

Adaptive Structuration Process in The Education of Indonesian Migrant Workers' Children (Case study in 9th Grade of Junior High School in CLC Kundasang, CLC Ribu Bonus, and Sekolah Indonesia Kota Kinabalu Sabah Malaysia)

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Abstract—The lack of education for Indonesian Migrant Workers' (TKI) children is becoming a concern. There are some barriers which can interfere the children with having higher education, such as the illegal status of their parents and the weak coordination between the agent and the agency. The study aims to analyze the process of communication through the agent, agency, the produced and reproduced the structure of the system and examine the particular reason behind the forming of such a system. The study utilizes a constructivist paradigm which collects the data by case study and literature study: the researcher obtained the data through interviewing and receiving the valid document in Sabah Malaysia. The result shows that the illegal status of their parents is a serious problem for the children to gain higher education. The parents' status prevents the children from getting the citizenship rights and a set of documents such as the passport, resident cards, study permits, and so forth. Therefore, this study represented the structure that is produced and reproduced by the Indonesian Migrant Workers (TKI) opposing the law and had inhibited the children to get into the next level of education.

Keywords—adaptive structuration; education; Indonesian migrant workers

I. INTRODUCTION

Indonesian founding father has long believed that education is the basic human right for its citizen. Therefore, the government enacted The 12-year compulsory education as the fulfillment of human rights for everyone (Kementrian Pendidikan dan Kebudayaan, 2016) Unfortunately, it seems to be troublesome providing the access and services for Indonesian especially the Indonesian Migrant Workers (TKI) children in Malaysia who were born in Malaysia and purposely asked for living together with the parents. Most of them do not have the residence permit even the immigration documents since their parents' status is illegal migrant workers. However, the non-professional workers, for example, the housemaid, construction workers, factory workers, and the other workers on oil palm plantations or farms cannot marry and even bring their family according to Malaysia's immigration regulations. Many of them marry, carry their family and give birth to children in Malaysia. The consequence is, there are about 53,000 children in Sabah requiring the education (Budi, 2018)

The government of Indonesia, regarding this issue, took a step forward to satisfy the children's' education: providing education services for Indonesian children in the Sabah, Malaysia through the agreement of the Heads of State of Indonesia and Malaysia at the 2006 Annual Consultation under Sekolah Indonesia Kota Kinabalu (SIKK). In addition, the government of Indonesia established the Pusat Kegiatan Belajar Masyarakat (PKBM), well-known as the Community Learning Center (CLC) since there are many of Indonesian children who have not been served by education.

The study discussed the education of the Indonesian Migrant Workers (TKI) children in Sabah, Malaysia, willing to have higher education: the student of 9th grade of junior high school up to senior high school. The researcher is interested in such issue since it involves the process of communication through the illegal Indonesian Migrant Workers and the stakeholders or policymakers: the government of Indonesia (Immigration, National Agency for Placement and Protection of Indonesian Migrant Workers (BNP2TKI), Ministry of National Education, Ministry of Foreign Affairs, and Ministry of Social Affairs) and the government of Malaysia. It defines the complex administrative process for Indonesian Migrant Workers (TKI) children to get

the legal document and register to the school. That is why the Indonesian Migrant Workers (TKI) prefer their children to study in higher education.

Furthermore, Indonesian Migrant Workers (TKI) tend to violate the structure and regulations commanding the Indonesian Migrant Workers to fulfill the required documents. The principle reasons related to the violations they committed are the economic and the procedure. Firstly, having a good economic is their main goal. They work to get money, not to pay the cost for some registration or other documents. In addition, they have little information about the procedure including what kind of document should be possessed and how to fulfill all required documents. It bears an obstruction for the children to further their education because they cannot get the legal documents such as passport, residence permit, study permit, and other immigration documents. In this case, the researcher noticed the process of communication: "a process of conveying a stimulus (message) by someone (communicator) to change or construct somebody's behavior (audience)," (Sendjaja, 2013).

The main objectives of this research are to explain how the agent interacts with the applicable structure in the production of public policy, notably the regulation of TKI in Sabah, Malaysia relating to the higher education for the children after graduating from junior high school and how the agent interacts with the structure reproducing the formed structure. The researcher also provides advice and advancement for the process of interaction between the agents and governance structures in producing the regulation and determining the public policies to perform the functions and satisfy the goal.

