonesian migrant workers so that decisions made and action taken by those agencies are in alignment. Many tasks of those agencies are related to each other such as the repatriation of Migrant Workers to their home cities, Placement of Indonesia Migrant Workers Deportees in companies in Nunukan Districts and many other tasks that need to be integrated. The integration of work mechanism of those agencies in handling Indonesian Migrant Workers begins with screening process of the migrant workers. This screening process is conducted by Immigration Office in Nunukan District. Furthermore, those migrant workers will be handled by BP2MI, Citizenship and Civil Record Agency, and Department of Manpower Nunukan District. This integration is intended to make data entry of migrant

workers, asking about those workers plan of whether they are planning to be back to their home city or to work in Nunukan. Citizenship and Civil Record Agency Nunukan District will issue The Letter of Arrival of Indonesian Citizens as the main document to get citizen ID card and Birth Certificate for migrant workers who are sent back to their home cities, If data entry and administration process has been completed, those migrant workers will be repatriated to their home cities. During the repatriation process, those workers will be accompanied by employees of BP2MI who will coordinate with the local government of the destination cities; 2. Conducting sweeping in order to prevent the occurrence of irregular migrant workers or unofficial migrant workers. The handling of migrant workers should not be done only in curative domain, but also for preventive effort. Even preventive effort should be the number one priority. According to Johny Ginting, Head of Indonesia Migrant Workers Protection Agency Nunukan District, there are some indicators used to determine sweeping target. Those indicators are as follows:

- a. Ships coming from provinces where migrant workers come from. Based on data collected by Transmigration and Manpower Agency Nunukan District, there are some provinces that become the source of Indonesian Migrant Workers. Those provinces are :

PROVINCE	YEAR				
	2016	2017	2018	2019	2020/2021
SOUTH SULAWESI	2513	2410	1191	922	1187

EAST NUSA TENGGERA	761	665	440	251	327
WEST SULAWESI	127	111	80	68	105
SOUTH EAST SULAWESI	146	158	0	0	0
NORTH KALIMANTA	193	146	212	108	334
BORN IN MALAYSIA	0	0	502	278	274

Source: Transmigration and Manpower Agency
Nunukan District

Referring to the data in the table, the main source of Indonesian Migrant Workers is South Sulawesi which sent 8,223 workers from 2016 to 2020 and East Nusa Tenggara which sent 2,444 workers within the same period of time. In the third place there is North Kalimantan which sent 993 migrant workers, then followed by West Sulawesi sending 491 workers, and then South East Sulawesi in the fifth position sending 304 workers.

In this context, one of the most important things need to be addressed is the recruitment and sending of Indonesian Migrant Workers through irregular way. The workers who choose to use irregular way are low educated and do not have skills. The absence of document worsened by the lack of skills will have negative impact for those workers who choose to use illegal way (Tjitrawati, 2017). Therefore, The governments of migrant workers sources provinces must prepare their workers for skills by providing and giving them

various work trainings and also guiding and facilitating the migrant workers to have passport so that they are willing to use legal way in order for them to receive protection for the fulfillment of their rights. In addition, this prevention should also be done in the source provinces of the workers before the migrant workers going to Nunukan District. Preventive effort in the form of sweeping is necessary in order to prevent the occurrence of illegal migrant workers that may bring difficulties for those related migrant workers.

As elaborated previously, irregular migrant workers are vulnerable to lose their citizenship or to become stateless person because they do not have citizen documents. This group is the most vulnerable group to lose their citizenship and to be imposed with the provision of Article 23 letter I Law on Citizenship..

b. To Simplify the Issuance of Letter of Arrival of Indonesian Citizen (SKDWINI)

One of progressive measures taken by agencies in Nunukan District is to make the issuance of Letter of Arrival of Indonesian Citizen easier for Indonesian Migrant Worker Deportees. In this case, the deportees whose passports were expired more than five years and also irregular migrant workers who have lived in Malaysia for more than five years are the group of workers who have the biggest potential to become stateless person who cannot receive Letter of Arrival of Indonesian Citizen. However, this progressiveness may lead to rule breaking or dismissing regulation for the sake of justice or benefit. At this point, those agencies in Nunukan District were consciously breaking the rules.

In Satjipto Rahardjo's view, Law is not always right, and law is not the monopoly of truth.. This is where disobedience to law needs to be heard and accepted (Rahardjo, 2008).

