

## THE ISSUE OF ILLEGAL IMMIGRANTS IN RELATION WITH THE COVID-19 CLUSTER EMERGENCE IN SABAH

Irma Wani Othman<sup>1\*</sup>  
Saifulazry Mokhtar<sup>2\*</sup>  
Romzi Ationg<sup>3\*</sup>  
Abang Mohd Razif Abang Muis<sup>4</sup>

<sup>1\*</sup> Centre for the Promotion of Knowledge and Language Learning, Universiti Malaysia Sabah, Malaysia.

Email: irma@ums.edu.my

<sup>2\*</sup> Centre for the Promotion of Knowledge and Language Learning, Universiti Malaysia Sabah, Malaysia.

Email: saifulazry.mokhtar@ums.edu.my

<sup>3\*</sup> Centre for the Promotion of Knowledge and Language Learning, Universiti Malaysia Sabah, Malaysia.

Email: mrationsg@ums.edu.my

<sup>4</sup> Centre for the Promotion of Knowledge and Language Learning, Universiti Malaysia Sabah, Malaysia.

Email: amrazif@ums.edu.my

\*Corresponding Author

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**Abstract:** *This paper explores the issue of Malaysia's sovereignty and national security from external threats associated with the entry of Illegal Immigrants (PATI) and the emergence of Covid-19 cluster in Sabah. The context of the discussion started from the proclamation made by the Yang di-Pertuan Agong through a gazette to further enhance the action capacity of government enforcement in combating the Covid-19 pandemic, by referring to directives under the Emergency (Essential Powers) Ordinance 2021 to maintain security, socio-economic life or order civilians in the country from being threatened. In resolving public concerns, the thrust of this snapshot discussion is to identify the contributing factors of PATI entry in Sabah, and the impact of PATI entry in Sabah in terms of political, economic, social, and local security. The qualitative approach utilises secondary data content analysis methods, namely the results of research in journals, online news sources, reports and books. Observations of the discussion are embroidered with the relevance of the National Security Council Act (Act 776), the application of the Immigration Act 1959/63 (Act 155) and the Passport Act 1966 (Act 150) and the Immigration Regulations 1963 to reduce the increment rate in the entry of illegal immigrants into the country. Illegal immigrants (PATI) have crossed the border into Sabah illegally due to several factors, namely high currency exchange, many jobs offer, Sabah's strategic location, as well as the insecure and unstable state of origin. Although foreigners are able to improve the development process of the country and Sabah, they also cause many problems that threaten locals, especially in terms of economy and security. All levels of society need to work together to combat the issue of entry of illegal immigrants (PATI) so that the harmony and security of Sabah can be guaranteed, especially in the Covid-19 pandemic which has no signs of ending yet.*

**Keywords:** Malaysia's Sovereignty, National Security, Entry of Illegal Immigrants, Covid-19

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## Introduction

The existence of illegal immigrants has many effects on social, economic, political and diplomatic relations and it also threatens national security (Pappusamy, 2014). The National Security Council Act known as Act 776 established in 2016 was aimed at ensuring the defence of freedom from being colonised by any external superpower as well as avoiding exploiting the development of the country through non-governmental organisations (MKN, 2021b). The security of a country is a key point to the development of that country especially when it involves with vulnerable communities amid Covid-19 pandemic (SUHAKAM, 2020). Malaysia is known as a peaceful and war-free country, however, there is no denying that the issue of accumulation of illegal immigrants (PATI) is the hottest issue and difficult to curb with regards a needlessly persisting conundrum on counting migrant workers in Malaysia (Aun & Leng, 2018). It will disrupt the community-oriented system when these groups are still left to roam. The government has made various efforts to address this issue, but every year the number of illegal immigrants in Malaysia increases (Mohamed Berawi, 2019). The accumulation of criminal cases is increasing, causing the country to be looked down upon and damaging the country's reputation (Kassim, 2012).

Peace, prosperity and political stability of the country are factors that attract the entry of illegal immigrants into the country (Mohamed Berawi, Hasan Basri & Bakar, 2016). The issue of illegal immigrants is closely related to the crime of human trafficking as well as migrant smuggling which generally creates two different things or crimes (National Security Council, 2020). No doubt there are often cases of forgery of important documents such as passports, identity cards and birth certificates signed by those in charge of the registration or immigration department (Mohamed, Ajis & Md. Zain, 2019). In general, this problem often gets the attention of the government and the local media, especially in relation to foreigners who do not pay attention to the existing laws used in Malaysia. Foreigners often disregard the law during the Movement Control Order (MCO), and this causes the government to be more assertive in implementing *Ops Benteng* to prevent the spread of Covid-19 (Berita Harian, 2020c).