This study employs Adaptive Structuration Theory (AST). The structuration theory main assumption is that behavior and structure are intertwined; people go through a socialization process and become dependent of the existing social structures, but at the same time social structures are being altered by their activities (Twente, 2018). It was firstly written by Poole and Seibold (1990) and refined by Giddens (1993), to explain how social institutions (groups / organizations) are produced, reproduced, and shaped by the social rules. Social institutions are regulated by the certain group and used as guidelines for the members of the institution for behaving. "The structures and rules control our behavior. And it also leads us to understand and interact with each other," (West and Turner, 2008, p. 260). Moreover, the researcher used Public Policy Theory. Public policy can be understood as a cluster of actions, institutions, decision-making process, and outcomes (Kitschelt, 1986). It is a tool from an institutionalized community that performs social beliefs about goodness (Nugroho, 2007). The success of public policy will bear the new trust and consolidate the trust. Meanwhile, the lack of public policy will pull the trust down.

For instance, research done Shylvia Windary, University Gadjah Mada stated on her research that Indonesia's policy on approaching Malaysian government on cooperation and partnership for advancing education facility and process for workers family had been proved to raise the status quo. Indonesia's policy on facilitating migrants workers with issuing marriage certificate has helped their kids got access to proceed education administration requirements. This cooperation shows the public policy has a strong correlation with AST due to the adaption of the public policy towards the circumstances on the ground (Windary, 2013)

II. METHOD

The researcher used the constructivist paradigm, an antithesis paradigm, focusing on observation and objectivity to define reality and science. It assumes that the science is a systematic analysis, a socially meaningful action through direct and detailed observation on the social behavior concerned on developing and maintaining/managing their environment (Mulyama, 2003, p.3). Thus, it determines how the reality is constructed and in what way it is formed. In communication studies, it is often referred to as the paradigm of production and the exchange of meaning. It distinguishes to the positivist paradigm or transmission paradigm. The researcher attempted to interact with production, structure reproduction formed through social rules. The rules stipulated by the particular group and used as a guide for institutional members in behaving, among others, to establish facilities for senior high school / vocational education under the applicable regulations in Malaysia and Indonesia. The researcher utilized a qualitative approach since this issue entails a profound observation of social interaction in the organization. The researcher found the deep structure of social interaction through social institutions, groups or organizations: produced, reproduced, and formed by the social rules, especially in the students of 9th grade of junior high school / CLC / SIKK, the parents of participating students, the teachers, the institutions (Government and NGOs) and the regulations. The researcher also noted that in the organization, the process of communication performs a major role in the formation of structuration. Therefore, it comes the natural barriers up through the agent and agency.

The researcher applied the case study method, a method of in-depth research on a certain situation or event. By reason of a case study, it uses a systematic way of observing, collecting data, analyzing information, and reporting the results. The researcher also utilized a single holistic (single) case design: rational. It presents an important case in testing a well-prepared theory specified a series of clear propositions and circumstances in which the propositions are believed to be true. The researcher conducted an interview (for the primary data), direct observation, and documentation to collect the data. Then, the researcher analyzed the data by dividing the data into some codes. It is distributed based on the topics or concepts related to the research. Hence, the researcher will easily get the most pertinent parts of the data

III. FINDING AND DISCUSSION

The result encompassed the interview result of the agencies, the parents of 9th grade of CLC Nonfields/plantations Kundasang, CLC fields/plantation Ribu Bonus, and SIKK junior high school of Indonesia in Malaysia and fulfilled the requirements as an educational institution. The researcher also interviewed the National Education Attache of Embassy of the Republic of Indonesia in Kuala Lumpur, the Indonesian Consul General in Kota Kinabalu, the Immigration Function Staff of the Indonesian Consulate General in Kota Kinabalu, the NGO Sabah Bridge (an Indonesian NGO in Kota Kinabalu in charge of students who want to study in Indonesia, Deputy of BNP2TKI Protection and TNI Defense Attache Malaysia-Kuala Lumpur and ILO TNI Kota Kinabalu.

The following table displayed the circumstances and diverse barriers through the information and the agent in CLC Nonfields/plantations Kundasang, CLC fields/plantation Ribu Bonus, and SIKK junior high school.

TABLE I. THE CIRCUMSTANCES AND DIVERSE BARRIERS

No	Sekolah	2015			2016			2017			NOTES
		K	M	T M	K	M	T M	K	M	TM	
1	SMP CLC KUNDASANG	-	8	-	-	12	-	-	10	2	Prohibited by the parents
2	SMP CLC RIBU BONUS	5	3	2	9	2	7	8	4	4	Prohibited by the parents, so do the students
3	SMP SIKK	62	62	-	62	62	-	55	55	-	
	TOTAL	67	73	2	71	76	7	63	69	6	

Legends:

- K : Condition
- M : Forward
- TM : Don't continue

The immigration document (passport, study permit, etc.) is the main problem for the students of the 9th-grade junior high school to have higher education in senior high school or vocational high school. It cannot be issued for them since the status of their parents is an illegal migrant worker. The solution to solve the problem is a whitewash: the students are forcibly repatriated to Indonesia and issued the passports supervised by the Consulate General of Indonesia Kota Kinabalu and the Embassy of Republic Indonesia Kuala Lumpur. Firstly, they go to Nunukan and then move to Indonesia and return to Sabah Malaysia. They are legally registered by the government while their parents still remain illegal migrant workers. This attempt by the Indonesian government was held in 2011 and followed by 264 children, meanwhile in 2018; there are about 80% of the students in SIKK and CLC do not have student permit.

