INDONESIAN DIPLOMACY IN PROTECTING THE INDONESIAN DOMESTIC WORKERS IN MALAYSIA (2010-2012)

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This thesis entitled “Indonesian Diplomacy in Protecting the Indonesian Domestic Workers in Malaysia (2010-2012)” prepared and submitted by Citra Jayanti in partial fulfillment of the requirements for the degree of Bachelor in the Faculty of Business and International Relations has been reviewed and found to have satisfied the requirements for a thesis fit to be examined. I therefore recommend this thesis for Oral Defense

Cikarang, Indonesia, January 29, 2013

Name and signature of Adviser

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Thesis Adviser
DECLARATION OF ORIGINALITY

I declare that this thesis, entitled “Indonesian Diplomacy in Protecting the Indonesian Domestic Workers in Malaysia (2010-2012)” is, to the best of my knowledge and belief, an original piece of work that has not been submitted, either in whole or in part, to another university to obtain a degree.

Cikarang, Indonesia, February

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The Panel of Examiners declare that the thesis entitled “Indonesian Diplomacy in Protecting the Indonesian Domestic Workers in Malaysia (2010-2012)” that was submitted by Citra Jayanti majoring in International Relations from the Faculty of Business Administration and International Relations was assessed and approved to have passed the Oral Examination on February 19th, 2013.

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ABSTRACT

A problem of Indonesian domestic workers in several times is more complicated, this is happening in domestic and international in scope. Meanwhile, from year to year the number of workers who want to work abroad continues to increase due to several reasons, there are: first, the pull factors of the destination countries migrants form a better economic life and the number of population and relatively less labor. Second, is the driving factor in the form of limited job opportunities in the country even high jobless. From a number of States, many of Indonesian domestic workers have a destination in the country such as Singapore, Saudi Arabia, and other Middle Eastern country, Malaysia is a country destination for job seekers in Indonesia. In addition to geographic proximity factor directly adjacent to the region of Indonesia, Malaysia also has a high level of growth rate and is implementing a development in all areas.

This research has aiming to find strategies of Indonesia diplomacy in protection of women workers in Malaysia, then how the solutions and challenges of the Indonesian government in handling of cases of violence that is experienced by Indonesian workers in Malaysia. Furthermore, to find out what the reaction and actions was taken by Indonesian Embassy in Malaysia in implementing strategic diplomacy in abroad.

The completion of violence cases experienced by Indonesian workers conducted by local government and the Embassy is still lacking and not optimal; many issues have not been resolved until now specifically illegal labor. Bilateral relations between Indonesia and Malaysia still not maximum as we hope, especially in protection of labor in Malaysia and the number of staff that are not proportional to the amount of Indonesian workers that working in Malaysia were a factor in the performance of Indonesian diplomats in an effort to deal with cases and problems of Indonesian domestic workers and protection to them.
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Cikarang, 19 February 2013

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CHAPTER I

INTRODUCTION

1.1 Background of the Study

International Relations is a study that focuses on the relationship between the state and study of foreign affairs and global issues among states within the international system. Researcher wants to explain the relationships between the two countries or the bilateral relation between Indonesia and Malaysia in the field of labor. In the globalization of the market economy, equality character of Indonesia and Malaysia are the strength and not a competitor. Indonesia and Malaysia can contribute complementary in mutually supporting economic principles with complementary functions, substitution, demand and supply.

Indonesia is the fourth most populous nation in the world and the most populous Muslim country in the world. Indonesia and Malaysia have a good cooperation in Education, Economic, Political, Social and Cultural Rights.\(^1\) In the field of educations, between Indonesia and Malaysia is with an exchange student each year. Bilateral relations between Indonesia and Malaysia in social and culture are promoting the image of Indonesia, through the organization of cultural and artistic activities\(^2\).

In Economics, number of investors from Malaysia that had little investment in Indonesia has helped the Indonesian government in alleviating unemployment. Investors from Malaysia a lot invested in the oil palm

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1. \[^{1}\text{http://www.expat.or.id/info/overview.html}\]
plantation industry. It is certainly beneficial for both parties. In addition, many Indonesian labors working in Malaysia as housemaid (PRT), medical staffs, and construction workers. Sending workers abroad can indeed provide a relatively large economic benefits not only for the workers themselves and their families but also for the country, because the state considers sending workers abroad is a response to the absence of the state in providing employment. According to the data shown in BNP2TKI, the number of Indonesian domestic workers in Malaysia until July 2012 to reach nearly 1.9 million people, then Saudi Arabia and Hong Kong's 1.1 million workers were only 189 thousand people. If viewed from too high remittances from Malaysia at U.S. $ 1.3 billion, while Saudi Arabia's U.S. $ 1.1 billion until July 2012.

