

A Study of Legal and Illegal Indonesian Migrant Workers in Malaysia and Their Problems: Finding a Solution from the Violence and Protecting Their Rights

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The problem of unemployment can cause various impacts, both on socio-political climate and also on security. One of the social impacts is unemployment followed by poverty. The solution is providing an opportunity to work abroad. The popular option for working abroad for Indonesian people is in Malaysia. Organizers of the Placement of Indonesian Workers Abroad can legally carry this immigration through the Independent Indonesian Workers association. The placement of Indonesian Migrant Workers can be achieved for individuals through both the rule of Government to Government (G to G) and Government to Independent (G to I). Besides working legally, some Indonesians work illegally in Malaysia and as illegal migrant workers are not protected by the state which makes life uneasy in the destination country. This paper proposes the regulation of protection for Indonesian Migrant Workers by looking at some cases that have occurred for Indonesian Migrant Workers in Malaysia.

Key words: *Indonesian migrant worker; Malaysia; Regulation.*

Introduction

Social inequality from poverty is still a serious problem in the country which is very difficult to solve. The large population (overpopulation) becomes a separate problem for the provision of employment in Indonesia. In addition, a large population has various potential conflicts. The results of the census in 2015 estimated that the population of Indonesia had reached 252,164,800 people (Sudapet et al., 2017; Okon & Zhizhi, 2016). The large population is a problem that cannot be avoided by the government of the Republic of Indonesia. In addition,

the poverty rate in 2014 reached 28,000,000. As well as this, the unemployment rate in February 2015 was estimated at 7.4 million.

The Central Bureau of Statistics of The Republic of Indonesia announced that the number of Indonesians working in February 2015 had reached 120.8 million people, an increase of 6.2 million compared to the situation in August 2014. While compared to the situation in February 2014, the number of people working in February 2015 showed an increase of 2.7 million people. Overall in February 2015, the number of people in the Indonesian workforce was recorded at 128.3 million people, an increase of 6.4 million people compared to August 2014.

Poverty causes people to be willing to sacrifice anything for the survival of themselves and their families (Tang, 2013). The rural farm workers toil all day, but they receive very small wages and their health is probably disturbed (Lu, 2008). Due to the reality of high poverty rates, the Government of Indonesia needs to find various solutions and establish a range of policies and programs in order to realize the fulfilment of basic rights and social welfare for every citizen, in accordance with the mandate of the Indonesian fundamental constitution. One solution is to overcome the high rate of unemployment in the country and give the workforce the opportunity to work abroad (Djafar and Hassan, 2012). As long as employment opportunities are still limited and the level of wages is low at home (Conradson and McKay, 2007), the choice to work abroad, for example in Malaysia, as an Indonesian Worker remains an option.

Subsequent to the high interest of Indonesian Workers to work abroad, the Indonesian government should also improve services and all efforts to protect the interests of Indonesian Workers in order to realize the fulfilment of the fundamental rights of Indonesian Workers, as well as the protection of Human Rights as mandated by the Law No. 39 of 1999, concerning of Human Rights (Indonesia Act, 1999). Indonesian workers who choose to work abroad, on one hand, have a positive effect on economy (Hugo, 2002), as this situation can increase the country's foreign exchange and can overcome unemployment in the country, but also, there is a negative side, namely the risk of the possibility of inhumane treatment of Indonesian Workers.

Results & Discussion

Procedure for Applying to be Indonesian Workers Abroad.

Procedures for working abroad must include permission to work abroad (Ford 2006), so that Indonesian Workers get legal protection, whether from the Indonesian government or the recipient government. Through Organizers of Placement of Indonesian Workers Abroad this can be legally carried out through, among others:

Implementing Placement of Independent Indonesian Workers.

Placement of Indonesian Workers abroad can be carried out by Executing Placement of Independent Indonesian Workers (which known as PPTKIS in Indonesia). Implementing Placement of Indonesian Workers Independent entities are legal entities and obtain written permission from the government. The Managing Placement of Indonesian Workers must state the number of placement fees that will be charged to prospective Indonesian Workers in the placement agreement and must not exceed the placement costs set by the Minister of Manpower. Further, the Managing Placement of Indonesian Workers may not charge placement fees to prospective Indonesian Workers before the placement agreement is signed by the Managing Placement of Indonesian Workers and prospective Indonesian Workers. All costs in the process of placing and protecting Indonesian Workers must be paid in non-cash payments following the applicable laws and regulations.