In resolving public concerns, the thrust of this discussion's perspective is to (1) identify the contributing factors of PATI entry in Sabah and highlight the impact of PATI entry in Sabah in terms of political, economic, social, and local security. Observations of the discussion are embroidered with the relevance of the National Security Council Act (Act 776), the application of the Immigration Act 1959/63 (Act 155) and the Passport Act 1966 (Act 150) and the Immigration Regulations 1963 to reduce the increment rate in the entry of illegal immigrants into the country. All levels of society need to work together to combat the issue of entry of illegal immigrants (PATI) so that the harmony and security of Sabah can be guaranteed, especially in the Covid-19 pandemic which has no signs of ending yet.

## Research Methodology

The research methodology in this writing uses a qualitative approach based on social science disciplines. Qualitative approach refers to a research approach that requires careful observation of aspects of phenomenology that focuses on processes and events thematically. Whereby independently based on information from various sources such as primary and secondary sources that utilises secondary data content analysis methods that are the results of journal research, reports, books and online news sources. This approach is usually considered a popular design in the social sciences when it is often associated with law, history, historiography, ethnography, and sociology. On the other hand, when discussing the research

methodology of social science disciplines, then it is qualitative in nature blended with descriptive analytical discussion (Sugiyono, 2009).

Furthermore, this approach emphasises on law enforcement with discussion observations embroidered with the significance of relevant acts. The law and governance aspects are both relevant in the discussion of this paper in order to look at developments related to issues and challenges of Malaysian sovereignty and national security from external threats associated with the entry of Illegal Immigrants (PATI) since the emergence of the Covid-19 cluster. Thus, there are several important events that touch on issues and challenges of proclamation made by the YDPA through a gazette to further enhance the action capacity of government enforcement in combating the Covid-19 pandemic. In this context where it refers to directives under the Emergency Ordinance (Powers Necessary) 2021 in order to keep security, socio-economic life or public order in the country from being threatened (MKN, 2021a). Hence, particularly in this writing, a literature review is used by collecting primary and secondary sources to enable facts to be explained based on issues associated with actual events that occurred.

#### **Malaysian Sovereignty and National Security from External Threats**

Emergency refers to a situation related to security, economy and public order that cannot be controlled through a normal administrative system. While the proclamation of emergency refers to the declaration or proclamation made by the Yang di-Pertuan Agong (YDPA) through a gazette that the state of emergency has existed or is about to occur. The term proclamation of emergency is derived from the Federal Constitution Article 150: Proclamation of Emergency, under section XI – Special Powers Against Subversive Acts, Organised Terrorism, and Acts and Crimes prejudicial to the public and emergency powers (MKN, 2021a). The power to declare a state of emergency is held by the YDPA. It can only be declared if a major emergency is threatening the security, economic life or public order in the country and the YDPA is satisfied with the occurrence of the emergency (MKN, 2021a). Thus, emergency situations can occur due to uncontrolled natural phenomena, wars, or the spread of disease outbreaks (Elengoe, 2020). However, despite these circumstances, the declaration of emergency should not be made by referring to one party in all of a sudden.

In this scenario, the YDPA is advised to take the opinion of all parties through deliberation and any briefing of the emergency thus to be announced to the people before announcing the declaration (MKN, 2021a). This is because, this declaration of emergency can have a worrying effect by exacerbating the existing emergency situation. To further enhance the government's enforcement action in combating the Covid-19 pandemic, the Directive under the Emergency (Essential Powers) Ordinance 2012 has handed down the power of the Police to the Malaysian Armed Forces to make arrests, inspections and seizures to assist other agencies in performing their duties in PATI Prevention as well as this Covid-19 Prevention Operation (Astroawani, 2020a). The context of the discussion in this article focuses on the proclamation made by the YDPA through a gazette to further enhance the action capacity of government enforcement in combating the Covid-19 pandemic by referring to directives under the Emergency (Essential Powers) Ordinance 2021 to maintain security, socio-economic life or order civilians in the country from being threatened.

### A. The Issue of The Entry of PATI and the Emergence of Covid-19 Cluster in Sabah

National security issues are threatened when there is an increase numbers in the entry of illegal immigrants in the country. The Government has established the Immigration Act 1959/63 (Act 155) and the Passport Act 1966 (Act 150) and the Immigration Regulations 1963 to reduce the rate of increase in the entry of illegal immigrants into the country (Berita Harian, 2020a). The issue of the entry of Illegal Immigrants (PATI) into the country is no longer foreign to the Malaysian community (International Labour Organisation, 2017). The influx of illegal immigrants into the country has been around for a long time and has been increasing since the 1980s (Ahmad, Ajis & Awang, 2014). Among the factors that cause the entry of illegal immigrants in the country is due to high employment opportunities (Kassim, 2012). But now, when the world is hit by the Covid-19 pandemic, the entry of illegal immigrants into Malaysia is not only due to employment opportunities, but also due to save themselves from the spread of the Covid-19 virus in their country of origin (International Labour Organisation, 2020). This has caused Malaysia to run into problems.

