RIGHT TO EDUCATION FOR CHILDREN OF INDONESIAN MIGRANT WORKERS

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ABSTRACT

Education is part of the economic, social, cultural rights, and it is the asset of the nation to have qualified individuals. Right to education shall be fulfilled progressively to obtain maximum results. Indonesia has ratified several legal instruments relating to human rights especially right to education, therefore it is the obligation for Indonesia government to comply right to education in all its forms and at all levels. The indicators are; availability, accessibility, acceptability, and adaptability of the right to education. Indonesia which is one of the sending countries of migrant workers to Malaysia has some problems to comply the right to education for children of Indonesian migrant workers in northern Malaysia. The children could not or difficult to get their right to education. According to data from the Indonesian Consulate General in Sabah, Malaysia in 2013, the number of Indonesian children in Sabah around 53,234 children, and most of them were children of migrant workers. This paper describe three issues; first) the rights to education under international human rights law, second) Indonesian legal perspective in the right to education and, third) how Indonesia government comply the right to education for children of Indonesian migrant workers. Universal Declaration of Human Rights is the main declaration of human rights and International Covenant on Economic, Social, and Cultural Rights (ICESCR) is the covenant which all state parties shall respect and ensure to respect it. Indonesian government which already ratify ICESCR shall to have the willingness and capacity to comply the right to education without discrimination. Meanwhile, for the fulfillment of the right to education, Indonesian government put children of Indonesian migrant workers in its policy as part of the special education services. To implement the policy, Indonesian government has work cooperatively with some educational institutions and comply the four indicators mentioned in ICESCR General Comment number 13 through establishment the formal and non formal schools. In this paper, it be concluded that Indonesian government policy in complying of the right to education for children of migrant workers can be appreciated as the advancement of human rights.

Keywords: International Human Rights, Right to Education, Children of Indonesian Migrant Workers