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The Marginalized Communities of Malaysians of Indonesian Descent: Impact of Limited Access towards Tertiary Education

Komunitas Marjinal Keturunan Indonesia di Malaysia: Dampak Keterbatasan Akses Pendidikan Tinggi

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Abstract: Education is one of the crucial elements needed in order to create a better nation. However, in reality, access to education is not equally accessible to all children regardless of their background. Specifically, the case of children of Indonesian immigrants in Malaysia has been impacted, as the privilege of tertiary education has been limited since the implementation of the Malaysia's New Economic Policy in 1971. The children of Indonesian immigrants are born in Malaysia and granted Malaysian citizenship under certain terms and conditions but are not classified as a group of aboriginal people. This condition leads to the question of how far the limitation of education access impacts the long-term socio-economic status towards these children. Thus, this paper analyzed the impact on the socio-economic status of children of Indonesian immigrants in Malaysia by conducting in-depth interviews with ten informants who are facing a similar situation and who were selected from states with a high concentration of Indonesian immigrants to observe their significant impacts. Additionally, an in-deep analysis of the series of development policies introduced by the Malaysian government will be conducted in the discussion. The findings show that these limitations have a significant impact on their long-term socio-economic mobility. Furthermore, an analysis of Malaysia's development policies reveals that the ethnicity-based quota system remains a major obstacle to accessing tertiary education for this group. This paper contributes to a continuous debate on the rights of education, citizenship, and socio-economic changes among the children of Indonesian immigrants in Malaysia. More inclusive policies are needed to ensure fairer access to higher education.

Abstrak: *Pendidikan merupakan salah satu faktor penting dalam membangun bangsa. Namun, pada kenyataannya, akses pendidikan tidak dapat dijangkau secara merata oleh semua anak tanpa memandang latar belakangnya. Secara khusus anak-anak imigran Indonesia di Malaysia terkena dampak karena hak istimewa pendidikan tinggi telah dibatasi sejak penerapan Kebijakan Ekonomi Baru Malaysia pada tahun 1971. Anak-anak imigran Indonesia lahir di Malaysia dan memperoleh kewarganegaraan Malaysia dengan syarat dan ketentuan tertentu, tetapi tidak dianggap sebagai penduduk asli. Kondisi ini menimbulkan pertanyaan mengenai sejauh mana keterbatasan akses pendidikan berdampak terhadap kondisi sosial-ekonomi jangka panjang anak-anak tersebut. Oleh karena itu, artikel ini menganalisis dampak terhadap kondisi sosial-ekonomi anak-anak imigran Indonesia di Malaysia melalui wawancara mendalam dengan sepuluh informan yang menghadapi status serupa dan dipilih dari negara bagian dengan konsentrasi imigran Indonesia yang tinggi untuk mengamati dampak yang signifikan. Selain itu, analisis mendalam terhadap serangkaian kebijakan pembangunan yang diperkenalkan oleh pemerintah Malaysia juga akan dilakukan. Temuan penelitian menunjukkan bahwa keterbatasan yang ada berdampak signifikan terhadap mobilitas sosial-ekonomi mereka dalam jangka panjang. Selain itu, analisis terhadap kebijakan pembangunan Malaysia mengungkap bahwa sistem kuota berbasis etnis masih menjadi kendala utama dalam akses pendidikan tinggi bagi kelompok ini. Artikel ini memberikan kontribusi pada perdebatan berkelanjutan tentang hak atas pendidikan, kewarganegaraan, dan perubahan sosial-ekonomi di kalangan anak-anak imigran Indonesia di Malaysia. Diperlukan kebijakan yang lebih inklusif untuk memastikan akses yang lebih adil terhadap pendidikan tinggi.*

Keywords:
rights of education;
Indonesian immigrants;
citizenship;
socio-economic development

Kata Kunci:
hak atas pendidikan;
imigran Indonesia; warga negara;
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1 Introduction

Classifying tertiary education as a fundamental human right remains a contentious debate.[1] Regional associations in Southeast Asia, such as ASEAN, also strive to ensure that a higher education is accessible to all within the ASEAN region. Nevertheless, a collaborative effort between state actors and the enactment of extensive education policies is essential to achieve this goal.[2] In reality, differences in state interests are part of the obstacles faced in education development in the region, including Southeast Asia and particularly Malaysia .[3] In addition, the implementation of the 1971 New Economic Policy (NEP) significantly altered access to higher education in Malaysia, causing shifts based on the supply and demand concepts. Indeed, the Malaysian government considered the mapping of education policies for accessing higher education back in 1971 where the weightage of education policies varied depending on the ethnicity.[4] In fact, Malaysia comprises the three major ethnic groups: Malay, Chinese, and Indian. The Malay ethnic group is generally considered part of Bumiputera, meanwhile Chinese and Indian groups are classified as non-Bumiputera. Thus, the government introduced an ethnic-based quota systems for access to tertiary education in Malaysia.[5]

The ethnic-based quota system has a positive impact on the Malay community whereby the chances of entering a higher education institution are higher than those of other major ethnic groups. The quota system was introduced to align with the implementation of the NEP, with the quota set as 55 percent for Bumiputera and 45 percent for non-Bumiputera.[6] Nevertheless, the question arise regarding the chances towards Malaysian of Indonesian descent who share similarities with Malaysian Malays in terms of physical appearances, using Malay language as daily language, conforming to a Malay custom, but due to being born with Indonesian parents, these children are categorized as Indonesian Malaysians under Article 14(1)(b) of the Federal Constitution of Malaysia.[7]

Legally, Malaysian Malays are considered Bumiputera. Meanwhile, Malaysians of Indonesian descent, known as Indonesian Malaysians, are categorized as non-Bumiputera. However, both ethnic categories nowadays are often intertwined due to the historical linkage across the migration, including the intercultural marriage among the Indonesians and Malaysians. In the modern world, global migration impacts Malaysia as well. Migration not only impacts the low-skilled labor, in fact the high-skilled labor also included as part of the migration to the host countries. Based on the statistics provided by the Malaysian Department of Statistics (DOSM) in 2022, a total of 2.5 million documented migrant workers were recorded and undocumented migrants was estimated to be between 1.2 million and 3.5 million.[8] Meanwhile, Malaysia's population in 2022 was 30.7 million. Hence, the contribution of the migration is 7.6% to be compared with the total population in Malaysia in 2022. Indonesia, as a neighboring country with Malaysia, also became among the highest migrants received by Malaysia. Indonesian migration to Malaysia differs from that of Chinese and Indian migration despite both being significant ethnic groups within Malaysia. The history of Indonesian migration to Malaysia and their shared common characteristics makes it difficult to distinguish between the two countries.