The validity period of the License for Executing Indonesian Workers is 5 (five) years and can be extended for a further 5 (five) years based on enactment no. 39 the year 2004 in article 14 Paragraph (1) and Paragraph (2) (Indonesia 2004). Permission to carry out the placement of Indonesian Workers abroad is granted for 5 (five) years. Extension of the License for Implementing Indonesian Workers Placement can be given to the Executor for the Placement of Independent Indonesian Workers, where the following conditions are fulfilled:

- Carried out obligation to provide periodic reports to the Minister of Manpower and Transmigration.
- Implemented a placement of at least 75% of the placement plan at the time of obtaining an Executing License for Placement of Indonesian Workers.
- Have facilities and infrastructure that follow the standards set.
- Have a balance sheet for the past 2 (two) years without experiencing a loss audited by a public accountant.
- Not in a suspended condition.

In Article 18 of Law No. 39 of the year 2004 (Indonesia Act, 2004), the Minister of Workers can revoke the License for Executing Indonesian Migrant Workers Placement if the Executor Plans the Placement of Indonesian Independent Migrant Workers as not:

- Able to fulfill the requirements as stipulated in Article 13 of Law No. 39 the year 2004.
- Able to carry out its obligations and responsibilities and/or violates the prohibition on the placement and protection of Indonesian Workers abroad as regulated by law.

Placement of Indonesian Workers for Individuals (Independent)

Indonesian Workers who work abroad individually must report to the Government agencies responsible in the field of Manpower and representatives of the Republic of Indonesia and requiring documents needed to work abroad, such as:

- Identity Card, last education diploma certificate, birth certificate.
- Certificate of marital status by attaching a copy of the marriage book for those who are already married.
- Certificate of husband or wife, parental or guardian permission.
- Work competency certificate.
- Health certificate (physical and psychological).
- Passports issued by the local Immigration Office.
- Work Visa.
- Indonesian Manpower placement agreement.
- Employment agreement.
- Having an Overseas Job Sign Card, this is an identity card for Indonesian Workers that meets the requirements and procedures for working abroad.

Regulations apply from the Head of the National Agency for the Placement and Protection of Indonesian Workers concerning Technical Guidelines for Indonesian Workers who work individually. Mandatory provisions that must be considered for Indonesian Workers who work individually/independently include:

- Prospective individual Indonesian Workers must look for market opportunities for employment abroad independently and not justified through other parties, but prospective Indonesian Workers must deal directly with users abroad.
- Candidates for Indonesian workers are not allowed to work for individual users or households but work for legal entities.
- Individual candidates for Manpower can choose their type of work according to their abilities and skills or competencies.
- Costs incurred can be minimized and there is no salary deduction by other parties.

Procedures that must be followed by working individually are:

- Prospective workers must register with the Regency/City Manpower Office.
- Individual prospective workers submit applications to users by attaching curriculum vitae and proof of work competency.
- If the user receives the prospective Indonesian Worker in question, then the user will send the draft of Work Agreement to prospective Indonesian Workers for approval.

- Before signing an Employment Agreement, Candidates for Indonesian Workers must study and understand the contents of a work agreement before deciding to accept the job that is being offered and sign an Employment Agreement.
- Candidates for individual Indonesian Workers submit the applications for the issuance of an Overseas Work Card to the National Agency for Placement and Protection of Indonesian Workers (known in Indonesia as BNP2TKI) or the Indonesian Center for Placement and Protection of Indonesian Workers (known in Indonesia as BP3TKI) by attaching passport, Work Visa, and a work agreement that has been signed by the user and the Indonesian Workers.

The regulation of Ministry of Manpower and Transmigration of The Republic of Indonesia No. 22 year 2014 (Indonesia Act, 2014), concerning the implementation of placement and protection of Indonesian Migrant Workers abroad, requires t the Executing Placement of Indonesian Private Workers to include prospective Indonesian migrant workers to attend the preparatory debriefing program, which is held by the Placement Center and Protection of Indonesian Workers and facilitated by the Provincial Manpower Office, with implementation costs charged to the budget of the Government and / or Regional Government.