The other solution is the publishing of a special pass. It requires a birth certificate, child passport, and parental passport. The birth certificate can be issued by the Consulate General of Indonesia Kota Kinabalu. It is legitimized by the immigration in Malaysia and permitted to get the passport. Thus, it can decrease the percentage of the students who do not have the passport for about 20%. On the other hand, the child passport enforces the interviewing with the parents. In this case, it seems to be a difficult process because the parents do not have the official documents and the guarantee document from their employer. If they are found to be undocumented: they will forcibly be deported or pay to the Malaysian police. In 2017, about 100 students graduated from the junior high school: 22 students had the study permits, and 78 students got the special pass charged for RM100 for the children under 18 years and RM300 for over 18 years. However, they are no longer allowed to return to Malaysia after 5 years.

A. SMP CLC Kundasang (CLC Nonfields/Plantations)

Community Learning Center (CLC) or well-known as Sekolah Menengah Pertama Terbuka (SMPT), is exclusively provided for the children who live far from the city (hinterland) and cannot register to public school. CLC Kundasang Non-Fields consists

of the students who are born from migrant worker parents located at an altitude with a relatively cold temperature reaching 18 degrees Celsius. It located approximately 1.5 hours of travel time from Kota Kinabalu, Sabah, Malaysia.

CLC is mostly established by a company or a foundation as Corporate Social Responsibility (CSR), while CLC Kundasang is built by the government of Indonesia and the Indonesian Migrant Workers. It seems to be an old building: building materials are zinc. The walls, the roof, and the floor, is half of sod and cement. In addition, it provides the teachers from the Ministry of National Education Indonesia, Guru Bantu Pusat and local teachers (Indonesian migrant or Malaysian citizen) a place to teach.

In 2018, it has twenty-eight students of 9th grade: one and only did not take the Indonesian National Examination while the rest of them participated. They are Indonesian: but most of them are born in Malaysia where their parents are illegal Indonesian Migrant Workers that choose to work abroad. However, they are both the student and the worker. They go to school and take PBM every morning, Monday to Thursday and continued to Saturday. Every Friday is a market day in Kundasang that the students must be off avoiding any inspections from Malaysian Immigration because of their parents' status, as illegal Indonesian Migrant Workers. Moreover, they got a particular learning module facilitating them to study by themselves due to their home is remote and far from the school and the accommodation is not available when it rains.

The researcher noted their problems. Firstly, according to them, the language is a real problem. They have to speak in the Malay language while the teachers teach them in the Indonesian language: they cannot understand what their teacher is explaining. An unhappy home environment can also affect their behavior: they are not interested in reading, they tend not to be disciplined and prefer to avoid the pressure. They prefer to help their parent after schooling since helping parents are their priority and study is next. At some points, they have a weak concept of Indonesian culture and territory. On the other hand, the parents realize that they do not take care of their children's education and never give them any motivation or support. They are too busy working all day. Sometimes, they also ask them to work in the field: no time for studying and break.

B. SMP CLC Ribu Bonus (CLC Palm Oil)

CLC Ribu Bonus involves the kindergarten, elementary school and junior high school and the students are mostly the Indonesian Migrant Workers coming from South Sulawesi, Toraja, Nusa Tenggara Timur (East Nusa Tenggara), and East Java. It established by a reputable palm oil plantation and processing company, Wilmar International (Singapore Agribusiness Group) in 2012. It is about 200 Kilometers from Kota Kinabalu, and 102 Kilometers from Kundasang. It takes approximately five-hour drive and ferry across the river. Actually, the width of the river is only fifty meters and still require the ferry. It has been operating since 2004 (almost fourteen years) with departures hours starting from 6 am to 6 pm. It also has a ferry monument that is no longer used on the edge of the harbor. The question is why the company prefer using the ferry rather than build a bridge which can be accessed by anyone and anytime? Is it the way to control the workers so that, they cannot easily come in and out of the fields? The interviewee answered that the "safety" and "expensive cost" are the major problems why the bridge is not built.