Indonesian immigrants who reside in Malaysia and have a family, including children, face problems due to the national education system setting up limited access to tertiary education. This paper will discover how far limited access to tertiary education impacts the long-term socio-economic towards the Indonesian Malaysians who currently reside in Malaysia.

The research aims to achieve specific research objectives, starting with an examination of the Indonesian

1 Emine Zendeli, The right to education as a fundamental human right. *Contemporary Educational Researches Journal* 7, no. 6 (June 2017): 158-166.

2 Association of Southeast Asian Nations (ASEAN), *ASEAN Declaration on Strengthening Education for Out-of-School Children and Youth*, 6 September 2016 [https://asean.org/wp-content/uploads/2016/09/ASEAN-Declaration-on-OOSCY_ADOPTED.pdf] accessed 29 September 2024.

3 World Bank Group. 2018, "World Bank Education Overview: Higher Education (English)." World Bank Education Overview. *World Bank Group*. http://documents.worldbank.org/curated/en/610121541079963484/World-Bank-Education-Overview-Higher-Education

4 Jomo Kwame Sundaram, *The New Economic Policy and Interethnic Relations in Malaysia*. (Jomo: Identities, Conflict and Cohesion Programme Paper Number 7, 2004), United Nations Research Institute for Social Development. Switzerland. ISSN 1020-8194

5 Mohd Sohaimi Esa et al., "Menyingkap Sejarah Awal Dasar Ekonomi Baru: Pemacu Kepada Usaha Kelestarian Negara Bangsa," *Journal of Islamic, Social, Economics and Development*, 7, 47, (October 2022):338-349. doi:10.55573/JISED.074732

6 Hwok-Aun Lee, Affirmative action in Malaysia: Education and employment outcomes since the 1990s. *Journal of Contemporary Asia* 42 (May 2012): 230-254

7 The Commission of Law, *Federal Constitution of Malaysia*, 169

8 "Current Population Estimates Malaysia 2023." *Malaysia Department of Statistics*. 2023, https://www.dosm.gov.my/portal-main/release-content/current-population-estimates-malaysia----2023

Malaysian landscape to understand its presence in Peninsular Malaysia. The population keeps on growing and has a multifactor that needs to be considered, especially since Malaysia has a prolonged history with Indonesia. Thus, there are connections and impacts, especially after the Malaysian government introduced the development policies for the nations and also for those Indonesian Malaysians who stayed in Malaysia for the long term. Second, the paper examines the significance of introducing an ethnic quota system in tertiary education policy through the lens of structural change concept. The ethnic-based quota system significantly affects the opportunities for Indonesian Malaysians to access tertiary education. Indonesian Malaysians, who are not considered Bumiputera, must contend with non-Bumiputera quotas.

2 Method

The pilot study was conducted in Johor state, which is among the states in Malaysia that concentrated with Indonesian Malaysian populations after Selangor state. The distribution of the population will be discovered through the landscape of the Indonesian Malaysians in detail. Furthermore, in-depth interviews with ten informants were conducted using snowball sampling. Snowball sampling would be more effective to identify the potential of the Indonesia Malaysians in this pilot study before exploring the more large-scale research in the future to observe the significant impact as a whole.

The initial informant was selected from an acquaintance in the neighborhood whose mother was originally from Indonesia and married a local person 27 years ago. The first in-depth interview with the initial informant resulted in a recommendation for the second informant, who was a friend of the first informant. These mutual friends were linked and connected by a similar case, in which the mother had been married to a permanent resident for almost 20 years, and the second informant was receiving a formal education in Malaysia. Besides having informants to observe the significant impact of accessing tertiary education in Malaysia, the status of the informant's parents was also part of the analysis in determining the citizenship and legal status of the informants in Malaysia.

The recommendation from the second informant led to the third informant and continued until the 10th informant. The selection of informants focused on parents who were of Indonesian descent, resided in Malaysia, and were trying to obtain tertiary education. The criteria were specified in order to observe the significance of having limited access to tertiary education in Malaysia. Hence, snowball sampling was deemed more appropriate for this pilot study to gain accurate data related to the demographic background, especially in searching for Malaysian Indonesian descent informants. The in-depth interviews gave different perspectives from each informant, especially in understanding the struggle to improve the socio-economic status of their family.

3 Findings and Discussion

3.1 Indonesian Malaysians in Malaysia

The section will further explore the background of Indonesian Malaysians to understand the development of this ethnic group in Peninsular Malaysia. The discovery of the landscape of Indonesian Malaysians in Malaysia is bound with migration activities. Furthermore, the development of the flowing movement also will be identified in this section before determining the distribution of the Indonesian Malaysians population in Peninsular Malaysia, especially in the post-independence period of Malaysia. Post-independence Malaysia became a benchmark because the legal framework started to have rigid rules, especially in relation to the development of national policies.

3.1.1 The Development and Flowing Movement Before Malaysia's Independence

According to historical records, the relationship between Indonesia and Malaysia existed since the 7th century during the Srivijaya kingdom.[9] Hence, migration is not a new process that has occurred across international borders. However, migration became more complex since the receiving countries achieved independence and created social contracts, especially through development policies that impact social transformation within society.[10]

As migration has existed since the Srivijaya kingdom, people migrated from one place to another as

9 Flores Tanjung, "Awareness of History Nation Serumpun (Indonesia-Malaysia): Culture without Borders," *Advances in Social Science, Education and Humanities Research*, (May 2019), Atlantis Press