The candidates for Indonesian Migrant Workers who have followed the program are given a certificate that has followed the final preparatory debriefing issued by the Indonesian Center for Placement and Protection of Indonesian Workers. Prospective Indonesian migrant workers who will work again in the same country and already have that certificate are not required to take that program for unless it has been more than 2 (two) years since the return to Indonesia. Indonesian Migrant Workers who work abroad individually are entitled to protection from the representative of the Republic of Indonesia. Widagdo (2014), explained that the diplomatic function in protecting citizens of a country is contained in the protection function. A limit on the term protection of foreign workers that was determined by the Vienna Convention 1961 affirmed that the diplomatic representatives functioned to protect the interests of sending countries and their citizens in areas which were accredited within the limits permitted by international law (Von Glahn and Taulbee, 2017).

Indonesian Migrant Workers who work for individual users must go through a legal business partner, which is established under the laws and regulations in the destination country. To assess Business Partners and individual users must be carried out by the Representative of the Republic of Indonesia, which can be used as a consideration of the Representative of the Republic of Indonesia in approving documents required in the placement of Indonesian Workers abroad. Article 59 No. 39 the year 2004 regulates Indonesian Migrant Workers who work for individual users which have expired their agreement. will need to return to Indonesia before renewing and extedning. However, based on the Decree of the Constitutional Court No. 50 / PUU-XII / 2013, the Article 59 No. 39 of 2004 has been removed, because it raises

potential losses for Indonesian Migrant Workers who work for individual users, especially the potential difficulties of Indonesian Migrant Workers who wish to return to work with the same user. Further, the Constitutional Court of The Republic of Indonesia did not find a strong argument why Indonesian Migrant Workers who work for individual users should go home first to Indonesia to apply for renewal.

Placement of Indonesian Migrant Workers through Collaboration; Government to Government (G to G) and Government to Independent (G to I)

The placement of Indonesian Migrant Workers by the government is the placement by the government's MoU with the destination country, or the MoU of Government Republic of Indonesia with legal entities in destination countries through Government to Independent (G to I). Prospective Indonesian Migrant Workers who will work abroad must be registered with the Regency/City Manpower Office and must conduct administrative selection through the National Agency for the Formation and Protection of Indonesian Workers (known in Indonesia as BNP2TKI) or the Center for the Placement and Protection of Indonesian Migrant Workers (known in Indonesia as BP3TKI) by fulfilling the following requirements:

- Aged at least 18 (eighteen) years.
- Have a valid passport.
- Physically and mentally healthy.
- Not in a state of pregnancy for prospective female workers.
- Educate at least graduated from Junior High School or equivalent.
- Have skills/expertise or work experience following the qualifications required by the user.
- Have registration sign cards as job seekers and District / City Manpower Offices.
- Have a police record from the police.

Before prospective Indonesian Migrant Workers are dispatched to hosts as legal users of the system, prospective Indonesian Migrant Workers must have a work visa, which is written permission given by an authorized official to a representative of a country that includes approval to enter and take up employment in the destination country. Prospective Indonesian Migrant Workers who have a passport and visa must conduct a medical check-up as well as a psychological examination at the psychology examination institute established by the National Agency for the Placement and Protection of Indonesian Workers (known in Indonesia as BNP2TKI) and must be included in the Indonesian Migrant Workers insurance program.

For the departure of prospective Indonesian Migrant Workers who progress through the G to G and G to I Programs by the National Board for Placement and Protection of Indonesian Workers, they must have documents: passport, work visa, insurance participant card, a

preparatory debriefing program certificate, an employment agreement and Overseas Job Sign Card.

