



**Indonesian Diplomacy towards Malaysia to Combat Human
Trafficking under the guise of Indonesian TKW.**

By

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Abstract.

TKI are Indonesian citizens, both male and female, engaged in economic activity and undergoing job training overseas for a set length of time. TKI are workers who really intend to work abroad to meet the needs of family life in Indonesia. Migrant workers are usually sent to Malaysia to work hard for the dream of getting a decent living for their loved ones. TKI is actually a collection of unskilled workers which is a government program to reduce unemployment. Female migrant workers are often referred to as female workers (TKW). This research project will be using a qualitative method in terms of describing the phenomena of the strategy of Indonesia and Malaysia government to prevent Human Trafficking under the guise of Indonesian TKW, using the Migration Diplomacy. Indonesia and Malaysia's migration diplomacy towards TKW in Indonesia really illustrates these things, where what we have discussed is how the relationship between Indonesia and Malaysia manages cross-border population mobility by conducting the MOU was made to protect Indonesian workers in Malaysia, especially women, from various acts of human trafficking and violence. Malaysia and Indonesia established the Malaysia-Indonesia General Border Committee (GBC Malindo), also known as the Border Security Cooperation Forum, to address border security challenges. Basically, each country's interests influence connections between countries, and relations between countries can work efficiently provided these interests do not conflict. This cooperation has shown that there is a strong desire from both countries to prevent and minimize various forms of crime that occur in the two countries, especially those related to the problem of human trafficking through the Joint Police Cooperation Committee (JPCC).

Keywords: Migration diplomacy, General Border Committee (GBC Malindo), Joint Police Cooperation Committee (JPCC), Human Trafficking.

Introduction.

Tenaga Kerja Indonesia or what we know as TKI are Indonesian citizens, both male and female, engaged in economic activity and undergoing job training overseas for a set length of time. TKI are workers who really intend to work abroad to meet the needs of family life in Indonesia. Migrant workers are usually sent to Malaysia, Hong Kong, or even Saudi Arabia to work hard for the dream of getting a decent living for their loved ones. TKI is actually a collection of unskilled workers which is a government program to reduce unemployment. Female migrant workers are often referred to as female workers (TKW) (Fimela, 2013) The role of the Indonesian government in this program, especially TKW, is focused on the aspects of fostering, protecting, and providing various facilities to related parties such as the Indonesian Migrant Worker Placement Service Company (PJTKI). Malaysia is one of the countries that many Indonesian people choose to look for job opportunities, considering that Indonesia and Malaysia are countries that have areas that are close to each other (Akbar et al., 2017).

Ideally, sending Indonesian workers abroad is used as an alternative to overcome the problem of unemployment in the country (Sutaat, 2008). The government refers to Indonesian migrant workers (TKI/TKW) as "Foreign Exchange Heroes". On the other hand, transferring employees abroad, especially TKW, has a negative impact on their wellbeing, and many of them have died as a result of fatal difficulties that have led in them being sold into human trafficking. Talking about TKW, currently Indonesian TKW who work in Malaysia have a serious crime problem, namely human trafficking. Human trafficking is a central issue in this era of globalization because crimes that

cross the territory of a country have become an "epidemic" in various countries. Because human trafficking is a crime that violates human values that place humans like property and commercial products that can be freely exploited (Gusnita, 2016, 4).

Based on the records of the Indonesian Ministry of Foreign Affairs (Kemenlu), there are a total of 3.1 million TKI in the neighboring country. More than 50 percent of this figure (2.7 million TKI in Malaysia) are illegal migrant workers (Ndau lendong, 2021). The long bureaucracy and the expensive process as well as the high cost of departure make TKI tend to choose shortcuts to Malaysia as illegal TKI. In Indonesia, UNICEF estimates that as many as 100.000, women and also children are routinely trafficked for sexual exploitation. Indonesian women and children who are sexually trafficked and exploited for labor are located in Malaysian territory (Astrid, 2011, 217). Malaysia has always been the preferred destination for TKI because the language and culture are nearly identical to those of Indonesia. The first reason why more Indonesian women migrant workers work in Malaysia is because of its closeness and low cost of living.