During the second wave of Covid-19 in the country, the highest number of infections occurred among detainees (Sinar Harian, 2020a). Most of the infections are due to illegal immigrants in some detention centres such as prisons, Royal Malaysia Police (PDRM) lock-ups, Temporary Detention Centres (PTS), Special Detention Centres, etc., which recorded a positive rate of 2.0% to 38.8% (Sinar Harian, 2020a). On the 18<sup>th</sup> March 2020, the government began implementing the Movement Control Order (MCO) which is an action to prevent coronavirus outbreak (COVID-19) to spread (Berita Harian, 2020b). Nevertheless many foreigners especially those with refugee status do not care about the laws implemented by this government including their actions of cross border (South China Morning Post, 2020). Their actions have urged the government to implement *Ops Benteng* to control illegal immigrants from being smuggled into the country either by land or water to prevent the spread of Covid-19 (Berita Harian, 2020c). In addition, the authority also managed to seize three vehicles owned by them to prevent the occurrence of cross-border crime. A total of 115 Roadblocks (SJR) were set up on the day to control the movement of illegal immigrants and involved various agencies including the Royal Malaysian Police (PDRM), the Malaysian Armed Forces (ATM), The People's Volunteer Corps Department (RELA), and the Malaysia Border Security Agency (BSA).

Apart from that, there were also cases where the implementation of *Ops Benteng* succeeded in detaining a total of 822 illegal immigrants who tried to enter the country's borders illegally (MalaysiaKini, 2020). The results of the detention are from operations conducted since 1<sup>st</sup> May 2020 until 14<sup>th</sup> June 2020 (Berita Harian, 2020c). The Royal Malaysia Police (PDRM) also made 65 blockades of *Ops Benteng* throughout the country and checked all passing vehicles, especially in the rat routes to prevent the entry of illegal immigrants into the country (HMetro, 2020). All illegal immigrants who have been detained in the operation have also been given COVID-19 screening to ensure that the virus is not spreading.

The government has also tightened the implementation of *Ops Benteng* in the east coast of Sabah due to the increase in Covid-19 cases in Sabah due to the entry of illegal immigrants (Sinar Harian, 2020b). The government has increased the number of staff and security forces involving the Malaysian Armed Forces (ATM), the Royal Malaysia Police (PDRM), and the Malaysian Maritime Enforcement Agency in this area because the East coast of Sabah has many islands and vast areas that becoming the landing sites for illegal immigrants to enter this country (Asia Monitor Resource Centre, 2019). According to the Minister of Home Affairs

(KDN), Datuk Seri Hamzah Zainudin, he said that a total of 37 landing points has been identified through *Operation Benteng* which started operating on 21<sup>st</sup> March 2020 (Sinar Harian, 2020d). *Ops Benteng* was carried out involving national security personnel, namely the Royal Malaysia Police (PDRM), Malaysian Immigration Department, and Malaysian Maritime Enforcement to further strengthen the country's borders which are a route for illegal immigrants to enter the country (Sinar Harian, 2020b). With these security personnel, the country's borders will continue to be defended and strengthened from outsiders or illegal immigrants.

Apart from restricting and preventing the smuggling of illicit goods such as drugs, this operation is also carried out to prevent the existence of new clusters brought in by illegal immigrants if they succeed in entering the country (Kanapathy, 2008). On 1<sup>st</sup> September 2020, the Ministry of Health Malaysia (MOH) has informed that a new cluster has been identified that originates from Illegal Immigrants (PATI) (Kementerian Kesihatan Malaysia, 2020). This identified cluster is known as *Benteng LD* cluster (Kementerian Kesihatan Malaysia, 2020). This cluster was identified after Covid-19 screening was conducted on new detainees at the Lahad Datu District Police Headquarters lock-up, Sabah (Kementerian Kesihatan Malaysia, 2020). The screening was conducted on 28<sup>th</sup> August 2020, involving 50 detainees and it was found that seven out of all detainees were Covid-19 positive (Kementerian Kesihatan Malaysia, 2020). Six of the seven Covid-19 positive detainees were PATI and one was a Malaysian citizen (Kementerian Kesihatan Malaysia, 2020). The PATI detainees involved were arrested during the *Benteng* operation carried out by the Malaysian Armed Forces (ATM) and the Royal Malaysia Police (PDRM) on the rat route used by PATI to enter the country (Kementerian Kesihatan Malaysia, 2020).