Placement of Indonesian Migrant Workers for Company's Interest

Placement of migrant workers abroad by company request must obtained via a permit from the Minister of Manpower, and fulfil the following requirement:

- The company must be a legal entity formed under Indonesian law.
- Indonesian migrant workers who are placed in that company must be an employee.
- The company has proof of ownership or employment agreements known to representatives/Embassy of the Republic of Indonesia.
- Indonesian Migrant Workers have a work agreement.
- Indonesian Migrant Workers have been included in the workforce social security program and/or have an insurance policy.
- Indonesian Migrant Workers are required to have an Overseas Job Sign Card.

Placement of Indonesian Migrant Workers by company request, can only be issued by State Owned Enterprises, Regionally Owned Enterprises and private companies, which have ownership relations with overseas companies, have business employment contracts, have expanding business in the country of placement and are improving the quality of human resources, in addition to having to have obtain written permission from the Workers or appointed officials. To get a permit to place an Indonesian Migrant Worker, the company must submit a written application by attaching, among others:

- A statement that Indonesian Migrant Workers will be placed in their own companies domiciled abroad for state-owned companies and private companies not by Implementing Placement of Private Indonesian Workers (known in Indonesian as PPTKIS).
- Job contracts between the applicant's company and the overseas employer that obtains a work contract in its business field.
- Evidence from the authority abroad that shows the expansion of the business/investment of the company in the country of placement.
- Documents of the employment status of Indonesian Migrant Workers to be placed.
- Statement of willingness for fully responsible for the safety, welfare, repatriation, and protection of Indonesian Migrant Workers.
- Indonesian Migrant Workers who will be placed by the company for their benefit must be included in the labor social security program and/or have an insurance policy.

Indonesian Migrant Workers in Malaysia

Several studies of foreign workers in Malaysia start with the British Colonial era when Chinese and Indian laborers worked in the sap and tin ore industry (Nah, 2012), followed by the enactment of economic slumps in 1930 and Japanese army conquest after World War II (Nasution, 1998). After Malaysia's independence in 1957 however, the kingdom stopped the entry of foreign workers through the empowerment of the Labor Act 168. Beginning in the 20th century, migration from Indonesia to Malaysia prevailed massively in the context of colonial economics which required a busy workforce in Malaysia. Some Javanese became British colonial contract laborers. At the same time, there were also Malaysians who migrated to Indonesia and then continued to stay in Indonesia.

The use of Indonesian workers in Malaysia in various sectors became a tradition and nomadic life custom and became a positive and dynamic economical force. In colonies both in Indonesia and Malaysia, the government planned various development programs and projects specifically for the sake of fostering economic and colonial political needs. On the peninsula, the economic development planning focused on the introduction of leading agriculture. Planning for British economic development at the time was to advance the Malaysian region so that British interests were achieved. In implementing the program, the UK has relied on foreign workers, especially in Indonesia. Malaysia finally, indirectly cooperated with Dutch Colonialism in Indonesia.

The long history among Malay clans between Indonesia and Malaysia led to a strong emotional bond. After the fall of European colonialism and imperialism regimes each country determined its destiny, and both the Dutch colonized Indonesia and the British colonized Malaysia were be separated by formal territorial and legal borders of state. Thus, the term Indonesian Malay and Malaysian Malay emerged. However, these two countries are difficult to distinguish because they share the same cultural and historical roots. Malaysia and Indonesia made individual choices and these differences are expressed in the political, economic and social fields of each country. Indonesia, with more aggressive architectural development tried to build the country by making economic and political stability the priority. While Malaysia prioritized the education sector which had a long-term investment value for its nation. Among these two choices, no one is considered better or worse in the concept of the debate. However, the reality will prove in the long run as Indonesia failed to carry out its development strategy while Malaysia was able to excel in the long run, especially in the globalization era.

Indonesia's failure in building caused problems in the economic field, especially excess labor. With a population of more than 220 million, the government was unable to provide decent and promising jobs. Many factors caused this problem however, the most severe is mismanagement in the administration of the state. On the other hand, Malaysia's long-term investment in education has contributed significantly to the Malaysian economy. Plus, the professionalism of

state administrators and responsibility to the people makes living conditions in Malaysia feel better and more tempting for Indonesian citizens. Naturally, there was a flow of labor movement to Malaysia. Considering that this country has similar cultural roots and familiar customs. Thus, every Indonesian migrant worker who moves to Malaysia does not need to make changes in the field of culture and language. Also, there are many promising opportunities in this neighboring country because the proportion of the population and the economy is still not balanced.