The difficulty job opportunities in the country and the increasing number of unemployed in Indonesia finally has made Indonesia the largest exporter of Indonesian domestic workers in Asia and even the world. As a country of many populations, the cooperation with various things in the workforce is the main thing. Diplomatic relations between Malaysia and the Republic of Indonesia began soon after Malaysia gained its independence on 31 August 1957. H.E. Tan Sri Senu Abdul Rahman, First Malaysian Ambassador to the Republic of Indonesia presented his credentials to President Soekarno on 10 October 1957. Since then, Malaysia and Indonesia enjoy warm and cordial relations.

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Both Malaysia and Indonesia have many common characteristic traits; these include common frames of reference in history, culture and religion. The history of Indonesia and Malaysia were often intertwined, throughout their history the borders of ancient kingdoms and empires, such as Sriwijaya, Majapahit, Malacca, and Aceh. In same culture because of significant numbers of Indonesian origin immigrants in Malaysian demographic. The last is same religion as Muslim. Although both countries are separate and independent states, there are also deeply embedded similarities.6

Relations between Indonesia and Malaysia is an important pillar in the ASEAN family. ASEAN grow rapidly over the past four decades, partly because of unsound foundation of bilateral relations between Indonesia and Malaysia. Thus, there must be synergy in the development process of both nations allied become an important player in the global economy. Relations between Indonesia and Malaysia several times through up and down, as two neighboring countries often referred to allied nations; the potential for cooperation and the potential for conflict between the two countries were happened.

High population density and a minimal number of jobs in the country led to unemployment and poverty in Indonesia has increased. This makes people to move to find a decent jobs, it is easy and does not require high educational background.

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Many of Indonesian domestic workers search opportunity to work in Malaysia because want to get high wages but with low educational background, that's the reasons of problems that arise, but Indonesian domestic workers itself is the largest contributor in the process of economic development in Indonesia. As mandated by law that the State is responsible provide jobs for its citizens, but in fact other countries provide employment rose less government to protect the interests of Indonesian domestic workers, even though they have contributed income for the State.

In the discussions at the UN International about Human Rights was produced several landmark charter including the Universal Declaration of Human Rights in 1948\(^7\), two agreements are the International Covenant on Civil economic, social and cultural rights in 1966, and the Vienna Declaration in 1993. In the Vienna Declaration reflected the consensus among Western Countries and non Western Countries that human rights have a universal nature. Then continued to progress in the concept of human rights that the achievement has experienced a new history, built namely as International Criminal Court in specifically adjudicate cases of violations against humanity, genocide and war crimes.

Diplomatic relations between Indonesia and Malaysia has existed since Malaysia become independent in 1957. However, on 17\(^{th}\) September 1963 it was cut off diplomatic relations as a result of the confrontation Indonesia - Malaysia. In the process of recovery of Diplomatic Relations between Indonesia and Malaysia that begins in Bangkok Accord was signed in Bangkok on 1\(^{st}\) June, 1966 by the Foreign Ministers of both countries regarding the cessation of confrontation. As a follow up to the date of August

11, 1966 had held a meeting in Jakarta that led to the Restoration of the Republic of Indonesia-Malaysia Relations\(^8\).

Nowadays, Indonesian domestic workers in Malaysia who often suffer from problems such as violent abused by some masters appear to be a problem that hasn’t resolved until now. It should have a lot of programs that the government and other agency like the Embassy are located in Malaysia; the Ministry of Foreign Affairs should have been the duty of the Indonesian government in dealing with the protection of Indonesian domestic workers in Malaysia, where annually Malaysia offer jobs especially for Foreign Workers, which provides opportunities for its entry for Indonesian domestic workers to work in Malaysia.

1.2 Problem Identification

Researcher focusing in the issue which happened in Indonesian domestic workers protection because many problems appear of Indonesian domestic workers especially women workers gets bad behavior from their master, such as the acts of violence like rape, beatings, and even murder.