Apart from that, the *Benteng LD* cluster case has caused everyone in the Lahad Datu District Police Headquarters lock-up to have to undergo screening and family members of the policemen involved also had to undergo screening and quarantine themselves until they receive the screening results (Astroawani, 2020e). This is done to prevent the virus from spreading into the community. The *Benteng LD* cluster has also been one of the largest contributors to the increase in the number of positive cases in the country. In September 2020, another cluster case was identified in Sabah which was called the Marine Cluster (Hmetro, 2020b). This cluster has been detected in Kunak, Sabah which occurs among illegal immigrants. The cluster started from a PATI, a detainee and being deported to his country of origin in the Philippines in August 2020, and the PATI infiltrated back to Sabah to visit his family using the rat route (Hmetro, 2020b). As a result of this irresponsible attitude, the illegal immigrants who had contracted the Covid-19 virus had spread the virus to the families and neighbours (MalayMail, 2020a). This matter has also caused concern in the community, but the authorities were managed to control this spread by controlling the movement of local residents and conducting screening on the close contact of the illegal immigrants (The Star, 2020).

### **B. Factors of Entry of Illegal Immigrants (PATI) In Sabah**

Most of the influx of illegal immigrants (PATI) is based on several factors. Among them is the high exchange rate factors. Most of the illegal immigrants are from Indonesia and the Philippines (Wan Hassan, Omar & Dollah, 2010). Foreign workers working in Sabah whether they have a valid permit or not, mostly work in the 3D employment sector known as Dangerous, Difficult, and Dirty (Hamzah & Daud, 2016). The income of foreign workers in Sabah is higher and lucrative than the income of neighbouring countries. According to Mohamed

Berawi, Basri, & Bakar, (2016) the wages rate offered in Malaysia is higher than the wages rate in Indonesia which is 10 times higher. With the high exchange rate, it is certain that foreign workers will be attracted to work even in the 3D employment sector because they are more profitable if they use the money in their country of origin (The Straits Times, 2020).

While there are many job opportunities offered in Sabah, this has become one of the factors that attracts the entry of illegal immigrants. This is due to the declining involvement of locals in the 3D employment sector (Danger, Difficult and Dirty) such as manufacturing, plantation, construction, etc (Ajis, Md. Zain, Faisol & Zakuan, 2017). The issue of labour shortage in these employment sectors has forced employers to urge the state government to allow them to hire illegal foreign workers (PATI) in order to accelerate the process of development and economic growth in Sabah (Dollah & Abdullah, 2017). Foreign workers are also willing to work in this sector of employment offered because the income given is higher than in the country of origin. Apart from that, the revived dispute between Philippines and Malaysia over Sabah is seen as the contributing factor which relate to Sabah's strategic location that is close to several neighbouring countries and the preferred destination of illegal immigrants (Tobin, 2019). Certain areas in Sabah only involve a two-hour journey to reach the Philippine border by boat. PATI from the Philippines can enter Sabah illegally through Tawi-Tawi Island, Bongao Island or Sitangkai Island (Wan Hassan, Omar & Dollah, 2010). PATI from Indonesia have the option to enter Sabah illegally by land or sea.

According to the President of *Parti Solidariti Tanah Airku* (STAR), Datuk Dr. Jeffrey G. Kitingan, the existence of a foreign-friendly state government policy has encouraged the entry of illegal immigrants (Hmetro (2020c). Furthermore, the unstable situation in the country of origin should be considered as one of the factors of PATI entry. Among them is the unstable political situation has resulted in the country of origin of the foreign workers to be backward and unable to increase economic growth (Mohamed Berawi & Samin, 2015). This will indirectly have caused job offers and opportunities to be limited, therefore, foreigners in their country of origin will have to make a living in neighbouring countries. For example, the war that took place in the Philippine islands has resulted in rising of unemployment and poor economic growth (Kassim, 2012). The Filipino citizen had to enter the state of Sabah without a valid permit to work in order to be able to meet the needs of family members (Mohamed Berawi & Samin, 2015). Malaysia is a country that adopts an open-door policy, and as the result this openness has indirectly encouraged an increase in the number of foreign workers each year (Kaur, 2010; Mohamed Berawi & Samin, 2015).

### **C. Impact of Entry of Illegal Immigrants (PATI) in Sabah**

The presence of illegal immigrants has had a huge impact on the state of Sabah in terms of politics, economy, social, and also the safety of locals (Mohamed Berawi & Samin, 2015). The issue of foreigners is often related to problems that arise in a country. Among the effects that exist as a result of the entry of illegal immigrants is the outflow of state money to the country of origin of workers (Department of Statistic Malaysia, 2020). Because the income that foreign workers earn in Malaysia is higher, workers usually send the money to their families in their country of origin. This is because a foreign immigrant, especially man as the head of the family is responsible for earning a living in order to cover the cost of the needs of family members. According to Hamzah & Daud, (2016), the salary earned is intended to develop the economy in Malaysia, however, the money has been sent back to the country of origin of foreign workers and is indirectly increasing the economic growth of the foreign country. This issue will bring losses to Malaysia, especially the state of Sabah whereby most

employment sectors in the state practices the use of large numbers of foreign workers to perform manufacturing and so on (Mohamed Berawi & Samin, 2015).