In January 2018, CLC Ribu Bonus has fourteen students of 9th grade. One of them received the official documents involving the passport and visa, and the others did not. The problem same with the students, teachers, and parents in CLC Kundasang. However, the big problems are the official documents: passport, citizen permit, birth certificate, and so forth. They argued that they do not know how to get the passport and visa and cannot fulfill the other required documents since they took a shortcut to Sabah Malaysia through Nunukan.

C. SMP Sekolah Indonesia Kota Kinabalu (SIKK)

Sekolah Indonesia Kota Kinabalu (SIKK) is an Indonesian Foreign School (SILN) in Sabah, Malaysia, a primary school of Community Learning Center (CLC) located in fields of palm oil and plantation in Sabah and Sarawak, Malaysia. It provides a special packet of National Exams (A,B, and C). Based on the date of January 2018, the number of SIKK students including 44 CLC is 891 students whereas the total of the SIKK students in 9th grade is 59. More than 90% of them are living near Kota Kinabalu.

The main problems of SIKK/CLC students are immigration documents. Having a residence permit or visa is one of the requirements for the visitor to be legal in Malaysia. For the students, there are two kinds of visa: student pass and dependent pass. The student pass is issued to the students who were born in Malaysia in accordance with the birth certificate of Malaysian government while the dependent pass is provided for the expatriate children with a salary above RM 5,000 per month. The dependent pass is the best way for the student who gets the scholarship and does not have the student pass. A fee of RM100 was charged to those under 18 years and RM300 to those over 18 years. Then, they are allowed to leave Malaysia, but within 5 years they are not allowed to come back to Malaysia. Unfortunately, only 92 out of 100 scholarship recipients were successfully sent to Indonesia in 2017, and only 33% of the students have student pass or dependent pass. The Consulate General of Indonesia Kota Kinabalu attempts to help them through whitewash. It held in 2011 when there are 264 students repatriated to Indonesia via Nunukan, issued the passport and returned to Malaysia and they got the student pass. It will be a good solution to fulfill the immigration document in the event where Malaysia reinvents the whitewash.

D. The Parents of SMP CLC Kundasang, SMP CLC Ribu Bonus and SMP SIKK

The first unit of analysis in this research is the parents of SMP CLC Kundasang, SMP CLC Ribu Bonus and SMP SIKK. Most of them were born in Indonesia and migrated to Sabah Malaysia as the Indonesian Migrant Workers (TKI) from 10-20 years ago (1998 to 2008). They came from South Sulawesi, East Nusa Tenggara, West Sulawesi, West Nusa Tenggara, and East Java, who are working in the fields or palm oil as waste pickers, cleaner, and driver whereas in the outside fields as the farmer, seller, and labor. Thus, they have to stay for years and make their own homeland in Sabah Malaysia.

The reasons of living in Sabah, according to them, is that they feel more comfortable living in Sabah Malaysia since it is so hard to find an appropriate job in Indonesia/homeland (South Sulawesi, Nusa East-Southeast, West Sulawesi, West Nusa Tenggara, and East Java). They also got paid a higher salary rather than working in Indonesia. The salary is about RM920 per month equals to Rp 3.248.693.72 (below the Malaysian minimum wage) while their average monthly expenditure approximately RM628,13 is equivalent to Rp. 2,218,045.64. Thus, there is one and only agent out of nineteen that (parent) has his own house in Sabah Malaysia.

The particular problems they facing out during working in Sabah is the administrative issues relating official documents (passport, residence permit, and so forth), expensive dependent pass, chased by Malaysian police, got paid below minimum wages, daily needs are not met, moving and following the boss, health problems (mostly in CLC Kundasang where it is far from hospital or school). That is why in some cases they feel guilty for asking their children to help them. Actually, most of them knew the rules that they need to live in Sabah Malaysia. The school administration (SIKK/KRI Kota Kinabalu), the government, and the company often held the socialization (giving explanation) programme to remind the importance of education for the children.

There are nineteen agents: 78.94% or fifteen agents have the official documents, and 21.06% or four agents are illegal workers without official documents. However, the point is to get the job: become a worker; accepted by the certain company without the legal status. It seems to be a mutualism (mutual benefit) among the boss and the worker: the boss hired the worker in low cost (below the Malaysia minimum wage) whereas the worker gets the job and income under the absence of documents.