There are many problems of Indonesian domestic workers especially women workers, it needs to be protected because it is still not resolved, many women workers who experience a lot of problems like getting the crime and violence, there have many ways in which the Indonesian government in dealing with these issues but have not been up in the response efforts. So here the researcher want to explain the role of the Embassy in the case of Indonesian domestic workers in Malaysia, because it should have a lot of programs that the government and other agency like KBRI, the Ministry of Foreign Affairs should have been the duty of the Indonesian government in dealing with the protection of migrant workers there in Malaysia. It is where

annually Malaysia offers jobs especially for foreign workers which provide opportunities for working in Malaysia.

1.3 Statement of The Problem

The statement of the problem of this research is:

What are Indonesian government diplomatic strategies in protecting Indonesian domestic workers problems in Malaysia?

The period of the research will be narrowed for focusing in four years since it was established in 2010 until 2012. The reason of the question is to find strategies of Indonesia diplomacy in protection of Indonesian domestic workers in Malaysia, then how the solutions and challenges of Indonesian government in handling cases of violence that was experienced by Indonesian domestic workers in Malaysia. Furthermore, to find out what the reaction and actions was taken by Indonesian Embassy in Malaysia in implementing strategic diplomacy in abroad. The main element of this research is role Embassy in Malaysia and response on cases of Indonesian domestic workers in Malaysia.

1.4 Research Objectives

In making this thesis, qualitative method will be useful to find the answer of the problem. The researcher will use library and find websites which related to the problem.

The main objectives of this research are:

a. To know the diplomacy strategies of Indonesian diplomacy in dealing of Indonesian domestic workers problem in Malaysia.

b. To define what KBRI and foreign ministry affairs did for protect human protection Indonesian domestic workers in Malaysia.
1.5 Significant of the Study

The significance of the study in the case of the topic chosen here stated as follows: to understand every step in addressing cases in the protection of migrant workers in Malaysia and appreciate Human Rights of Indonesian workers are particularly Ministry of Foreign Affairs and Bilateral Relations with emphasis in diplomacy.

1.6 Theoretical Framework

Diplomacy is the management of international relations through negotiations that are harmonized and regulated by the ambassadors and representatives; business or art diplomats. Diplomacy can cover the whole process of foreign affairs, foreign policy establishment that is almost equal to the foreign policy.

Politics is the systematic discussion and generalizations of political phenomena. Political theory is speculative as far as he was concerned in norms for political activities. But it can also be descriptive, comparative or based on logic. Political science is the study of the formation of public policy. David Easton in book the Political System: “Political life concerns all those varieties of activity that influence significantly the kind of authoritative policy adopted for a society and the way it is put into practice. We are said to be participating in political life when our activity relates in some way to the making and execution of policy for a society.”

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Foreign policy is the strategy and tactics used by the state in relation to other countries. In long terms, foreign policy is a pattern of behavior used by a State in relation to other countries. Foreign policy decision making process related to the choice of particular path to follow. Indonesia foreign policy basically is a policy that needs to be taken by Indonesian government in its relationship with other countries and International organizations in various aspects of life in order to achieve national goals.

Hans J. Morgenthau is an expert in realist paradigm said the national interest of a country is to survive. The basic purpose of International Relations is to preserve, protect them from attack another country. Hans J. Morgenthau even defines the domestic and international politics as struggles for power. The concept of power occupies a privileged position in the study of politics and international relations. Scientists in this field since the days of ancient Greece argued that Power is the key element of political action.

Practice implementing relations among nations through diplomacy official representative to cover the whole process of foreign affairs, foreign policy formation and implementation. In this sense diplomacy with foreign policy, In a narrower sense, more traditional, diplomatic means and mechanisms while covering foreign policy, setting goals and objectives. In a more limited sense, diplomacy includes operational techniques to achieve national interests beyond jurisdiction.

Increasing interdependence among countries is also expanding the number of meetings and conferences, and multilateral parliamentary diplomacy. But the country associated with other countries on the occasion and on such a broad topic, diplomatic activity is ongoing and implemented

11 Mochtar Mas’oed, Disiplin Dan Metodologi, Jakarta: LP3ES, 1989, page 19
bilateral through diplomatic channels is ongoing bilaterally from the Ministry of Foreign Affairs as well as through permanent diplomatic missions.

Type diplomacy describe as (open / secret, bilateral / multilateral, ministers, or heads of government) differ across countries, depending on the situation, political environment, and interests. Any kind of diplomacy contributed to the system of international relations is more orderly and is the most common technique to resolve International political disputes with peacefully. Diplomacy is supported by the technology but it is an art of knowledge and provides an indispensable element in the form of personal contact in the relations between states.