10 Bustami, Reevany, Suyatno, and Ismail Suardi Wekke. 2016. "Migrants in Nusantara: Indonesian and Malaysian Perspectives, *Journal of Nusantara Studies (JONUS)*, 1 (2), 63-74. https://doi.org/10.24200/jonus.vol1iss2

merchants, offering goods and services needed by the market. During the Srivijaya Kingdom, the modern names of Indonesia and Malaysia did not yet exist; however, the region was known as the Malay Archipelago, and the kingdom was concentrated on Sumatera Island and extended to the Malay Peninsula. In addition, both islands are located in Nusantara and were part of an important spot in trading and have become the connecting point of trading from east to west. Thus, Nusantara became an important economic pathway. Consequently, the migration flow of people continued within the archipelago, moving from the Malay Peninsula to Siam, and people migrated due to push and pull factors.[11]

The migration existed even though the colonization in the Nusantara region happened in the 16th century when the Portuguese conquered Malacca, and the Netherlands occupied Java Island. The fact is that colonization led to segregation between populations. In the case of the colonization under British rule in the Malay Peninsula, the British brought migrants from mainland China to fulfill labor demand in the mining sector, whereas the Indian migrants to fulfill demand in the rubber plantation sector. The segregation of people was also evident in the landscape of the distribution of demographic population in the Malay Peninsula during British colonization. Malay people were allowed to reside in the rural villages, Chinese communities were allowed to stay in mining areas, and Indian migrants were permitted to reside in the rubber plantations only. The segregation of people allowed colony power to control the demographic distribution; however, the huge problem of unbalanced socio-economic distribution was rooted in the divide-and-rule policy.

Interestingly, before Malaysia's independence, the flow of migration between Indonesia and Malaysia was not visible because Indonesians and Malaysians shared similar appearances. The strong bonding culture between Indonesia and Malaysia made it almost invisible or difficult to identify between these two countries, especially because they shared the Malay language as a daily language, particularly in Sumatera Island and the Malay Peninsula.[12] However, as identification became rigid during colonization period in the Nusantara region, the identification became more specified by determined by law, birthplace, and nationality policies. Some countries, such as Malaya, introduced a combination of the jus soli and jus sanguinis concept. In addition, the divide-and-rule policy introduced by the British created more identical people.

Upon the identification of people to segregate between citizen and non-citizen, the situation became more complex, as global migration urged people to have legal identity and prove so that the migrants can be able to stay in a receiving country legally. There are situations where illegal migration exists due to certain conditions, such as difficulties in obtaining work permits, visa issues, and money matters, also become part of the problem because migrants choose to sneak into the receiving countries illegally.

Nowadays, migration continues between Indonesia and Malaysia. According to statistics, Malaysia receives the highest number of migrants from Indonesia in the Southeast Asia region, followed by Singapore, with 200,000 migrants documented in Malaysia. Based on interviews with informants, the number of undocumented migrants could vary because there is various entrance borders in Malaysia existed.[13]

Nevertheless, this research will focus on post-independence migration, which has become more dynamic because the attractive incentives offered by the Malaysian government, including political, social, and economic stability. These factors encourage migrants to stay longer and have a family and children in Malaysia. Children growing up in Malaysia are influenced by Malaysian culture; however, the development policies introduced by the Malaysian government could give the long-term future of their children. Even though the children will be holding a Malaysian citizenship by law but are classified as non-Bumiputera, if they are born to Indonesian parents, based on Federal Constitution Second Schedule, Article 14(1)(b), by law.[14]

3.1.2 The Distribution of Indonesian in Malaysia Pre- and Post-Independence

The distribution of Indonesian immigrants can be determined by states in Malaysia. Based on Table 2.1, migration has played a significant role in development in Singapore, Johor, Selangor, and Perak. Singapore, which was part of Malaysia before independence, contributed the highest percentage of the migration from Indonesia due to fulfilling the demand from the British administration.

The concentration of Indonesians on the west coast of the Malay Peninsula, such as in Selangor and Perak, was relatively low before independence. However, the government scheme that offered to explore new areas and fulfill demand from the agricultural sector created the opportunity to migrate from Indonesia to the

11 Bustami et al., "Awareness of History Nation Serumpun (Indonesia-Malaysia): Culture without Borders," 64.
12 Tunku Shamsul Bahrin. "The growth and distribution of the Indonesian population in Malaya," *Bijdragen Tot de Taal-, Land- En Volkenkunde*, 123, 2, (1967): 267-286. http://www.jstor.org/stable/27860866
13 Tunku Shamsul Bahrin. "*The growth and distribution of the Indonesian population in Malaya",* 269
14 The Commission of Law, *Federal Constitution of Malaysia,* (October 2020), Kuala Lumpur

Malay Peninsula, and the distribution increased from time to time, especially before the World War II. After World War II, the number of Indonesians on the Malay Peninsula significantly decreased despite the existence of Indonesians. The possibility of having a family-blood relationship caused the Indonesians to prefer staying in the Malay Peninsula instead of going back to Indonesia.[15]

Interestingly, Johor was not part of the British administration and was classified as an Unfederated Malay States during British rule. The Johor government took advantage of its location, which is close to Singapore, to allow immigrants from Indonesia to fulfill the labor demand in the agriculture sector. Over time, the west coast of the Johor region developed into residential areas including Muar, Pontian, Kluang and Batu Pahat districts. Even nowadays the districts of villages around West Coast Johor are influenced by the names of Indonesian. Village names are significant with the common Indonesian names, such as the Parit Sumarto, Parit Samion, and Samijan in Batu Pahat, following the names of the 'founder' who open up that new area. Based on local interviews, previously the places were only the wild jungle, and nowadays they have been transformed into palm oil plantation and, at the same time, have become a residential area for local communities. Thus, multiple generations have resided in the area. The condition leads the generation to be mostly already stated as 'Malay'. Likewise, they can speak the Javanese language, which is commonly used among family members because, based on the interview, their grandparents discovered and developed this region into a residential area until they obtained the land grant officially. The situation has significantly influenced the settlement of Indonesian immigrants in Malaysia, both before and after independence. The development of areas inherited from their grandparents' culture.[16]

Table 1 The Percentage of the Indonesians in Total Malaysian Population in Malay Peninsula