E. The 9th Grade Students in CLC Kundasang, CLC Ribu Bonus and SIKK

The other unit analysis of the research is the 9th Grade Students in CLC Kundasang, CLC Ribu Bonus and SIKK. The sample took 24 students who were born in Indonesia and Sabah Malaysia and are living for 13 to 15 years in Sabah Malaysia. Their parents are mostly the migrant workers, about ten of them are the workers in the fields, and the rest of them are farmers, traders, and drivers. One is legally allowed to stay in Malaysia if he has the passport or study pass or dependent pass. Based on the data, only 8.33% or two of them are legal, confirmed staying in Sabah Malaysia. They follow their parent and help them to get money: picking palm seeds. However, they have a dream. They want to be a teacher, doctor, nurse, soldier, athlete, scientist, banker, pilot, aircraft engineering, and flight attendant. They want to gain a higher education in senior high school or vocational school: wishing their dream comes true, make their parents proud of them, become a successful person and bring back their family to Indonesia.

F. The Teacher of 9th Grade Student in CLC Kundasang, CLC Ribu Bonus and SIKK

The proportion between numbers of teachers and classes are imbalanced. The CLC Kundasang and CLC Ribu Bonus teachers have to teach many classes (VII, VIII, and IX) consisting of twelve subjects. It means that the teacher is necessary to teach many subjects (multi-subjects) for all grades (multi-grades). Meanwhile, the SIKK teacher gets a proportional task since it is a primary school in Kota Kinabalu. Every school provides proper facilities. Hence, the CLC Kundasang teachers complained that they require an additional number of classrooms, teacher rooms, toilet, and so on and so forth. Besides, there is a special facility, residential facility, for the particular teacher: CLC Ribu Bonus teacher and SIKK teacher having additional assignments as vice principals and heads of units because of limited numbers official residence. The school and teacher also give the socialization or information about the importance of higher education. Actually, the teachers have their own way to communicate that issue, such as face to face, texting in a WhatsApp group, or sending the letter.

The teachers shared about the problems they got since as a teacher in CLC Kundasang, CLC Ribu Bonus or in SIKK Kota Kinabalu. Firstly, they got mistaken visa: it is not suitable for their school where they work, especially in CLC Kundasang and CLC Ribu Bonus. They have to spend a lot of money to rent the house since CLC Kundasang, and SIKK Kinabalu teacher are not facilitated by the school. They also feel burdened of by the responsibility: a few teachers. They also have a student who has been married. they consider this as their major fault since they realized that they give less motivation and support. They cannot watchfully understand the student character and the language. Moreover, there is no transportation for the student to school and access to the hospital. The police always round up the students since they are illegal: no official document (especially the CLC Kundasang and CLC Ribu Bonus students) so that they cannot attend school. In addition, the school does not have an operational permit.

G. National Education Attache for Embassy of the Republic of Indonesia in Malaysia.

National Education Attache for the Embassy of the Republic of Indonesia is the representative of the Ministry of National Education. National Education Attache for the Embassy of the Republic of Indonesia in Malaysia is Prof. Dr. Ir. Ari Purbayanto., M.Si. He is responsible to build good relationships with partner countries and develop cooperation in education. He also helps the students who are studying abroad and arrange the education programme for the Indonesian students in Malaysia. Then, he reports the assessment of the regulation to the Ministry of National Education relating to the development or tendency of education in Malaysia in accordance with the result of observation. Besides, he takes responsibility for the forming of Universitas Terbuka (UT) and the schools (Sekolah Indonesia) in Malaysia such as Sekolah Indonesia Kuala Lumpur (SIKL), Sekolah Indonesia Kota Kinabalu (SIKK), and CLC.

H. Consulate General of Indonesia in Kota Kinabalu

The Consulate General is a leader of Consulate General, an official representative of the country responsible to help and protect the citizens and facilitate trade relations and friendship, also obliged to safeguard the interests of the country and the citizens who are abroad because of a particular job. The Consulate General is under the leadership of an Embassy and responsible to the Extraordinary and Plenipotentiary Ambassador. For Indonesia, the consulate is usually given the name of the Consulate General, or Consulate General of the Republic of Indonesia whose Consul General is appointed by the President at the suggestion of the Minister of Foreign Affairs and the Consulate General of Indonesia in Kota Kinabalu was held by Mr. Krishna.

I. Immigration Technical Staff of the Consulate General of Indonesia in Kota Kinabalu

Immigration Technical Staff or Immigration representatives is the representative or the official appointed by the Directorate General of Immigration who are placed at Indonesian representative posts abroad or at the KJRI). The main tasks include to carry out immigration duties such as passport services and Travel Letters such as Passports for Indonesian citizens, issue the visa for the foreigners travelling to Indonesia, help TKI / PMI entangled in law or immigration in Sabah, provide information for TKI / PMI optimally by giving legality to TKI / PMI who do not have birth certificate, marriage certificate, employment contract, and so on. According to the data of Immigration Function of the Consulate General of Indonesia in Kota Kinabalu, there are 59,268 Indonesian having the passport in the 2015-2017 period. Meanwhile, the total of Indonesian citizen in Sabah is 500,000 citizens working in the palm oil fields.