According to the Deputy Minister of Finance, Datuk Johari Abdul Ghani, the total remittances sent to the country of origin of foreign workers was RM34.7 billion in 2015 (Mohamed Berawi & Samin, 2015). Even for the year of 2015, that sum of expenses is the highest amount of remittance whereby the state of Sabah also experiences increasing outflow of money. In this scenario, the practical guidelines for employers on the recruitment, placement, employment and repatriation of foreign workers in Malaysia is considered priority agenda (Malaysian Employment Federation, 2014).

Apart from that, the issue of the influx of illegal immigrants has also increased the crime rate in Sabah. According to Dollah & Abdullah, (2017), many crimes that occurred in Sabah, especially urban areas are caused by foreigners. For examples snatch theft cases, rape cases, murder, smuggling activities, and so on. For illegal immigrants who have just set foot in Sabah for the first time to work, most of them do not have much money. If they are unlucky and unable to find employment, they are forced to commit crimes such as snatching and robbery in order to be able to earn a living in Sabah due to lack of income especially in the current situation of the Covid-19 pandemic. This issue will worry the locals as their safety is threatened and creates fear of getting out of the house. Furthermore, identity card forgery is one of the effects of the entry of illegal immigrants.

This activity occurs when foreigners who do not have a valid permit wanted to work and settle down in Sabah but refused to follow the procedures and laws set by the state government (Mohamed, Ajis & Md. Zain, 2019). With this fake identity card, foreign workers can share various facilities provided for the local community of Sabah, especially in the event of health facilities, education, services, and others. This document forgery activity not only involves foreigners but also the locals (Mohamed, Ajis & Md. Zain, 2019). Payments for illegal syndicates have to be made by foreigners to obtain such fake identity cards (Mohamed, Ajis & Md. Zain, 2019). Hence the security and sovereignty of the country would be threatened if non-citizens used fake identity cards with citizen status (Berita Harian, 2020d). This will further encourage the entry of many illegal immigrants if this issue is not addressed especially on potential responses to the Covid-19 outbreak in support of migrant workers (World Bank, 2020).

Furthermore, the influx of illegal immigrants will cause the problem of infectious diseases ((Hamzah & Daud, 2016) that will spread widely if not controlled. Foreigners who enter the state of Sabah without a permit or valid work document are more likely to carry a pre-existing disease from their country of origin because they do not undergo a health check when they come to Sabah (The New Humanitarian, 2020). Examples of infectious diseases that may be carried by foreign immigrants as well as refugees are tuberculosis, AIDS, sexually transmitted diseases, HIV, and others.

This issue is of great concern to local Sabahan because they have a high risk of contracting the disease through interactions between foreign workers working in factories or supermarkets, especially in the pandemic that hit the world that is Covid-19 (Dollah & Abdullah, 2017). Meanwhile, according to the Deputy Home Minister, Datuk Seri Dr. Ismail Mohamed Said, he confirmed that most of the increase in Covid-19 cases in Sabah was due to the issue of the entry of large numbers of illegal immigrants (*Berita RTM*, 2020). Most illegal

immigrants share accommodation with other foreign workers and the accommodation is very crowded. If they do not strictly adhere to standard operating procedures (SOPs), Covid-19 disease is easily spread to roommates, then to the workplace and finally to the local Sabah community. The spread of infectious diseases should not be underestimated by the government as this will lead to deaths and increased health problems in the community (Kluge, 2020).

#### **D. PATI Increases Congestion in Detention Centres**

Even now as we are in the season of the Covid-19 pandemic, the infiltration of illegal immigrants into the country is still an ongoing issue. *Ops Benteng* carried out by the national security on the rat route used by PATI has succeeded in detaining many PATI who want to enter the country (Astroawani, 2020b). Managing labour migration with the regularisation of irregular labour migrants contributing to new policy instrument (Kaur, 2014). All illegal immigrants involved who have been arrested will be taken to detention centres and this has caused congestion in detention centres. At the same time, the overcrowding in detention centres has been one of the reasons for the rapid spread of the Covid-19 virus and the virus is mostly carried by illegal immigrants when they entered the country (Utusan, 2020). According to Inmate Management Division Director Ajidin Salleh, almost all prisons across the country have experienced overcrowding. The prisons that have experienced this congestion are mainly prisons in the East Coast, namely Sabah, Terengganu, Klang Valley, and Kelantan (Astroawani, 2021). These prisons were overcrowded because the number of detainees in the prison has exceeded 50 percent of the total capacity that has been set.