There are so many cases that ensnare the heroes of our country's foreign exchange, especially those that fall into the category of human trafficking (Kusumawati, 2017, 187). Irresponsible people employ a variety of tactics to persuade potential Indonesian workers to agree to leave the country illegally. Furthermore, prospective Indonesian immigrants who do not want to be relocated to Malaysia are said to be driven by poverty. The governments of Indonesia and Malaysia are trying to solve the problem of Indonesian migrant workers as well as possible. Even now, according to Putri, these two countries are attempting to take diplomatic efforts both at the Head of State level and at the technical ministerial level to resolve the TKI problem. (Putri, 2020, 2)

In 2006, seeing Indonesia facing the same problem as Malaysia, Indonesia and Malaysia finally agreed to establish cooperation which was manifested by the Joint Police Cooperation Committee in an effort to tackle various transnational crimes, including trafficking in persons that occurred on the borders of the two countries (Dwirivanda, 2020, 379). JPCC is a partnership between Indonesia and Malaysia, represented by their respective security forces, notably the Indonesian and Malaysian

police forces, which are bilateral between the Indonesian National Police and the PDRM. In terms of security, the National Police and the PDRM believe that strong coordination is required so that problems that occur across the two countries' borders can be resolved and solutions found.

Human rights are something that everyone should have, and when they are violated, it's a crime against humanity. Human trafficking is a major violation of a person's human rights since it includes their detention and forced labor against their will. Everyone should do their part to eradicate this issue from modern culture. Both sending and receiving countries have seen a movement in the global migration system toward economic development. As a result, it has crossed national borders illegally throughout its development. The case of human trafficking syndicates is one of them; in this situation, border waters are frequently employed as a distribution or transit route for human trafficking.

This paper will analyze how the Migration Diplomacy between Indonesia and Malaysia in enforcing cases of human trafficking under the guise of TKW. Human trafficking is increasingly difficult to eradicate now because it has a very strong syndicated network. This case will further explore human trafficking from Indonesia and Malaysia, and how Indonesia's diplomacy with Malaysia is to combat human trafficking.

The rest of the paper is structured as follows, the literature reviews identify the meaning of the human trafficking, regarding the meaning of human trafficking and the category or classification of under the guise of TKW, besides explaining the development of Indonesia diplomacy towards Malaysia to combat human trafficking. The method of the research are elaborated, meanwhile for the next section will be discussing of the result of analysis which is the strategy of Indonesia and Malaysia to beat human trafficking under the guise of TKW , and the last will be the conclusion that presented in the final section, including the summary of the findings.

Theoretical Framework.

The high unemployment rate in Indonesia is one of the main reasons why people

choose to work abroad. Because the terms and requirements were difficult to comprehend and fulfill, some Indonesian individuals took a shortcut by leaving the country without contemplating the consequences, and moved overseas illegally or in a non-procedural way. The number of cases of human trafficking that cross Indonesia-Malaysia border is linked to the geographical location of Indonesia and Malaysia, which is facilitated by many open and unsupervised locations. Strong cooperation is needed from the two countries, on Indonesia and Malaysia to overcome various forms of crime that occur at the borders of the two countries, including in dealing with human trafficking.

Stated by Adamson and Tsourapas, countries are utilizing diplomatic tools and processes to regulate the cross-border movement of people as migration becomes a more major aspect of foreign policy goals. Intergovernmental agreements aimed at managing migratory flows, such as the Global Compact on Migration, signed in late 2018 (Tsourapas & Adamson, 2019). Migration Diplomacy is a framework for understanding how global migration movements impact international relations. Migration diplomacy is affected by competing interests and power dynamics between states, just like traditional diplomacy. As international migration becomes more important on the global political agenda, states' interests in supporting or preventing migration have a substantial impact on the dynamics of their diplomatic relations. Migration diplomacy will become a more important part of international policy and governance in the future. Adamson and Tsourapas claim that states can use migration policy to achieve "other aims" in their attempt to describe how cross-border population movement can be linked to state diplomatic goals. Intergovernmental agreements aimed at encouraging - or limiting - migratory flows; the extending of special treatment to particular foreign citizens; or the establishment of guest workers or other temporary labor migration schemes are examples. Such agreements are a common, albeit understudied, feature of international relations.