The Indonesian migrant workers who come to Malaysia must go through an official or legal process for legal protection. Likewise, the placement of Indonesian migrant workers in Malaysia must follow this position and modelled expertise. The placement is carried out with due regard to human rights, legal protection, equal employment opportunities, and the willingness of workers to prioritize national interests. Every person is prohibited from placing prospective Indonesian Migrant Workers in positions and places of work that are contrary to humanitarian values and moral norms and laws and regulations, both in Indonesia and in the country of Malaysia or in the destination countries that have been declared.

To host an Indonesian Migrant Worker who works procedurally and legally, and to prevent them from becoming Illegal Migrant Workers (Andrevski and Lyneham, 2014), prospective Indonesian Migrant Workers must follow the following procedures:

- Selecting companies for the Placement of Private Indonesian Migrant Workers that have been registered with the District/City Manpower Office.
- Adhering to the counseling by Executing Officers for the Placement of Private Indonesian Workers with the District/City Manpower Office.
- Registering with the Regency/City Manpower Office and following the selection process carried out by the Executor for the Placement of Private Indonesian Migrant Workers that was registered in the District/City Manpower Office.
- Understanding the contents and work agreements that have been approved by the Representative of the Republic of Indonesia.
- Ensuring work insurance, education, training, and a work visa.
- Signing a placement agreement with the Executor for the Placement of Private Indonesian Migrant Workers authorized by the Regency/City Manpower Office.
- Following the final preparatory debriefing.
- Having an Electronic Foreign Worker card.
- Reporting to the Representative of the Republic of Indonesia, after arriving at the destination country.
- Reporting to the officer at the airport/port after the employment contract expires and on return to Indonesia.

Illegal Indonesian Migrant Workers in Malaysia

If classed as an illegal migrant worker, in addition to not being protected by the state, life is made uneasy in the destination country, as illegal workers are continually threatened by police and receive monetary fines and potentially work bans (Kaur, 2005). Many of Indonesian citizens in Malaysia are migrant workers and although there are no exact figures for the number of illegal migrant workers, it is certain that there are more illegal migrant workers than legal migrant workers. Indonesian Foreign Ministry states that employers were a factor in the number of illegal migrant workers in Malaysia. The issue of Unlicensed Foreign Population and illegal immigrant workers in Malaysia is not just fixated on the workers but also lies with every employer who insists on employing these immigrants with illegal status (Surtees, 2003). Indonesia hopes Malaysia continues to uphold fair regulation between the role of workers and employers in the problem of illegal immigrant workers and to this end many illegal immigrants have been arrested by Malaysian police (Kloppenburger and Peters 2012).

During 2016, 1,334 troubled Indonesian Migrant Workers were repatriated by the Indonesian Embassy Kuala Lumpur. While from January 2017 until June 2017, 454 troubled Indonesian Migrant Workers were repatriated back to Indonesia. Repatriation is not the right solution (Abella and Ducanes, 2009) in dealing with troubled Indonesian Migrant Workers. For this reason, the Indonesian Embassy in Kuala Lumpur launched the "I Want to Succeed" skills training program for troubled Indonesian Migrant Workers who are currently accommodated in the temporary protection house of the Indonesian Embassy in Kuala Lumpur. According to the Indonesian Embassy, when returning them to Indonesia, they have been trained the Indonesian Embassy, so they can have the experience to open their creativity, because it will encourage them to be of benefit when they return home (Liang, 2011). The government also plans to assist so that the Indonesian Migrant Workers get business loans to open businesses in Indonesia. The reality is that cases of Indonesian workers abroad who are undocumented continue to repeat over time despite various government efforts to reduce this phenomenon.

The Principal Secretary of National Agency for Placement and Protection of Indonesian Workers states that the cause of a large number of illegal Indonesian migrant workers was inseparable from the two factors behind both domestic and foreign, because there was a domestic urge to get people out due to such difficulties as unemployment. On the other hand, there are also forces from outside (the country). The two countries with the highest number of illegal migrant workers, Malaysia and Saudi Arabia have slightly different typologies (Silvey, 2006). In Malaysia there is a traditional migration pattern, established over time from Indonesia facilitated by ease of access such as transportation and visa-free crossing routes. In comparison, in the Middle East, the need for workers is purely due to the strong demand, monitored since May 2015 which has encouraged traffickers to take advantage of this situation.