Overcrowding in these prisons have also resulted in several Covid-19 clusters and resulted the staff in the prisons involved having to constantly carry out Covid-19 screening from time to time to prevent the virus from further spreading in prisons (Astroawani, 2020e). The overcrowding in detention centres has led the government to reduce the number of detainees in a detention centre. This should be done to reduce congestion and to be able to create social distancing among inmates to prevent the spread of Covid-19 virus in a detention centre. Among the measures taken by the government to reduce overcrowding in detention is to create satellite prisons (Astroawani, 2021). According to Inmate Management Division Director Ajidin Salleh, the satellite prison is a detention centre for new inmates committing minor offenses, and a place for inmates to undergo Covid-19 screening (Astroawani, 2021). In addition to satellite prisons, the government also implements the Licensed Release of Prisoners Programme (PBSL) which is an earlier release of inmates to reduce congestion in detention centres (Astroawani, 2019).

The increasingly overcrowded detention centres have also forced the government to have discussions with the countries of origin of the detained illegal immigrants, such as the Philippines and Indonesia in relation to their citizen who have been detained for deportation to their countries of origin (Astroawani, 2020c). The government has ensured that PATI who wish to be deported are free of the Covid-19 virus so as not to cause concern to their country of origin to accept them back (International Labour Organisation, 2020). In June 2020, the government has successfully negotiated with the country of origin of detained illegal immigrants to send them back to their country of origin (Astroawani, 2020c). The countries involved namely, the Philippines and Indonesia have agreed to accept their return. The government has successfully deported nearly 3,000 Filipino illegal immigrants and about 1,500 Indonesian detainees (Astroawani, 2020c). The increase in the number of illegal immigrants detained during this pandemic has forced the government to bear high expenses.



Among the costs that have to be borne by the government is the expense of conducting Covid-19 screening on detained illegal immigrants. In May 2020, the government has spent RM4.3 million on Covid-19 screening (Sinar Harian, 2020c). The total screening expenditure has involved a total of 14,496 illegal immigrants who were detained. The estimated cost for a detainee is RM300, forcing the government to bear the cost of RM4.3 million (Sinar Harian, 2020c). In addition, the government will also have to bear the cost of treatment for detainees confirmed to be infected with the Covid-19 virus. Apart from the cost of Covid-19 screening, the government also bears the cost to provide food supply and shelter for the illegal immigrants (Sinar Harian, 2020c). The cost of food supply for these illegal immigrants has to be borne by the government as long as the detainees are in detention centres before they are sent back to their respective countries. Within a day, detainees would be fed four times causing the government to bear the high spending costs (Sinar Harian, 2020c).

#### **E. Prison Management During Pandemic Times**

Malaysia does not have any experience in dealing with prison management during pandemic time and this is especially true in curbing covid-19 transmission (MalayMail, 2020b). Looking specifically at Malaysia, it also has problems in stopping the spread of this pandemic especially in prisons. This is because ineffective management of inmates will cause pandemics to enter and spread in prisons (Kluge, 2020). Therefore, it is very important for the prison authorities to think of ways to ensure that this pandemic does not continue to spread in prisons. One of the effective ways to deal with the spread of covid-19 outbreaks in prisons is to establish Standard Operating Procedures (Sinar Harian, 2021a). This is because the number of inmates in the prison is not small, therefore the SOP must be set, and the SOP must also be appropriate to the prison conditions. For the SOP of the prison, it is better if each inmate is controlled and monitored to always maintain the distance between inmates. This is very important to ensure that inmates do not come into contact with other inmates. This will reduce the risk of inmates being infected with the Covid-19 virus.

In addition, inmates should also be required to always maintain personal hygiene by cleaning themselves and always use hand sanitiser to ensure that Covid-19 virus can be eliminated. With that, the prison authorities should also segregate inmates. Segregation of inmates is one of the most effective measure (Sinar Harian, 2021a). Unfortunately, this segregation was not performed on those with symptoms of covid-19 even though this will be able to curb Covid-19 outbreaks from spreading. Not only that, the segregation of old and new inmates should also be done. This segregation should be more for the new inmates who have just been put in prison. This is because the risk for newly admitted inmates to become carriers of the Covid-19 virus is extremely high. Due to that, it is better to segregate the old and new inmates. This measure can reduce the risk of transmission of Covid-19 in prisons. However, it is a barrier for the prison management to cater the capacity of inmates when implementing the SOPs. This is because when implementing SOPs in prison, it takes up a lot of space for an inmate.