State	1911	1921	1931	1947	1957
Singapore	42.4	39.9	42.1	38.2	31.7
Penang	4.5	3.1	2.4	2.2	1.7
Malacca	4.0	3.2	3.3	4.5	3.6
Perak	16.6	18.8	21.4	17.1	10.5
Selangor	27.3	28.4	45.6	43.9	32.3
Negeri Sembilan	4.5	3.9	6.5	5.9	4.7
Pahang	1.2	4.2	5.8	3.0	2.6
Johor	34.2	42.5	51.5	31.5	25.6
Kedah	1.0	1.2	1.6	1.0	1.1
Kelantan	0.01	0.3	0.1	0.1	0.1
Terengganu	0.02	0.1	0.3	0.2	0.2
Perlis	0.1	0.1	0.2	0.1	0.2
MALAY	8.6	10.8	14.5	12.3	8.7

Source: Malayan Census Reports, 1911 to 1957 http://www.jstor.org/stable/27860866

After Malaysia achieved independence in 1957, the migrations could be notified in different phases subjected to the premiership in Malaysia. State actors played a key role in identifying and tackling the current problem related to migration issues because the situation could define the condition of the labor market in the future. Hasanah emphasized the massive international migration across the country illustrated during the Suharto regime in the 1980s. During the Suharto regime, there were ongoing transmigration programs between provisions due to the compacted population of Javanese islands. However, push and pull factors during the Suharto regime drag the number of international migrations become more drastic outflow from Indonesia to other countries including Malaysia.[17]

15 Tunira Hasanah. "Potential Social Capital of Indonesian Immigrant in Malaysia: A Preliminary Research", *Procedia - Social and Behavioral Sciences*, (2015): 211, 383-389

16 Mifedwil Jandra, Agus Sulaiman Djamil, Hussin Salamon, Anhar Ansyory and Moh. Damami Zein, "Identity and Culture Change of Javanese in Johor", *UMRAN International Journal of Islamic and Civilizational Studies* 3, no1 (2016): 1-9

17 Tunira Hasanah. "Potential Social Capital of Indonesian Immigrant in Malaysia: A Preliminary Research", 386

The distribution of Indonesians in Malaysia upon independence is not equally distributed and located because there is a rhythm in the movement of the migrations in Malaysia from various countries. The workforce demand, especially in low-skilled labors in 3D (dirty, dangerous, and demeaning) jobs, created the various workforce come from various countries such as from Indonesia, Bangladesh, Nepal, and Myanmar as well. Highly skilled laborers were also required in certain sectors, especially in education, trade, and services, although some sectors had employment quotas. Migration also could be classified as either documented or undocumented. The current migration situation creates difficulties in illustrating the fixed situation of migration.

In the case of Malay Peninsula, there are concentrations along the west coast such as Selangor, Kuala Lumpur, Negeri Sembilan, Melaka, and Johor. The geographical factor contributed to the dense population of migrants due to economic factors offered by the market. For instance, in Pasar Chow Kit, Kuala Lumpur concentrated on various foreign vendors including the immigrants from Indonesia. The demand and supply concept in the market attracts the immigrants to work and have a business to survive.[18]

This research focuses on Indonesians residing in Johor, as the state had a high concentration of the Indonesian communities before independence, as illustrated in Table 2.1. The condition will ease the process of searching the potential informants. Besides, Johor has been selected as the research study area to observe the significance of the changes in the socio-economic landscape among children of Indonesian immigrants in Malaysia. Specifically, the Indonesian who resides in Johor will be selected based on the background of the informants as well. The informants should be Indonesian Malaysians who are speak Malay, conforming to a Malay custom, but were born to Indonesian parents. The selection of the informants is crucial not only for understanding access to tertiary education but also for gaining results from in-depth interviews that will contribute to the data analysis.

3.1.3 The Children of Indonesian Malaysians

The development of migration took a long process, and immigrants residing long term could feel comfortable, especially after settling down and having their own families in Malaysia. However, those immigrants, especially those who marry local people or other immigrants, need to understand the right of the citizenship of their children as well, because Malaysia emphasizes on the concept of *jus soli* -birthright citizenship- and its combination with *jus sanguinis*. Thus, all conditions determining the citizenship status of the children are subjected to the Federal Constitution Second Schedule, Article 14(1)(b), which highlights the legal citizenship status for persons born on or after Malaysia Day.[19]

Marriage in Malaysia needs to be legally registered for both Malaysians and immigrants, specifically for those who are permanent residents of Malaysia. Marriage registration is crucial to ensure that their future children have the right to obtain citizenship under specific terms and conditions. Without legal marriage registration, this situation can lead to complications for both spouses, including their children. Access to healthcare, finance, and education becomes part of the limitation of access if the immigrant does not manage to obtain the legal marriage certification if the spouse has a long-term plan to settle down in Malaysia.

In addition to their citizenship status, children inherit ethnicity based on their father. The ethnicity of the father will determine the ethnicity of the children in Malaysia. Malaysia has three major ethnic groups: Malay, Chinese, and Indian. Besides, there are minority ethnic groups such as Murut, Iban, Kadazan, Bajau, and some other ethnicities that become a majority on the east coast of Malaysia like in Sabah and Sarawak. For immigrant children, if a child is born in Malaysia and her father is a permanent resident in Malaysia but holds Singaporean citizenship, the child has the right to be Malaysian as long as the parents legally registered the marriage.[20]

Figure 1 clearly illustrates the criteria in order to obtain the status of Malaysian citizenship for children. The law examines the citizenship status of the parents and the legality of their marriage registration. Thus, for immigrants, even though their children are born in Malaysia, the citizenship status of the children needs to refer to the nationality of the parents.

18 Parthiban Muniandy, Ghost Lives of the Pendatang: Informality and Cosmopolitan Contaminations in Urban Malaysia, (Kuala Lumpur: Palgrave Macmillan, Strategic Information and Research Development Centre, 2021),12.

19 The Commission of Law, Federal Constitution of Malaysia, (October 2020), Kuala Lumpur

20 Parthiban Muniandy, "Ghost Lives of the Pendatang: Informality and Cosmopolitan Contaminations in Urban Malaysia" 33

Figure 1: The Terms and Condition of Citizenship by Operation of Law for Persons Born on or After Malaysia Day

Subject 1; Subject to the provisions of Part III of this Constitution, the following persons born on or after Malaysia Day are citizens by operation of law, namely:

(a) every person born in the Federation and at least one of his parents at the time of the birth is a citizen or permanent resident of the Federation; and

(b) every person born outside the Federation whose father at the time of birth was a citizen and either was born in the Federation or at the time of birth was in the service of the Federation or the service of a State; and

(c) every person born outside the Federation whose father at the time of the birth is a citizen and within one year after the birth takes place or within such further period as the Federal Government may in any particular case allow, the birth it is registered in a Commonwealth consulate or, if the birth takes place in Brunei or in a region designated for this purpose by order of the Yang di-Pertuan Agong, registered with the Federal Government; and

(d) every person born in Singapore and at least one of his parents at the time of the birth is a citizen and the person at the time of his birth is not a citizen except by virtue of this paragraph; and

(e) every person who is born in the Federation and at the time of his birth does not become a citizen of any country except by virtue of this paragraph.