Represented in the practice of the International Migration Organization, the migration diplomacy theory conceptualizes governments as gaining their interests and bargaining power vis-à-vis other countries based in part on whether they are migration-receiving, sending, or transiting countries. To put it another way, the state's interests drive them to engage in immigration, emigration, or transit migration, as well

as diplomacy. As Çolakoğlu said that migration diplomacy, which describes the use of diplomatic tools, methods, and procedures to regulate cross-border population mobility, is becoming an increasingly essential part of international relations (Çolakoğlu, 2020). Here are some examples of how Malaysia and Indonesia might use migration diplomacy theory to combat human trafficking. Intergovernmental agreements aimed at promoting – or limiting – migration flows, preferential treatment for specific foreign citizens, and the formation of immigrant workers or other temporary labor movement schemes are just a few examples.

Malaysia remains to be the first destination for Indonesian migrant workers. Most of them are female, and work as housemaids and caregivers (taking care of the sick or the elderly/elderly). Currently, Indonesia is still having problems dealing with migrant worker issues, such as coordination between government agencies that deal with this issue, the low understanding of migrant workers on their rights and obligations, educational qualifications and skills of migrant workers, violations committed by migrant workers on the spot. Their work, or that of those who employ them.

Literature Review.

Bakirci said that sex and labor trafficking are the two types of trafficking. These types of trafficking should be more rationally classified as labor trafficking and trafficking for the purpose of criminal activity, including sex trafficking (Bakirci, 2009, 160). And also Lee stated in recent years, human trafficking has been a major cause of public and political concern. It is sometimes thought to cover a wide range of crimes and abuses, including the recruitment, movement, and sale of humans (including body parts) into a variety of exploitative settings all over the world. (Lee, 2013, 1). Human trafficking is becoming a more serious political problem for governments all around the world, especially the TKW from Indonesia that being victim of human trafficking in Malaysia. Greater efforts and resources are being spent tackling this problem at the national level, and there is international consensus on the necessity for a multilateral response. It also led to an emphasis on sexual exploitation at the cost of other forms of trafficking, such as agricultural labor, domestic labour, and organ harvesting. It can affect anybody of any community, and victims can be of any age, race, gender, or nationality. International Organization for Migration (IOM)

stated one of the advantages of trafficking research is that it is action-oriented, with studies frequently meant to lay the groundwork for anti-trafficking measures. A large number of reports covering individual countries and regions have been released since the mid-1990s (International Organization for Migration (IOM), 2005, 6).

According to Tyldum, politicians and activists have been driving the worldwide agenda to combat human trafficking from its inception. These campaigners have attracted the attention of the media and lawmakers by telling the experiences of thousands, if not millions, of innocent women and girls who are held captive, exploited, and abused (Tyldum, 2010, 2). Yakushko add that human trafficking has begun to reach the common consciousness, in addition to increased political awareness at both the national and international levels. Several extensive special articles on human trafficking have appeared in publications such as the New York Times and National Geographic. (Yakushko, 2009, 158). They're looking for those who are at risk for multiple reasons, including psychological or emotional instability, economic instability, a lack of social safety net, natural disasters, or political instability. Human traffickers can cause such extreme trauma that many victims are unable to recognize themselves as victims or seek help, even in public locations. PBS and other television production firms have produced special programs and films on the subject. It's sad that human trafficking has become so strongly linked to prostitution and sex work, because it's led to moralistic aspects in discussions about extremely practical issues like how to classify and protect victims (Jahic & Finckenauer, 2005, 25).

Because of insufficient legislation, limited enforcement instruments, or a lack of political will to confront the problem, human trafficking thrives, often leading to a culture of impunity (DuPont, 2009, XI). Victims can be found in child care, nursing homes, the drug trade, massage parlors, nail and hair salons, restaurants, hotels, factories, and farms. Victims of domestic servitude are sometimes kept hidden behind closed doors. Others work in public settings, such as exotic dance clubs, factories, or restaurants, where they deal with people on a daily basis and are required to operate in difficult situations. Victims can be exploited for commercial sex in a variety of situations, including as street prostitution, illicit massage parlors, nightclubs, motels, escort services, and online advertising.