Immigration Technical Staff of the Consulate General of Indonesia in Kota Kinabalu is Muhamad Soleh. The major issue in this division is the deportation of Indonesian citizen or the illegal TKI who do not have legal entry documents relating to legality / presence / work and residence permits in Sabah. In 2017, there are 1.798 TKI/PMI have to deport whereas the total of Indonesian citizen is 500.000 citizen noted by kemlu.go.id. However, the total of illegal Indonesian citizen or TKI cannot be counted due to the difficulty of registering each illegal TKI / PMI.

The communication of the institutions, BNP2TKI, the Ministry of Manpower, the Ministry of Foreign Affairs, the Directorate General of Immigration, the Ministry of National Education and the Indonesian Representatives in Malaysia (Kuala Lumpur and Kinabalu) and the Ministries / Agencies and NGOs of Labor / TKI / PMI is synergizing and coordinating with each other. For example, in the case of deportation, the Sabah Immigration Office will coordinate to the Indonesian representatives of the Sabah region. Then, the Sabah Region Immigration Office will contact the Indonesian Representative, the consular of labor and immigration functions to request the release of the deportation document and the immigration function will provide documents by verifying and issuing the return documents.

The immigration function confirms the issuance of these documents to the consular and immigration of Sabah. The consular will report to BNP2TKI about the return of Indonesian labor migrants through the prescribed route. For instance, Decy Luther issue, the Immigration Attache and the staff intensively bring into conformity with the Consular Function of the Consulate General of Indonesia in Kota Kinabalu as well as the Immigration Office in Sabah and the Head of the Temporary Detention Center where Decy Luther was detained. One example of handling the case is trying to cancel Decy Luther (9th-grade student) deportation or bringing home immediately to the territory of Indonesia with his parents. The Immigration Function will facilitate Decy Luther in terms of providing repatriation documents. It will be able to help Decy Luther to go home or return to Sabah without any immigration problems. Unfortunately, there is no Memorandum of Understanding (MoU) of the TKI permission since the government of Indonesia and Malaysia has not discussed it: only the MoU of TKI welfare is currently being negotiated.

J. Deputy of Protection of BNP2TKI

BNP2TKI is a Non-Departmental Government Institution in Indonesia that has a coordinated and integrated function in the field of placement and protection of Indonesian Workers abroad. The institution was formed under the Presidential Regulation No. 81 of 2006. The Deputy of Protection of BNP2TKI is Teguh Hendro Cahyono. According to the data of SiskoTKLN in Malaysia, the total of TKI in Malaysia and Sabah is 88.991 workers in 2017. The number of illegal or undocumented TKI is about 300.00 - 400.000 workers.

There are some premises of the illegal status of TKI in Sabah Malaysia. Firstly, the TKI is dominated by ethnic Bugis and Nusa Tenggara Timur. They seek to continue their parent's job before: has taken place from generation to generation. Thus, there are already Malaysian citizens who then take their families to Sabah, Malaysia. They can simply get the transportation since the routes from Makasar and Kupang (NTT) to Nunukan are currently available to support migration to Sabah and Nunukan's geographical location is very close to Sabah (Tawau) providing a good way to illegally entry and exit.

Migrant workers are not permitted to bring children but there are migrant workers who bring their children to Sabah, and there are no less than 10,000 TKIs scattered throughout Sabah. The problems faced by Indonesian Migrants Workers are illegal status in Malaysia, especially in Sabah: they do not have work documents and / or population documents, they often move to the other workplaces so that they receive below minimum wage, specifically the workers in the agricultural sector (palm oil). They do not extend the work visas so that the migrant workers become illegal.

The communication of the institutions, BNP2TKI, the Ministry of Manpower, the Ministry of Foreign Affairs, the Directorate General of Immigration, the Ministry of National Education and the Indonesian Representatives in Malaysia (Kuala Lumpur and Kinabalu) and the Ministries/ Agencies and NGOs of Labor / TKI / PMI runs well. It is seen from the formation of LTSP in the regions organized by BNP2TKI and the other head office of the institution. Besides, there is a Cooperation Agreement (PKS) in terms of handling the illegal TKI through the Ministry of Manpower, POLRI, BNP2TKI, Directorate General of Immigration, the Ministry of Home Affairs, the Ministry of Religion, and POLHUKAM.