Source: Federal Constitution of Malaysia 1957

The citizenship of a child also becomes part of the critical point for the children's future, because without granting the citizenship, the children cannot access to facilities offered by the Malaysian government, including the right to education –to attend government public school, specifically. Thus, all elements, including the legal marriage status of the parents, determine the status of a child for the child's future.

Figure 2: The Citizenship Determinant of the Children Born in Malaysia

Citizenship Status		Marriage Status (At the time of the Child's Birth)	Child's Citizenship Status
Father	Mother		
Malaysian citizenship	Malaysian citizenship	✓ / ✗	Malaysian citizenship
Malaysian citizenship	Non-citizen	✓	Malaysian citizenship
Malaysian citizenship	Non-citizen	✗	Non-citizen
Malaysian citizenship	Permanent resident	✓ / ✗	Malaysian citizenship
Permanent resident	Malaysian citizenship	✓ / ✗	Malaysian citizenship
Permanent resident	Permanent resident	✓ / ✗	Malaysian citizenship
Permanent resident	Non-citizen	✓	Malaysian citizenship
Permanent resident	Non-citizen	✗	Non-citizen
Non-citizen	Malaysian citizenship	✓ / ✗	Malaysian citizenship
Non-citizen	Permanent resident	✓ / ✗	Malaysian citizenship
Non-citizen	Non-citizen	✓ / ✗	Non-citizen

Source: National Registration Department, 2023

The children of Indonesian Malaysians in this research are categorized as children granted Malaysian citizenship status but who inherit the parents' ethnicity under the following conditions:

1. Either one of the parents holding the Permanent Residence status and legally registered the marriage,
2. Both parents hold the Permanent Residence status, and
3. Either one of the parents married local people and legally registered for the marriage,

The classification of the children of Indonesian Malaysians should have a blood connection with Indonesians because this is important to determine the suitable informants to achieve the aim of the research.

Besides, the identification of the informants will be determined through snowball sampling, where the first informant recommends another informant with a similar background. The method will be time-consuming, but obtaining a precise informant who is Malaysian but inherits the Indonesian ethnicity is also crucial to achieve the research aim.

3.2 The Malaysia's New Economy Policy Changed the Landscape of Socio-Economic

The section will discover an overall picture of the New Economic Policy (NEP) which brought a lot of changes to the landscape of socio-economic status in the impacted communities in Malaysia, including Indonesia Malaysians who reside in Malaysia. At the beginning of the section, the NEP will be explained in detail to understand its function and relevance of the having this policy during a specific period in Malaysia. Secondly, the ethnic-based quota system, which is linked to the implementation of the NEP related to education, will be discovered before analyzing the impact of NEP on education among the children of Indonesian Malaysians.

3.2.1 New Economy Policy and Relevance

The NEP is one of the economic policies implemented by the Malaysian government, starting from 1971, as a result of the riot incident that happened on 13 May 1969. The incident happened due to dissatisfied between the two major ethnic groups, Malay and Chinese, following the result of the general election in Malaysia that year. The opposition won 54 seats, causing the Alliance to lose its two-thirds majority in Parliament. Fee emphasized that the opposition was dominantly conquered by Chinese ethnic group, and their political participation increased over the years.[21] The opposition campaigned against the Bumiputera people in Malaysia, which resulted in anger among the Malays, who were classified as part of the indigenous people.[22]

Thus, the Malaysian government mapping the NEP as a guideline to ensure that the socio-economic status of the Malays was protected. The NEP aimed to eradicate poverty and restructure society.[23] The NEP was introduced in the Second Malaysia Plan back in 1971-1975. The guidelines in order to achieve the aim of the NEP included socio-economic elements such as labor participation, economic sectors growth, and basic needs for people including access to education.[24] The changes that had the potential to be improved over time were reviewed by the government every 5 years. Thus, from the first implementation of the NEP in 1971 to its development plan until the late 1990s, it became a major measurement in order to identify the structural changes in the socio-economic landscape of communities living in Malaysia, including both Malaysian and immigrant who resided in Malaysia for long terms.

Boosting the socio-economic sphere post-incident 13 May 1969 become a major challenge for the government to avoid any of the ethnic groups left behind because of the quota system introduced in order to restructure the society. The term 'restructure the society' meant ensuring that those ethnic groups who were left behind in term of socio-economic received a better benefit from the NEP and able to improve the socio-economic as well. Alongside the series of aids and incentives introduced in the NEP, the quota system was also introduced. The quota system will encourage the more participation of the Malays, who were categorized as one of the Bumiputera, in order to accelerate economic growth in Malaysia. By having a quota system, government will enlarge the chances and opportunities towards Malay to participate in economic and improve their life for long term.

While discovering the potential of enlarging the participation among Malays, there are challenges of implementing the quota system in the NEP. The quota system created the competitiveness among the people in the same communities who were seeking the facilities offered in the NEP. By having the same quota and the increasing number of populations, it creates tight competition among the group. Esa, Othman, Darmia and Hamid concluded that the overall series of NEP renewal policies and improvement illustrated the improvement of the socio-economic among Malaysian and among the Malays as well. The policies mapping contributed to significant changes in the landscape of socio-economic in Malaysia from a macro perspective.[25]

21 Lee Yok Fee, "Changes in Chinese's Political Involvement in Malaysia," *Pertanika J.Social Science & Humanities*, 18, 1, (2010): 11.
22 Martin Rudner, "The Malaysian General Election of 1969: A Political Analysis," *Modern Asian Studies*, 4, 1, (1970): 19. doi:10.1017/S0026749X00010957
23 Jomo Kwame Sundaram, *The New Economic Policy and Interethnic Relations in Malaysia*. (Jomo: Identities, Conflict and Cohesion Programme Paper Number 7, 2004), United Nations Research Institute for Social Development. Switzerland. ISSN 1020-8194
24 Economic Planning Unit, *Second Malaysia Plan 1971-1975*, 1971. Kuala Lumpur.
25 Mohd Sohaimi Esa et al., "Menyingkap Sejarah Awal Dasar Ekonomi Baru: Pemacu Kepada Usaha Kelestarian Negara Bangsa," *Journal of Islamic, Social, Economics and Development*, 7, 47, (October 2022):338-349. doi:10.55573/JISED.074732

In the case of children of Indonesian immigrants which granted as Malaysian citizenship, they also received the benefits from the NEP as the chances to participate in economy still available even though there are quota system bonded along the access in improving their socio-economic level. This limitation did not mean that there are no chances at all, as their basic needs as Malaysian were served equally to those of other major ethnic group in Malaysia.