Legal protection from the Indonesian government or the Malaysian government for Indonesian female workers has not been optimal, as evidenced by work safety for Indonesian workers only guaranteed by a work agreement between Indonesian workers and employers. The Indonesian government can use diplomacy in issues involving TKW to enhance bilateral relations between the Indonesian and Malaysian governments in order to protect TKW. Based on the foregoing explanation of Indonesia's diplomacy toward TKW, it can be concluded that it has not been maximized, since it continues to affect our female workers in Malaysia on a case-by-case approach. So, what is the diplomatic role of the Indonesian and Malaysian governments in protecting TKW? With Migration Diplomacy, which defines migration diplomacy as the use of diplomatic tools, methods, and procedures by nations to manage cross-border population mobility (Adamson & Tsourapas, 2018, 4). Related to female workers who are part of Indonesian citizens.

Methodology.

This research project will be using a qualitative method in terms of describing the phenomena of the strategy of Indonesia and Malaysia government to prevent Human Trafficking under the guise of Indonesian TKW, using the Migration Diplomacy. Qualitative research is an interpretative strategy that emphasizes participants' subjective experiences in order to get insight into the unique meanings and behaviors connected with a certain social event according to Polgar S and Thomas S (Polgar & Thomas, 2008). As a result, the writer conducts qualitative research and the writer will not be providing numerical analyses in this study. Meanwhile, the author will present the qualitative report following the particular subject covered in this form of study.

Furthermore, the author analyzes the subject of this research using secondary data. In general, the qualitative analysis approach employs secondary data, which is information gathered from previously published literature, such as journals and books, rather than primary data. To collect secondary data for this study, the authors consulted existing journals and books on Migration Diplomacy of Indonesia and Malaysia as well as ebooks related to protection for female workers (TKW) residing in Malaysia. Furthermore, the authors collected secondary data from online databases obtained

from sites as well, including authoritative journals and book publishing platforms.

Finding and Discussion.

Although it makes significant efforts, the Indonesian government falls short of meeting the minimum benchmarks for trafficking eradication. Given the impact of the COVID-19 outbreak on Indonesia's anti-trafficking capacity, the government claimed that overall efforts had strengthened over the previous reporting period; as a result, Indonesia remained on Tier 2 (Department of State United States of America, 2021, 288). The government makes the crime of trafficking in persons difficult to resolve because of the government's limitations in revealing the criminal process. Another obstacle is the involvement of government employees, which hampers efforts to eradicate criminal acts of trafficking in persons.

MOU was created to protect Indonesian workers in Malaysia against different acts of violence while they were on the job. Malaysia and Indonesia established the Malaysia-Indonesia General Border Committee (GBC Malindo), also known as the border security cooperation forum, to address border security challenges (HUTOMO et al., 2009). Elfitriani write that in July 1972, Indonesia and Malaysia agreed to establish the Indonesia-Malaysia General Border Committee (GBC Malindo) to improve cooperation in dealing with several of issues along the border, including human trafficking on TKW Indonesia to Malaysia. To deal with the problem of human trafficking, in 2005 it was agreed to establish a Memorandum of Understanding (MOU) between Indonesia and Malaysia regarding the placement and protection of Indonesian migrant workers to Malaysia, both those working in the formal and informal sectors (Elfitriani et al., 2018, 78). General Border Committee (GBC) Malindo is a forum for the two countries to coordinate in establishing a series of policies connected to border concerns by involving numerous elements, including the Ministries of Defense, Home Affairs, and Foreign Affairs, as well as the military forces, police, and other relevant agencies. The border area is the most vulnerable area of the two countries, and it has the potential to be abused by actors that commit transnational crimes.

As a result, the GBC Malindo forum plays a key role in combating illegal

movements such as drugs, terrorist and radical groups, human trafficking, and so on. The General Border Committee is an arena for cooperation that creates security at the land borders of the two countries. The bilateral cooperation relationship with Malaysia is one of the international corporations that Indonesia needs to optimize to achieve its national interests. GBC has a strategic role in handling the Indonesia-Malaysia land border.