It was further explained by the secretary, that the Illegal Indonesian Migrant Workers problem could be analogous to a tangled thread that was difficult to unravel and this problem must be dissected (Lai, 2010). There are push and pull factors from both within and outside the country and hence there are many illegal migrant workers abroad. Illegal workers in the Middle East or Malaysia are in such large numbers because of high demand. Another factor is the ease of getting a job even though it is not documented, this does not however deter brave people who pass in and out of the two countries seeking work, especially Malaysia. The different examples are in Singapore, Taiwan, or Hong Kong, where without the documentation it is complicated to get an employer and workers tend to first enter as a legal tourist and then disobey the regulations and become illegal workers. The facts of how Indonesian migrant workers become illegal include that: some cheated agents, some were deceived by the company, some were willing to defy regulations, some were legal but there were problems and circumstances changed, or passports were held by the employer and so on and finally some Indonesian Workers enter Malaysia initially on tourist visas.

Furthermore, the Director of Protection for Indonesian Citizens of the Ministry of Foreign Affairs said that of the estimated 5 million workers in Malaysia, 2.5 million were illegal foreign workers. From that 2.5 million, 1.25 million came from Indonesia. The most significant unlicensed foreigners were in the construction sector with a total of 78,172 people. While other sectors in the service sector (43,415 people), factories or manufacturing industries (approximately 15 thousand people), agriculture (9,500), and the agriculture or oil palm sector (8,160 people) accounted for the rest.

Examples of Violence Cases Experienced by Indonesian Workers in Malaysia

The following are examples of violence cases experienced by Indonesian Workers in Malaysia:

- The case experienced by Indonesian Migrant Workers namely Suyanti on December 21, 2016. The Indonesian Embassy in Kuala Lumpur obtained information about the discovery of migrant workers in a state of unconsciousness near the ditch in Damansara city. She was injured all over her body and her eyes were bruised due to torture. The Task Force for Protection of Indonesian Citizens of the Indonesian Embassy Kuala Lumpur continues to assist. She entered Malaysia on 7 December 2016 through Tanjung Balai to Port Klang. Arriving in Port Klang, she was picked up by an agent. On December 8, 2016, Suyanti was delivered to the employer's house. Only one week after Suyanti began work, the employer began torturing Suyanti physically. At its peak on December 21, 2016, Suyanti ran away from her employer's house because she was threatened with a large knife by her female employer. However, on the same day, information was obtained that the perpetrators had been released on bail. The Indonesian Embassy itself has sent a note to the Malaysian Ministry of Foreign Affairs to deliver a protest, as well as deep concern

over the incident and at the same time request that the perpetrators be given the appropriate punishment following Malaysian law.

- Siti Hajar, a housemaid from Garut, West Java, was tortured and not paid her salary for 34 months by her employer in Malaysia. She was always tortured, sprinkled with hot water, beaten with hard objects until severely injured. The torture was carried out by her employer. Siti Hajar began working as a housemaid in July 2, 2006. At her first employer, she only worked five days. With the second employer, she has been working for 34 months. From the beginning, Siti Hajar was often tortured, but the torture became increasingly outrageous, until the victim was seriously injured so she finally ran away from her employer's home and then took a taxi to the Republic of Indonesia embassy.

Figure 1. (a) Siti Hajar after being tortured by her employer; (b) Author with Siti Hajar after receiving a treatment.