Nevertheless, the relevance of NEP needs further analysis, especially once the situation has reached the peak stage. Once Malays have received a positive impact and reached the government targets, policies related to the quota system must be reassessed and shifted based on the meritocratic system under specific terms and conditions. The NEP was replaced by the National Development Policy (NDP) in 1991. Nevertheless, the elements which comprised in the NDP remained similar to those of the NEP.

3.2.2 The Ethnic-Based Quota in Malaysia Education System

Education, as one of the elements highlighted in the NEP, has also become part of the ongoing debate, especially in improving development policies related to long-term education field. The fast-changing phase due to advanced technology that is currently being faced in their field drives various challenges and results from ongoing changes in education policies. This section will cover the structural changes linked to the impact of accessing the education for Indonesian Malaysians in Malaysia. There are multiple approaches the government handles to shape policies in education field from the elementary, secondary, and tertiary education.

Elementary education has become compulsory and must be accessible to all children, regardless of their family background, including children of migrants, who are now also encouraged to gain elementary education. The Ministry of Education is responsible for mapping the pathway of elementary education in Malaysia. Moreover, the Non-Governmental Organizations (NGOs) become part of proactive organizations providing elementary education including the asylum seekers or refugees. Elementary education becomes the basic education that should be received by all the children. For the children of Indonesian Malaysians also received the same access in fact they are eligible to receive the elementary education in formal public schools in Malaysia as long as they are Malaysian citizens. At this stage, the context of structural change in accessing education in elementary education still has a similar situation because elementary education becomes a basic education, and children of Indonesian have a chance to receive a formal education from the government and there are alternatives to obtain formal education for elementary education from a private institution as well. Thus, the ethnic-based quota system does not impact the elementary education system.

Secondary education has also become the standard level accessible to most children, including those of Indonesian immigrants who have obtained Malaysian citizenship. The children who categorize as foreigners and belong to other citizenship, they are needed to attend international schools however to attend the schools, the cost is higher than entering public schools. The Ministry of Education is also holding the same portfolio to take care of the secondary education sphere therefore the policies will be determined under this ministry. Education at this level becomes crucial due to secondary education, which will be the basic education before pursuing tertiary education or searching for the basic job upon reaching 18 years old. Formal public school offering a wide range of set skills and subjects depending on the capability and interest of the students. The scope includes the various types of life sciences, social science, Technical and Vocational Education and training (TVET).

In addition, to support Bumiputera students in accessing secondary education, the government provides financial aid to assist families with the cost of the textbooks. For those Malaysian students but categorized as non-Bumiputera, they have to cover the cost of textbooks by themselves. Those non-Bumiputera children including the children of immigrants including the children of Indonesian immigrants. The fact, even though the children were born in Malaysia and granted Malaysian citizenship, these groups are still categorized as non-Bumiputera as following the parents' origin ethnicity. However, textbook policies were abolished back in 2008 and nowadays all the students in public schools receive equal privileges. The structural change in policies existed in the education system whereby the changes formed the adjustment of the policies and the access of education towards the non-Bumiputera does give a relief to the parents that facing a struggle in raising a child in Malaysia. Thus, the condition leads to a part of benefits for those children who really want to create a better future in their education.

The most critical stage of education is tertiary education, as it provides the necessary knowledge and skill before entering the job market. The government looks at this stage of education precisely because this stage will also identify the competition in the labor market as well. The cost of obtaining tertiary education is also higher than that of elementary and secondary education. Therefore, higher education management is under the Ministry of Higher Education. Tertiary education received a high demand from various ethnics in Malaysia, locally and internationally.

Nevertheless, as tertiary education is essential for children's future, children of Indonesian immigrants who have obtained Malaysian citizenship must put in extra effort to pursue higher education. The current problem among this group needs to be more competitive towards other ethnic groups and spend a lot of money to pursue their future education in public universities. Besides, if the courses or the quota are already full, they need to refer to the private universities which are costly and some of them need to apply for a study loan or catch any available scholarship for their study. In fact, after getting formal secondary education, there are so many paths to choose to pursue the tertiary education. Including matriculation, diploma, A-Level.

Matriculation is one pathway available after obtaining O-level qualifications, known in Malaysia as Sijil Pelajaran Malaysia (SPM). This matriculation provides a fast track to entering the degree level at public university in Malaysia because the duration is only one year minimum up until two years. The benefit of this platform is the fastest way for Malay students to get into public university. However, there is the cons getting a tertiary education by using this platform whereby the matriculation only recognized by public university in Malaysia.

Meanwhile, students can also pursue A-Level qualifications as well. Normally, this level will be offered publicly but it is highly cost because this level will be offered towards the abroad education which accepts A-Level for entry level. However, the cost is higher than other pathway in entering tertiary education because normally A-Level will be conducted by private universities in Malaysia.

Additionally, a diploma serves as another alternative to pursuing tertiary education. The platform is similar with having a tertiary education at university only the level of education is different with degree level. Normally, the period of having a diploma is around two to three years before graduation and continues to pursue the degree level. Nevertheless, to obtain diploma level the cost involves more to compare with Sijil Tinggi Pelajaran Malaysia (STPM) level.

Alternatively, students can pursue tertiary education through STPM, a globally recognized qualification. STPM has become an option which has relevance towards post-secondary school students because the medium of teaching is still at school even though the examination is at the world level. Nevertheless, this option did not become much of an option towards post-secondary school because the student still feels the school environment. However, back in 2012 the structure has been restructured to be more flexible, especially using semester terms, more flexible dress to wear and these kinds of alternative become an initiative to attract student in pursuing further study at the higher level.