Juwono Sudarsono as the Indonesian Minister of Defense at the time stated that the establishment of the JPCC was based on an agreement from the two countries that various forms of illegal crimes that occurred at the border must be resolved legally, not only through a military approach (RH, 2006). The Joint Police Cooperation Committee (JPCC) is responsible for resolving cross-border crimes between the two nations in the sphere of policing by the Indonesian National Police (POLRI) and the Malaysian Royal Police (PDRM), which was founded in 2007 in Jakarta during the 35th Malindo GBC session. The two countries' police forces also conducted cooperative patrols as part of their efforts to combat human trafficking and other international crimes. Both land and maritime patrols are conducted in the border areas of the two countries. POLRI and PDRM do this action at the border at least four times a week.

Currently, the Archdiocesan Human Development Committee (AHDC) is partnering with the International Catholic Migration Commission (ICMC), located in Geneva, will launch a three-year campaign to combat slavery and trafficking in Indonesians, particularly women and children, to Sabah, Malaysia. (Irdyanti, 2013, 925). The US Department of State's Office of Global Trafficking in Persons supported the research, which began in 2008. The goal of the project was to promote public and government awareness of human trafficking. Indonesia and Malaysia will also organize a series of cross-border exchanges and discussions to discuss how such collaboration might be carried out. Project operations will be more successful if bilateral relations are good, notably in terms of preventing cases, protecting victims, and prosecuting criminals. At the Asean Police Conference (ASEANAPOL) in May 2005, regional cooperation was agreed to address cross-border problems such as transnational fraud, human trafficking and document falsification. In January 2006, the President of the Republic of Indonesia and the Prime Minister of Malaysia held a

meeting which resulted in a joint statement condemning the practice of human trafficking and being considered a heinous crime against humanity (Saleh, n.d., 3).

In an effort to overcome and find a way out of the problem of human trafficking that occurs, the government has formed the Center for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI) in carrying out its vision and mission BNP2TKI in collaboration with the International Organization for Migration (IOM), an international organization engaged in migration. which gives special attention to human trafficking of Indonesian Migrant Workers in Malaysia (Khoirunnisa & Basri, 2020, 11). Indonesia and Malaysia's migration diplomacy towards TKW in Indonesia really illustrates these things, where what we have discussed is how the relationship between Indonesia and Malaysia manages cross-border population mobility by conducting the MOU was made to protect Indonesian workers in Malaysia, especially women, from various acts of human trafficking and violence. Malaysia and Indonesia established the Malaysia-Indonesia General Border Committee (GBC Malindo), also known as the Border Security Cooperation Forum, to address border security challenges.

Conclusion.

An agreement between the governments of Indonesia and Malaysia which aims to encourage or limit the flow of migration, favorable treatment for specific foreign nationals, as well as the formation of guest workers or other temporary labor migration schemes in order to reduce criminal acts at the border between the two countries, in addition to explaining the development of Indonesia migration diplomacy towards Malaysia to combat human trafficking. Various cooperations and treaty signings have been attempted in the process of reducing human trafficking crimes that occurred in the two countries. Legal protection from the Indonesian government or the Malaysian government for Indonesian female workers has not been optimal, as evidenced by work safety for Indonesian workers only guaranteed by a work agreement between Indonesian workers and employers. In 2005, Indonesia and Malaysia agreed to establish a Memorandum of Understanding (MOU) on the placement and protection of Indonesian migrant workers in Malaysia, including in the formal and informal sectors,

in order to combat the problem of human trafficking.

Basically, each country's interests influence connections between countries, and relations between countries can work efficiently provided these interests do not conflict. Good relations between Indonesia and Malaysia are possible. All that remains is for both countries to respect and appreciate one another, anticipate and manage future disputes, and eventually build mutually beneficial cooperation. Indonesia's migration diplomacy in supporting efforts to deal with the problem of human trafficking at Indonesia and Malaysia is realized through defense cooperation with Malaysia. Both countries chaired the Malindo General Border Committee (GBC), which facilitated collaboration. By forming a Joint Police Cooperation Committee, Indonesia and Malaysia have agreed to prioritize the role of the police in dealing with various types of law crimes along their shared border, including human trafficking (JPCC). This cooperation has shown that there is a strong desire from both countries to prevent and minimize various forms of crime that occur in the two countries, especially those related to the problem of human trafficking through the JPCC.

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