A statement which is intended to form a common standard of eligibility for all people and nations in the civil, political, economic, social, and cultural. Statement was prepared by the Economic and Social Council (ECOSOC), and accepted by the General Assembly on 10th December, 1948, this date is known as Human Rights Day. Since 1945, the General Assembly has worked to create two charters (Covenant). The first charter which contains civil and political rights, both contains the economic, social, and cultural. Both are intended to rights enshrined in the Universal Declaration to be effective upon ratification.

The protection of the individual from the decision that reduces the life, liberty, and equal protection of the laws imposed by the government to individuals or groups. Legal guarantees contained in national constitutions that comes with international protection guarantees respect for economic and social rights of the individual, such as the right to employment, right to seek employment, the right to medical expenses, the right to leisure, all of which have significant value equivalent to concept of political rights of older existence.
Hans J. Morgenthau defines imperialism as a national foreign policy aimed at acquiring more power than the state actually has, through a reversal of existing power relations, in other words, a favorable change in power status. Imperialism as a national foreign policy is in contrast to 'status quo' foreign policy and a foreign policy of prestige. The policy of imperialism assumes the classical realist theory perspective of analysis at the unit level in international relations. Furthermore, imperialism is based on a balance of power construct in international relations. The three types of imperialism as outlined by Morgenthau are: Marxist theory of imperialism which rests on the foundation that all political phenomena are the reflection of economic forces; the Liberal theory of imperialism which results because of maladjustments in the global capitalist system and finally, the theory of imperialism which posits that manufacturers and bankers plan wars in order to enrich themselves.\(^\text{12}\)

### 1.7 Scope and Limitations of the Study

The scope in this thesis will cover in Indonesia and Malaysia as bilateral relations in Labors 2010-2012. I started in 2010 because problems about Indonesian domestic workers issues still cannot solving well, especially Indonesian woman workers, so it needs to be protected is still unresolved, many of Indonesian domestic workers who had problems like getting the crime and violence become a major problem in dealing with the problems faced by them, has many ways conducted by the Indonesian government in dealing with these issues but have not been up in the efforts to handle, in 2010-2012 who had experienced a variety of problems that would not go over through diplomatic ways.

1.8 Definition of Terms

There will be several words that will be used frequently. These are the example of the words:

a. Bilateral : a relationship that involves only two states.

b. Diplomacy : Diplomacy is the art and practice of conducting negotiations between representatives of groups or states. It is more like a bargaining process between countries.

c. Dispute : also known as problem or conflict. This word used when there is an argument.

d. Indonesian domestic workers : “Tenaga Kerja Indonesia” (TKI) is the term for Indonesian citizens working in foreign countries (such as Malaysia, the Middle East, Taiwan, Australia and the United States) in working relationships for a certain period with pay.

1.9 Structure of the Research

This research will be divided into five chapters. The first chapter is the introduction. This chapter is introducing the beginning history of the topic. Includes the background of study, problem identification, statement of the problem, research objective, significance of the study, theoretical framework, scope and limitation, structure of research and the last is definition of terms.

Chapter two will explain in details on background or theoretical grounding such as about diplomacy and foreign policy. In diplomacy there are some kinds of diplomacy, there are total diplomacy, border diplomacy, summit diplomacy and humanitarian diplomacy.
Chapter three will explain about the issues of Indonesian domestic workers in Malaysia in period 2010 until 2012. In her research, she will give discussion about the problem of Indonesian domestic workers in Malaysia, such as about the legal and illegal Indonesian domestic workers in Malaysia.

Chapter four will be the core of this research. It will elucidate the complete main research, Indonesia diplomacy strategic steps to handle Indonesian domestic workers problems in Malaysia, then about the role of KBRI and foreign ministry affairs for Indonesian domestic workers protection.