Nevertheless, the NEP significantly influenced tertiary education policies by prioritizing Bumiputera rights in higher education access. The government initiated the incentive under Majlis Amanah Raya (MARA) to establish Pusat Latehan RIDA, the institution to help Bumiputera people to gain the training especially in technical skills, entrepreneurship, and various range of set skills that benefits for advanced career. Even though Pusat Latehan RIDA begin a year before Malaysia gained the independence, the development of this institution keeps on improving especially after NEP introduced in order to eradicate the poverty and restructure the society in helping the Malays and Bumiputera to narrowing the gap in socio-economic among other ethnics in Malaysia.

The NEP keeps on improving the structure of society by certified and upgrade the Pusat Latehan RIDA to become one of the higher institutions in the same level with other local universities in Malaysia, Universiti Teknologi Mara (UiTM). UiTM specially allocated to help Bumiputera to get the placement in the higher institution in Malaysia. The university fees also almost 50% cheaper than other local universities in Malaysia. By having a huge, subsidized fees from the government, the chances for Bumiputera are higher than another ethnic group in Malaysia. However, for those Malaysian students but belong to non-Bumiputera group, they still received the subsidized fees from the government, but the allocation goes to the other local universities in Malaysia even the subsidized fees are lesser than UiTM, around 20% to compare with.[26]

Starting in 2019, UiTM expanded its admission policy to allow non-Bumiputera students to enroll in post-graduate programs only. The admission for undergraduate is still restricted to Bumiputera only. The restriction is to ensure the government able to ensure the balance of the Bumiputera capabilities in obtaining the tertiary education.[27] The changes on the policies illustrated that government would observe and analyze possibilities on the rights of obtaining tertiary education for the children of Indonesian immigrants which holding the Malaysian citizenship as well. Even though the government foresees that the access of tertiary education provided by following meritocracy basis, there will be some ethnic groups will leave behind. However, continuous

26 Luqman Arif Abdul Karim, "Pengajian Pascasiswazah UiTM Boleh Dibuka kepada Bukan Bumiputera." *Berita Harian Online*, January 10, 2016, https://www.bharian.com.my/berita/nasional/2019/01/518437/pengajian-pascasiswazah-uitm-boleh-dibuka-kepada-bukan-bumiputera

27 Luqman Arif Abdul Karim, "Pengajian Pascasiswazah UiTM Boleh Dibuka kepada Bukan Bumiputera."

improvement and revisiting the policies are also necessary to suit the current situation. The structural changes in term of education policies towards children of Indonesian immigrant having a significant change however the situation still subjected towards the Indonesian immigrant to sending their children to the tertiary education because from the cost perspective, if the parents would like to send to the private universities the cost would be higher if compared to the local universities. At the same time, the impacted families might struggle to survive and fulfil their daily needs.

3.2.3 The Impact of Malaysia's Economy Policy towards the Indonesian Malaysians

The research selected ten informants and conducted in depth interviews in order to obtain their experience as part of an affected group impacted by the implementation of the NEP. The age of informants is also currently in the range of 23 until 35 years old. The range of informants' ages able to observe the impact of the NEP towards the socio-economic of informants for long term. Based on literature studies, Johor concentrated with the Indonesian immigrant, and it will be a main focus of the research as well. Nevertheless, the improvement for the better illustrated invisibly across Malaysia even though Malaysia categorize as one of leading countries which is advanced in the education field since independence back in 1957.[28]

3.2.3.1 The Tertiary Education Opportunities

Based on in-depth interviews with ten informants, five out of ten were able to pursue tertiary education at local public higher institutions in Malaysia. Thus, half of the informants received the opportunities to pursue their tertiary education. The situation illustrated that the government still treat the children of Indonesian immigrants for those hold Malaysian citizenship to pursue the higher education in Malaysia regardless of the origin of the parent's background.

The local higher institutions attended by the informants include Univesiti Sains Malaysia (USM), Universiti Pendidikan Sultan Idris (UPSI), Universiti Utara Malaysia (UUM), Malaysian Marine Academy, and Universiti Malaysia Perlis (UniMAP). These higher institutions in Malaysia also offering the wide range of courses that useful for the future as well.

Nevertheless, among the five informants who secured seats at higher institutions in Malaysia, four had to apply for a study loan due to the high cost associated with tuition and living expenses. If living at the big cities such as Kuala Lumpur, Penang, Selangor and Johor Bahru the living cost much higher than other sub-urban cities. Depending on the location, the informants are also considering pursuing their tertiary education. One out of five informants able to support the tertiary education at the public local university due to the informants coming from families which own the business and already prepare the expenses cost for their children's needs during further study.

> "My parents don't want me to burden with student loan upon completion of my study, so they already prepared around RM38,000 in total to cover my expenses in UUM. You know, Sintok is very far from the capital city and the standard of living very cheap if you compare with Kuala Lumpur" – Anna

Even though cost remains one of the challenges of pursuing tertiary education, the informants did their best to continue their studies for a better future. Thus, there is no discrimination against children of Indonesian immigrants. However, healthy competition among non-Bumiputera students still exists. The cost of attending public universities in Malaysia is lower than that of private universities due to Government subsidies. This leads to high competition among non-Bumiputera students to obtain a place in public university due to the financial aid granted by the Malaysian government.

3.2.3.2 The Career Opportunities

Based on the pilot study among ten informants, there were low chances for them to secure career opportunities in the government sector due to the continued implementation of the quota system by the Malaysian Public Service Commission. Based on in-depth interviews, four out of five informants who obtained tertiary education were able to secure jobs in the formal private sector.

However, one out of five informants secured a job in the public sector. The informant now becomes a teacher in a public government school near her residential area. Even though quota system changes from time to time, competition still exists. However, the chances or percentage to grab the opportunities to work in the

28 Mohd Zain, Norliza, Velantina Aspah, Normazni Abdullah, and Mansoureh Ebrahimi. 2017. "Challenges and Evolution of Higher Education in Malaysia". *UMRAN - International Journal of Islamic and Civilizational Studies,* 4 (1-1). https://doi.org/10.11113/umran2017.4n1-1.207.

government sector are still limited due to the quota system introduced to ensure Bumiputera obtained more opportunities to work in the government sector.