Due to issue of segregating inmates, the government must find a way to raise funds for prison development. Whether it is permanent or temporary must be in place to accommodate the number of inmates. Following this recommendation, the development of tents should be done to accommodate inmates who are segregated based on the categories that have been set. This is very important in ensuring that social distancing among inmates is maintained. This can certainly control the transmission of Covid-19 outbreaks. Although the Malaysian government has never faced such a situation, it is very important to try any means possible to address this problem. Thus, with relation to this, it is important for the prison authorities to

conduct Covid-19 screening for inmates as well as prison staff (Astroawani, 2020d). This is to identify individuals infected with the Covid-19 virus.

In addition, it would be better to monitor closely the movement of every officers working the prison in ensuring that they do not bring in the Covid-19 virus. Not only that, every prison officer should also constantly check their health. This is to ensure that they are not increasing the risk as Covid-19 virus carrier in prison while on duty. With continuous health check-ups, the positive impact will definitely be seen and the risk of Covid-19 virus transmission will definitely be reduced (Kluge, 2020). With that, it is certain that the prison area will be safer and not contribute to the addition of Covid-19 cases. Not only that, the prison authorities should not underestimate the preparation of food. The prison authorities should also ensure that the food supply provided in the prison is taken from a reliable source and not in close proximity to areas with high Covid-19 cases (Astroawani, 2020d). This is to ensure that the food provided is clean and free from any diseases. In addition, the prison management should also provide more food that contains a lot of vitamin C in order to ensure that the body immunisation of inmates is always in the best condition and prevent inmates from being easily infected by the virus. This should be emphasised in any ways according to the level of service for an inmate to ensure that individuals in prison are not easily infected with this virus and in turn, can break the Covid-19 chain.

As a next precaution, the prison management should also tighten the SOP among visitors who come to visit the prison. Detailed questionnaires should be conducted. Before allowing visitors to enter the prison, the prison authorities must collect data through questionnaires from the visitors themselves. Besides that, since the government has set for every Malaysian to download MySejahtera into their smartphones, the prison authorities should look at the travel history in the visitor's MySejahtera application. This is to ensure that the visitor has never visited the premises or places that have Covid-19 cases. In relation to that, it is also better for every visitor to do a swab test before being allowed to enter and visit the prison. This is a very good practice because through this test, the health condition of visitors will be better identified. It is not only for the visitors but also for the prison staff who came in and out of the house to work as well as the inmates who had just been admitted are require to undergo a swab test before entering the prison territory. This step is necessary to practice because through this step the safety of individuals in the prison regardless of inmates or prison staff will be more assured.

Apart from that, the health of individuals who are in the prison territory will always be updated. Therefore, this measure is very good to be practiced for the safety of the prison territory. Furthermore, for officers who are assigned to take care of inmates, whether they are taking care of inmates who are in hospital wards or in prison rooms, it is better if they are provided with a special rest room. This is very important to ensure that they can clean themselves at any given time after duty so that the officers are always in clean condition (Kluge, 2020). Keeping clean is an importance and should be our priority especially during this Covid-19 pandemic because if we do not keep clean properly, when we get contact or exposed to anything that has the Covid-19 virus, we certainly would not realise it (Bernama, 2021). An awareness of how dangerous the Covid-19 pandemic is can certainly be built in every individual regardless of the inmates or the officer assigned to the prison. For example, when the speaker gives a clear reason about how dangerous the Covid-19 virus is, at the same time the speaker gives detailed measures or ways to fight and break the chain of transmission

of the covid-19 virus. With this, the awareness of the dangers of covid-19 virus will definitely be even higher.

Coming back to the segregation of inmates by category, the segregation of inmates is very important to be done during this pandemic because we can take lessons from what has happened in Kepyayan Prison in Sabah (Berita Harian, 2021). According to *Berita Harian*, the Kepyayan Prison cluster has recorded cases of Covid-19 infection up to three figures in a day (Berita Harian, 2021). Among the contributors to this is the case of imports from abroad that have just been admitted to the prison. It is also very relevant that these outsiders are one of the carriers of the covid-19 virus into the prison because we will not know the places they have visited and definitely they have gone to different places. Thus, the chances of them being infected are high before they are caught for the crimes they committed.