K. Volunteer of Sabah Brige or Malaysia Education NGO

Sabah Brige is a non-profit social movement established by the Ministry of National Education to provide the higher education, the scholarship, for the Indonesian Migrant Workers children in Sabah Malaysia. It organized by Ramat Hidayat, one of the Guru Bantu staying in CLC Monsok Sabah for five years. In 2014, a few of graduated student in CLC SMPT continued to senior high school, while the others stay and help their parents in palm oil or early marry because of the limitation of parents' mindset about the education, limited access to information, documents, and economic.

IV. DISCUSSION

Adaptive Structuration Theory exists such a simple idea: human action or behavior is a powerful resource to dialectically construct the social environment (including the social system) where it will be a good place for a human being living and growing through the sustainable adaptation process. So, it aims to involve people in the decision-making process. The result presented some points of Adaptive Structuration Theory: the purpose of regulation, the resources, and the structure involving the implementation and socialization of regulation.

The status quo on the ground has visualized the needs for adequate policies to accommodate the needs for education. Group of related officials within the embassy in Kuala Lumpur are representative enough to facilitate the issue well to Jakarta. For instance, education attaché is the leading sector in facilitating the issue, supported by the consular and consulate general. However, obstacles are found on the ground when numbers of undocumented migrant workers are too many and undetected, add more schools that have been build and operated are need to maintain and develop. These two simultaneously tasks made the attache need to work doubled and supported with well enough staffs and teams.

Thus, the conclusion is the policies on legalizing the undocumented immigrant and partnership with Malaysian authorities has been the right way to do. However, Jakarta needs to invest more in facilitating and supporting the ground teams in addition, Indonesian migrant workers have been working in Malaysia for generations and culturally embedded with the Malaysian society.

AST strengthen the argument that Indonesian workers had blended with the society and created a comfortable feeling for a living and stays. This situation has been situated for generations which resulted in workers undermining administration and legal status for them. This status quo sparked the Indonesian government found thousands of illegal workers which outnumbers the expectation and requires adequate teams and time to accommodate the issue.

In short, Indonesian for instance from Nusa Tenggara Timur or South Sulawesi which cultures for working in Malaysia is embedded for generations. This culture will make people keep moving to work in Malaysia in high numbers. The problems are, the undermining legal documents. Thus, Jakarta and Indonesian representative (embassy and consulate) need to work cohesively in preventing (growing numbers for undocumented workers) and accommodating workers placed in Malaysia, simultaneously by maintaining and developing Indonesian schools and education facilities (teachers, physical facilities, and administration).

A. Leadership in the Decision-Making Process

There are several required documents regarding the placement of migrant workers: the Laws, Regulations, foreign cooperation and the national education system that should be obeyed by Indonesian Migrant Workers in the event they want to stay and work abroad. Unfortunately, the researcher found that out of 72 TKI: the parents of a 9th-grade student in CLC Kundasang, CLC Ribu Bonus and SIKK, 22 of them (15.84%) were illegal workers. They stated that they enjoy to stay in Sabah and accept their status as an illegal worker rather they have to legalize their status.

According to Adaptive Structuration Theory (AST), the TKI behavior relates to the main idea of AST: “human actions or behaviors are the source creating dialectically the social environment (in which a developing social system), where humans live, grow, and develop through a process of sustainable adaptation.” It can be proven through the process of communication between the TKI and social environment.

“In most cases, the TKI do not have work applicant or citizen document. They frequently move to other workplace so that they get below minimum wage. Especially for Indonesian labor migrants working in the farming sector (palm oil), they do not extend work visa so that their status is illegal worker,” Deputy of Protection of BNP2TKI.

In brief, the result demonstrated the first assumption of Adaptive Structuration Theory that:

-The action or behavior produce the new system, such as a fresh act. It can be a regulation or environment, for instance, the TKI can stay longer aboard under the illegal status.

-The rules and the resource construct the structure in an organization formed through the last experience and history. It becomes such consideration in taking action of the organization. The illegal TKI established the structure of the organization. In this case, there are 42 parents of a 9th-grade student of SMP CLC Kundasang and SMP CLC Ribu Bonus; one of them does not have complete documents (passport, study pass or dependent pass).

-The organization conducts the continuous interaction to adapt the certain circumstance in order to achieve the main goal. It can be seen through the development of illegal TKI organization in the fields and non-farms (plantations and non-plantations).

To develop the TKI life is starting from themselves since living in Sabah Malaysia. They can deny the existing circumstances and stipulate their own regulation and structure. Finally, it bears the transformation of the system and structure (De Sanctis and Poole, 1994, pp. 102). In other words, the Adaptive Structuration Theory is closely related to the theory of Public Policy relating to the issue of 94 students of 9th grade in CLC Kundasang, CLC Thousand Bonus and SIKK who cannot continue to SMA/SMK because of the social status of parents under the applicable regulations or public policies of Indonesian and Malaysia government.