Nevertheless, four out of ten informants did not have a chance to pursue tertiary education. Based on in-depth interviews from the informants, they were having a constraint regarding the fees. One of the informants also highlighted that there was a high competition to get entering the public local universities in Malaysia.

> "My result in Sijil Perlajaran Malaysia (SPM) was so-so and I already tried my luck to fill up the UPU[29] on March back in 2011. Maybe I don't have luck in that year. I want to apply for diploma at the private university but you are also know what.. the cost is so expensive, I have another younger siblings who still in elementary schools, thus in order to survive, I can do small business by selling kuih with my mum in the morning. Alhamdulillah, thanks God, I'm okay with this life" - Hidayah

According to Ruzki, competition for admission into local public universities is very intense nowadays.[30] In 2022, more than 20,000 students were unable to gain admission to local public universities, even though they met the pre-requisite requirements. To secure a place in local public university, candidates must be proactive and compete with others, regardless of their Bumiputera or non-Bumiputera status, as applicants come from various family backgrounds, including those of Indonesian immigrant families.

3.2.3.3 Effect of Illegal Migration

The illegal migration also one of the challenges related to the international migrations exist across Malaysia. Illegal migration can be interpreted in many ways; therefore, the illegal migration in Malaysia also could be vary as well.

Two out of the four informants actually have parents who entered Malaysia using a passport. However, due to money matters in renewing Temporary Stay Visa (VITAS), they let the visa expire without renewing the visa. The condition will lead that person categorized as illegal immigrants. There are enforcements under Immigration Act 1959/63 (Act 155), Passport Act 1966 (Act 150), Immigration Regulations 1963 and the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (Act 670) which allow the immigrations arrest those illegal immigrants in Malaysia territory. The fact of people which protecting the illegal immigrant also will be charged in the court as well.[31]

Hence, to reside long-term in Malaysia, immigrants need to renew their visa so they can stay longer with their family members. If they already stayed in Malaysia by using long term visa for five years, they are eligible to request the Malaysia Entry Permit and obtained from Malaysian Immigration Department. In order to survive in a foreign country is really challenging and extending the long-term visa also requires a huge amount of money.

> "I don't really understand what was happening back in 2015. I know that my dad not be able to work because he is holding Indonesia passport, if he want to work with any formal companies he need to apply the work permit. Hence, we all depending with mum in order to survive. At that time, I was little and still in school. Now, I live at here with my mum and my dad in Central Java, Indonesia" Kiki

After her father's visa expired without renewal, the situation deteriorated, because he was categorized as an illegal immigrant. Due to overstay in Malaysia, her father needs to return to Indonesia. The family support system changed due to the father who becomes the backbone of the family need to return to the home country and the mother needs to struggle and raise the children by herself.

3.2.3.4 Legalization Problem

Legalization in this research leads to the registration of marriage whereby legal registration is crucial to ensure there are unnecessary problems in the future. Children of Indonesian immigrants may be granted Malaysian citizenship if their parents' marriage is legally registered in Malaysia. However, if both parents hold Indonesian passport, their children are not eligible for Malaysian citizenship, even if they are born in Malaysia.

Legalization also presents many unresolved issues, including birth certificate registration and access to formal education. One of the informants also facing the similar situation whereby she born in Malaysia unfortunately

29 UPU (Unit Pusat Universiti) or UPU Online is the platform provided by Ministry of Higher Education in order to apply for admission to public universities and polytechnics in Malaysia. Usually, the application is open in the first quarter of the year, by yearly basis.

30 Rafidah Mat Ruzki, "Tempat Terhad di UA 20000 Calon Layak Tak Dapat Tempat," *Berita Harian Online*, September 29, 2022. https://www.bharian.com.my/berita/nasional/2022/09/1006062/upu-tempat-terhad-di-ua-20000-calon-layak-tak-dapat-tempat

31 Law of Malaysia, *Immigration Act 1959/63 (Act 155),* 2006, The Commissioner of Law Revision, Kuala Lumpur.

their parents not registering the marriage in Malaysia and it drive a difficulty for the children obtaining Malaysian citizenship. Besides, the parents planned to get formal education for their children. Unfortunately, the cost to send to international schools really expensive and the parents decided to send the children back to Indonesia and get the formal education in Indonesia for their future.

> "Even though I'm holding the Permanent Resident status in Malaysia, but I didn't realize how important to register the marriage at Jabatan Agama Islam Johor (JAIJ), and I want to ensure my children also get a better future like others" – Aisyah's Father

> "I want to go to school at here because I loved my neighbours (referring the children that same age with her), however, I know my parents wanted me to get a better education so I have no choice" Aisyah

This situation clearly highlights the importance of registering a legal marriage in Malaysia. In Aisyah case, she was actually eligible for the Malaysian citizenship because she was born in Malaysia. Nevertheless, since Aisyah's parents did not register their marriage, she was not granted citizenship. As the public government schools only received the students with the Malaysian citizenship status. Meanwhile, non-citizens must attend international schools, which are now widely available across Malaysia.

4 Conclusion

Indonesian Malaysians who hold Malaysian citizenship are granted the same rights to access tertiary education in Malaysia. However, tight competition among other non-Bumiputera remains a challenge for Indonesian Malaysians. Based on the findings, the pilot study concludes that the majority of the informants' parents migrated to Malaysia as low-skilled laborers, which resulted in their families struggling to fulfill daily needs. Nevertheless, from the government's perspective, the availability of quotas for tertiary education allows Indonesian Malaysians to pursue higher education and even secure career opportunities in the government sector. However, the government should reassess education policies, including the ethnic-based quota system, along with the socio-economic progress of the Bumiputera, to provide non-Bumiputera with greater opportunities to access higher education in public institutions.

State actors from Indonesia should also consider the opportunities available to Indonesian Malaysians, as this ethnic group has historical roots in Indonesia and should be included in discussions on higher education access in their country of origin. Since the parents of Indonesian Malaysians still have connections to Indonesia, they should be considered for opportunities to pursue higher education in Indonesia as well. Balanced opportunities must be considered to ensure equitable access to higher education across the Southeast Asia region.[32]

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