Accordingly, segregation for new criminals who have just committed crimes that has been identified making a lot of movements (Sinar Harian, 2021a). The most accurate example of a crime is an individual found to be drugs trafficking. It is therefore better for individuals who are doing this activity be arrested during this time of pandemic to be segregated in a special detention cell. This is because an addict is not hygienic and some even live in isolated and dirty alleys in order to escape from the police (Kluge, 2020). Therefore, traffickers and addicts will certainly have direct contact when doing drug dealing activities. That is why traffickers who were arrested during the pandemic should be segregated in special detention rooms because a trafficker is bound to have a lot of physical contact with many individuals whose hygiene and health are not guaranteed. Due to that, it is better for the prison authorities to do covid-19 screening to the offenders who are identified as doing a lot of movements because we cannot see the virus with naked eye. Therefore, it is better if the first step in prevention is done by isolating such criminals as well as doing a swab test on the individuals involved.

Furthermore, to ensure that the results of the covid-19 screening test are accurate, it is also better to do a repeat screening test to further strengthen the screening results. Besides that, the individuals involved should also be isolated for at least 14 days from the date of isolation and well taken care (Berita Harian, 2020e). This aims to monitor for signs of covid-19 virus infection. With such measures, the covid-19 case in the prison can be prevented from happening and the prison cluster like the one that happened in Kepyayan will not happen again (Berita Harian, 2021). It is better if the prison territories do not have cases of covid-19 infection at all because if this problem is not controlled, although small but possibility for the care of inmates to be weak and uncontrolled may occur and it will give room for inmates to have the opportunities escaping from the prison. If this is the case, it is likely that the criminal who managed to escape from prison could be the individual who spread the covid-19 virus. Therefore, it is crucial for the prison authorities to take proactive steps from the outset.

### **Concluding Thoughts**

Currently, the influx of illegal immigrants (PATI) in Sabah is increasing and the government should take this issue seriously by determining measures to address this worrying problem. Among the measures that can be done by the government is to tighten control on the coast, especially in Sabah. This is because Sabah is one of the strategic locations and easily traversed illegally by foreigners from neighbouring countries such as the Philippines and Indonesia. Several authorities especially the Royal Malaysian Navy (RMN) and the Marine Operations Force (PGM) need to work together to overcome this problem (Mokhtar, Murtaza,

Kassim, Illzam & Sharifa, 2017). Areas that serve as places of passage for illegal immigrants (PATI) should be identified as soon as possible by the authorities in order to further strengthen monitoring and patrolling around the area. The next step is to punish locals who engage in smuggling of illegal foreign workers (PATI). Illegal immigrants (PATI) are usually assisted by a *tekong*, a person who arranges land and sea routes illegally (Sinar Harian Online, 2021b). Punishment should be given to remind locals of the consequences of helping and smuggling illegal immigrants (PATI). Punishment should also be given to individuals who sell fake identity documents to illegal immigrants (PATI) and severe punishment should be implemented to teach a lesson to locals (Berita Harian, 2020d). In the absence of individuals such as *tekong* to organise routes, the entry of illegal immigrants (PATI) into Sabah will be difficult. In addition, the Ministry of Home Affairs (KDN) needs to increase patrols in areas known as landing points so that these areas can be monitored to arrest illegal immigrants (PATI) (Sinar Harian, 2020d).

Through more frequent and rigorous monitoring, arrests can be carried out more easily. Illegal immigrants (PATI) will be detained and subsequently send back to their country of origin. Locals can also play a role by reporting the issue of illegal immigrants (PATI) to the authorities so that action can be taken immediately to address the influx of such groups. In addition, Malaysia, especially the state of Sabah is heavily dependent on the recruitment of foreigners in certain fields of employment such as manufacturing, plantation, and so on. Illegal immigrants (PATI) have crossed the border into Sabah illegally due to several factors, namely high currency exchange, many jobs offer, Sabah's strategic location, as well as the insecure and unstable state of origin. Although foreigners are able to improve the development process of the country and Sabah, they also cause many problems that threaten locals, especially in terms of economy and security. All levels of society need to work together to combat the issue of entry of illegal immigrants (PATI) so that the harmony and security of Sabah can be guaranteed.

The cooperation of all parties is important in addressing this problem. On this note, the support of all parties is crucial because without the cooperation of many, this problem will not be solved. This should be taken seriously even though prisons are places for people who commit offenses are housed. After all it is about human rights where everyone has the right to protection in their daily life. Besides that, as a result if no proactive measures are taken, surely the problem will spread and get worse. When this matter gets worst, surely the losses to the country will increase. As the number of infected population increase it will definitely cost a lot of money to the country and determinants to the nation as a whole. It is therefore wiser to take early steps in dealing with this case before it gets worse. We cannot allow this because apart from causing great losses to the country, the lives of the surrounding community will also be threatened (World Health Organisation, 2020). Ultimately, taking early steps is smarter at curbing this problem than making it worse. All levels of society need to work together to combat the issue of entry of illegal immigrants (PATI) so that the harmony and security of Malaysia, specifically Sabah can be guaranteed, especially in the Covid-19 pandemic which has no signs of ending yet.

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