B. The Purpose of Regulation in Organization

Giddens (1984) stated that the main point to understand the communication of group or organization focus on its foundation, the structure. He distinguished the concept of system and structure. A system is a group or organization and the action of the group to accomplish the goal, while the structure is the rule and resource proposing the defenses of group and organization (Richard West, Lynn. H. Tuerner, 2008, pg 260). In addition, Martani (2017) noted that the dynamic of behavior in an organization is a production of the human activity and interaction each other through the leader and fellow members.

The implementation of the regulation of labor and immigration subjects to the applicable agreement in any cases. Unfortunately, many agents (the illegal TKI) break the rule. They assume that they can stay happily in Sabah Malaysia without the official documents. They have to face the challenges because of their status, for instance, the document checking by Malaysia police. They have to avoid them by looking for the schedule when the Police will hold the inspection and immediately run to the forest or another safe place of inspection. Poole and Seibold (1990) and Giddens (1984) proposed that the structure serves as the foundation understanding the communication. West, Lynn. H. Tuerner, (2008, pp. 297) added that structure is the rule and resource used to maintain a group or organization. Therefore, the illegal TKI stick to the main idea: the structure is for communication.

C. The rules and resources in System

According to Giddens (1979), the structuration involves the structure and human action in order to present the human behavior in the organization and the influence of organization in human behavior. The theory points the role out of the process in shaping the fundamental principles of organization: a system and structure. Therefore, the resources, the agents and the rules of the system performs its part even though they disobey in accordance with the applicable rules or regulations.

D. Leadership: the process of decision-making (the implementation and socialization of the regulation)

The organization has a power guiding the decision-making through providing information about how to meet the goal in a good way. In this case, the power presents the implementation of someone’s ambition to the others in order to set the goal. Giddens believes that it has two principles. Firstly, everyone is engaged to another in the communication which builds an interaction. Then, it presents the most dominant power.

“The government had taken many steps to handle the issue. A moment ago, the Embassy of Republic Indonesia in Malaysia punished the companies employing the illegal TKI to WTO: the product will be banned “BAN” by WTO in the event they cannot satisfy the illegal TKI matters. Then, there is an arrangement to establish around 40 to 50 CLC and the vocational school in here and alter the senior high school to vocational school so that they can get the applicative learning. And we will set up the boarding school in Entikong. So, the regulation treats them as an illegal migrant worker since they have to meet the agent

providing the legal status. Unfortunately, the agent spends high cost. That's why being illegal makes a symbiotic mutualism between the service users of the company and the TKI," - Informant 2, National Education Attache for Embassy of the Republic of Indonesia in Malaysia.

According to the Information 2, the power in this topic (the Government of Indonesia represented by Mr. Rusdi Kirana as the Indonesian Ambassador to Malaysia) has implemented by the Indonesian government's ambition to achieve its objectives in solving the problems through the Indonesian Migrant Workers in Malaysia and the boss employing the illegal migrant workers (West and Turner, 2008).

V. CONCLUSION

The result showed that Adaptive Structuration Theory revealed the portrait of students and parents of 9th Grade IX who accepted the application structure and felt comfortable living in Sabah Malaysia. According to Poole, decision making by Illegal TKIs and their families is the result of interactions, networks, and all rules structurized and reproduced for generations. On the other hand, this condition can also be explained by the structural future concept: the rules stipulated by the illegal TKI. According to Giddens et al. (2016, p.14), the rule leads the process of communication through TKI/PMI and both of the government, Indonesian and Malaysian, however, they break the rule. In this case, TKI tends to seize their goal: having decent living under the violation, while the structure is the rule and resources developing a group or organization (West and Turner, 2008).

It is recommended that there will be further studies on the process of communication through policymakers and illegal TKI so that it can help them to understand the regulations through communication. Meanwhile, Adaptive Structuration Theory (AST) should be developed widely for particular issue consisting of many agents and agencies chiefly in cross-country scope. It also requires disclosure and exposure relating this issue to the government considering to next step giving the command to their subordinates: Ministry of Social Affairs, Ministry of National Education, BNP2TKI, Director General of Immigration, Ministry of Foreign Affairs, etc.). Thus, they can enhance the performance and improve synergy among them through the provision of special coordination activities proposing to evaluate policies, and rules and followed by other academics, experts, and the private sector (labor migrant agents). Finally, the Indonesian and Malaysian government demand to set up a trust for the Indonesian Migrant Worker (TKI) through the dissemination and cleansing of legalization/documentation in order to give insight for them: information about the legal documents and awareness of having official state documents.

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