At this point, it can be understood why the agencies in Nunukan District took those measures or actions. This is why the decision to issue SKDWNI for those migrant workers for the sake of justice and benefit can be justified. According to the data from Citizenship and Civil Record Agency Nunukan District, the number of migrant workers who have received SKDWNI is as follows:

No	Year	Number
1	2019	418
2	2020	92
3	2021	0

Source: Citizenship and Civil Record Nunukan District

In this context, the issuance of Letter of Arrival of Indonesian Citizen by Citizenship and Civil Record Agency Nunukan District is considered necessary during this pandemic. This is because SKDWNI will become their basis to register for vaccination and repatriation to the source province. This also the basis for the issuance of Citizen Identity Number in home city so that those migrant workers can acquire ID Card and Family Card as well as Birth Certificate.

- c. Simplifying The Issuance of Letter of Overseas Arrival (SKDLN)

The Letter of Overseas Arrival (SKDLN) is a document which becomes basis for the issuance of citizenship documents. Progressive measure was even also applied in the issuance of Letter of Overseas Arrival for either deportees or irregular migrant workers who have just arrived from Malaysia. In this case, if the migrant workers do not have initial basis documents to apply for SKDLN, they will be asked to fill in document F1.04 or document stating that the concerned party is the citizen of Indonesia. The effort to provide ease for obtaining SKDLN is a progressive measure to protect right to citizenship of Indonesian Migrant Workers.

3. Construction of Indonesian Migrant Workers Protection in the Future

- a. Extension of regulation Scope of Migrant Workers Rights Protection Agreement

The issue concerning migrant workers, which is one of vital issues in Indonesia, cannot be separated from relation or cooperation inter countries particularly Indonesia and Malaysia. In this case, the implementation of bilateral agreement between both countries is necessary in order to solve the issue. Actually, there have been some agreements between Indonesia and Malaysia on Manpower including Memorandum of Understanding 2011 which regulates wage and right to leave as well as right to keep the passport by their own for domestic workers. However, there has not been right to keep their own passport by themselves for plantation workers.

In fact, many migrant workers whose passports are held by their employers are migrant workers in plantation sector. The number of migrant

workers working in plantation sector is many, and they too need to receive legal protection from the government. Moreover, performance effectiveness of Joint Force Task to supervise the implementation of Memorandum of Understanding aforementioned also needs to be improved (Rizaldi, 2017).

b. The importance of the placement of employees of Citizenship and Civil Record Agency and employees of General Directorate of General Legal Administration in order to make ease the implementation of screening and handling of citizenship documents.

In real practice, screening for deportees' citizenship is conducted by immigration officers, but actually, this is the authority of General Directorate General Legal Administration Agency officers. In addition, this also deals with the competence owned by the officers. This means that if the screening is conducted by the officer of Directorate General of General Legal Administration Agency, the result achieved will be more accurate since the officer has more competence to do so. Meanwhile, the placement of officers of Citizenship and Civil Record Agency for administration process will only make the handling of citizenship or other important citizen documents more effective and easier for migrant workers in Malaysia.

c. Improving quantity and quality of officers of Citizenship and Civil Record Agency Nunukan District

Citizenship and Civil Record Agency Nunukan District bears a heavy burden because they also have to handle other citizen documents related to

migrant workers such as SKDWNIS and SKDLN. Therefore, the quantity and quality of the officers/employees of this agency needs to be improved so that they can handle and solve various problems regarding citizen documents particularly the documents issued for migrant workers. In reality, today, the number of employees of Citizenship and Civil Record Agency Nunukan District is 42 people, and about 50% or half of the total number (21 employees) is only temporary workers. Therefore, it is necessary for the government to increase the quantity and to improve the quality of the employees of Citizenship and Civil Record Agency in Nunukan District.

D. CONCLUSION

The three potential factors that make migrant workers stateless person are (1) Migrant workers whose passports are expired for more than five years; (2) irregular workers who have lived in Malaysia for more than five years without citizenship documents; (3) Children or descendants of migrant workers who were born and grew up in Malaysia with age up to even more than 18 years (24 persons). . The efforts made by the government to handle the occurrence of stateless person are : (1) providing integrated service to handle issues related to migrant workers; (2) conducting sweeping in order to prevent migrant workers from becoming irregular migrant workers; (3) Simplifying Letter of Arrival of Indonesian Citizen (SKDWN) and (4) simplifying the issuance of Letter of Overseas Arrival (SKDLN). In addition, ideal construction of migrant workers protection in

Nunukan District in the future are : (1) extending the scope regulation of migrant workers' right protection agreement; (2) Placing officers or employees of Citizenship and Civil Record Agency and Directorate General of General Legal Administration Agency in Nunukan District in order to make the screening and handling of citizenship documents easier and more effective; (3) improving quantity and quality of employees and officers or Citizenship and Civil Record Agency in Nunukan District.

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