(a)



(b)

- Modesta Rengga Kaka, from Kupang, East Nusa Tenggara (27 years old) was working as a housemaid for 1 year and 7 months. After only 6 months her employer who had been acting well, became fierce and angry, if her child had a problem then Modesta was targeted by the employer. He ruled by yelling so that Modesta became afraid. She worked at her employer's home in Bukit Indah Ampang, she was also ordered by her employer to work at his parents' home in Kampung Baru Ampang, a 2-hour distance when walking. At the place of the parents' home, the employee cleaned. With the amount of work required daily, she was able to sleep for only 2-3 hours a day. The bed provided by her employer was on the floor without a mattress and sometimes when she was angry, the floor was doused with water so she could not sleep and was forced to sleep while sitting. Modesta may not be late for work or she will be beaten on her face and body and even sometimes an accomplice hit her with hard objects. The tools used to hit were a hammer and rattan. Although the employer tortured her and her days were spent crying, the work never stopped or she was be beaten by her employer. Modesta admitted that for the 19 months she worked she never saw the company that sent her, nor a representative from her agency in Malaysia. During her work, she never received a salary until the case arrived at the Indonesian Embassy.

Figure 2. Modesta with Author after she was helped by the Embassy of The Republic of Indonesia, Kuala Lumpur.



Methodology

The methodology used is a qualitative descriptive phenomenology approach with a social definition paradigm that moves on micro studies. The phenomenology perspective with the social definition paradigm gives the opportunity for individuals as research subjects to interpret, and then the researcher interprets until the correct information that can be accounted for as related to the research problems that were formulated in the introduction of this article. The research subjects used were Indonesian Migrant Workers who worked in Malaysia and experienced problems and the informants were selected as research subjects through quality assured reliability. These informants are chosen purposively (not randomly) based on what the researcher knows about existing variations or existing elements. With this connection then, in the process of collecting data on a topic, if the variation of information does not appear, the researcher does not need to continue to seek new information, meaning that the number of informants can be very few, but the findings are sound.

This research methodology is dependent on the selection of the informant itself, and the complexity and diversity of the phenomena studied. After being determined by the research informant as the subject of the research, to expedite the researcher in retrieving the data, another informant, who is considered to have/is rich in information was deemed necessary to provide correct information, namely; neighbors, family, and the embassy of the Republic of Indonesia in Malaysia. Data collection is achieved directly in the field in order to gather the correct information, as necessitated by the methodology including tools of observation, documentation and in-depth interviews. The observation and documentation method are used to collect data

that provides an overview of the local situation that is the context of Indonesian Migrant Workers by looking at field data and gathering information from respondents, and stories of residents. While the documentation method is used to show the accuracy that proves that researcher meets with informants who aim for the relevance of complementary data, is also used to match some information with data in the field. In-depth Interview Method was used to construct dialogical situations with research subjects/informants and the interviews were conducted with both successful migrant workers and failed and problematic migrant workers, labor agencies, and the Indonesian embassy in Kuala Lumpur.

Recommendations

From a review of various laws and MoUs that have been issued by the government, such as persecution, torture, unpaid wages, over working hours, working more than one employer in one work agreement and so on, this study recommends the following:

- The Indonesian government needs to improve the legal system and its substance, on the process of sending and placing Indonesian migrant workers in Malaysia.
- The Indonesian government must always carry out / implement:
 - ✓ Supervision of the implementation of Indonesia Migrant Workers in general, and placement in Malaysia in particular, starting with accurate document preparation, job training obligations, preparation the mentality.
 - ✓ Supervision during the period of work contract in Malaysia, the Indonesian government must always proactively look for solutions to problems faced by the migrant workers, and receive complaints about 24 hours.
 - ✓ Supervision of migrant workers who have expired and who return to their home must be ensured so that migrant workers do not suffer extortion.
- The Indonesian government must provide a warning to the Malaysian Government, if the company or employer is found guilty of torture or the salary is not payed by the user/employer.
- Considering that there are Indonesia Migrant Workers in Malaysia in almost every country/region in Malaysia, the Indonesian Government must determine/appoint supervisory staff that is comparable to the number of Migrant Workers in Malaysia and are responsible for each country/region so that every Migrant Worker can always complain about any problem they face.
- The Indonesian government must increase their responsibilities and always be fair to Indonesian migrant workers, especially providing maximum legal protection to Indonesian migrant workers, as well as thoroughly managing and resolving problems faced by migrant workers.

- The Indonesian government must enforce strict sanctions against sending companies who manage the placement of migrant workers abroad as well as monitor individuals who take advantage of unfair benefits.

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