Chapter five will be the last chapter that contains the conclusion and recommendation.
CHAPTER II

LITERATURE REVIEW

2.1 Diplomacy and Foreign Policy

Diplomacy is the art and practice of conducting negotiations between representatives of groups or states. It is more like a bargaining process between countries. Sir Ernest Satow said: "Diplomacy is the application of intelligence and tact to the conduct of official relations between the governments of independent states, extending sometimes also to their relations with vassal states; or more briefly still, the conduct if business between states by peaceful means".\(^{13}\)

Type diplomacy described open / secret, bilateral / multilateral, differ between countries depending on the situation, political environment, and interests. Any kind of diplomacy contribute to the orderly system of international relations and politics is the most common technique to resolve remains more of an art than a science, and provide an element that is in need in the form of private contracts in Malaysia interstate relations will surely offer a solution to the International courts. Malaysia certainly knows that Indonesia still in weak diplomacy.\(^{14}\)

\(^{13}\) Satow, Sir Ernest : Guide to Diplomacy Practice, Retrieved on 20th December, 2012

2.1.1 Bilateral Diplomacy

Bilateral is the practice of promoting trade between two countries through agreements concerning quantity and price of commodities\textsuperscript{15}. Bilateralism consists of the political, economic, or cultural relations between two sovereign states. For example, free trade agreements signed by two states are examples of bilateral treaties. It is in contrast to unilateralism or multilateralism, which refers to the conduct of diplomacy by a single state or multiple states, respectively. Typically when states recognize one another as sovereign states and agree to develop diplomatic relations, they exchange diplomatic agents such as ambassadors to facilitate dialogues and cooperation in various fields mentioned above.

2.1.2 Total Diplomacy

Total or Multirack Diplomacy is a conceptual way to view the process of international peacemaking as a living system. It looks at the web of interconnected activities, individuals, institutions, and communities that operate together for a common goal: a world at peace.\textsuperscript{16}

In the context of multitrack diplomacy is a guide to totally support the implementation of foreign policy while coordinated by Central Government in the Foreign Ministry. Wisdom and foreign policy strategies designed comprehensive integral by the central government needs to be held observance in total synergy involving all relevant actors were escorted by the foreign ministry in the context of total diplomacy.


\textsuperscript{16} The Institute for Multi Track Diplomacy, Retrieved on 20\textsuperscript{th} January, 2013. http://imtd.server295.com/?page_id=119
Total/Multitrack Diplomacy Indonesia has Grand Strategy in diplomacy through tangible operational program policies Total Diplomacy. Through this policy, diplomacy conducts by multiple pathways, including:

a. First Track Diplomacy, the diplomatic efforts by the interaction that conducted by the government officially
b. Second Track Diplomacy, the diplomatic efforts that conducted by non-government elements are not official. Efforts this should pave the way for negotiations and approvals in order first track diplomacy with actors utilize important information second track diplomacy

2.1.3 Summit Diplomacy

To raise the image of Indonesia, again collapsed because the multidimensional crisis summit diplomacy capable launched with advanced by leadership of the government of Indonesia in some world level strategic forum led practically all nations of the world have been reach 17.

That is all about diplomacy, and then if talked about foreign policy, Foreign policy is the strategy and tactics used by the state in relation to other countries. In broad terms, foreign policy is a pattern of behavior used by a State in relation to other countries. Foreign policy decision making process related to the choice of a particular path to follow.

The main steps in making process of foreign policy include:

1. Describe the national interest into consideration in the form of specific goals and objectives
2. Setting situational factors in the domestic and international related foreign policy objectives.
3. Analyze national capabilities reach maximum result.
4. Develop a plan or strategy to put the national capability in tackling certain variables so as to achieve the goals set.
5. Implement the necessary measures.
6. Periodically review and evaluate the progress that has taken place in reaching the desired goal or outcome.

Foreign policy cannot be separated from domestic policy; it has a major role in national decision making process in many countries in the World. Countries devote greater effort and more resources for developing and conducting foreign policy than the medium or small country. Although often defined as a foreign policy which covers all program activities abroad are more appropriate to describe a single as well as the actions of a country to reach national objectives are limited, therefore the state should pursue a policy, many identifying goals, planning various forms of strategies, evaluate a diverse range of capabilities, as well as initiate and evaluate specific decisions and actions. Such as coordination should be studied among the various national policies and action plans so that all can take place within a framework of broad national interest guides.

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In regard to international relations, policy and political strategy Indonesia is a system on which the official enactment of Indonesia's foreign policy. Foreign policy Indonesia has experienced ups and downs and who have the vision and proactive against symptoms and to deal with the growing phenomenon and a role in the era of globalization as a result of the development of science and technology. Diplomacy Republic of Indonesia as part of the means of implementation Indonesia foreign policy was strengthened the quality of human resources and capacity in the face of a rapidly changing era for the national interest of Indonesia have established.

The close relationship with the foreign policy objectives are addressed and selected by a government based on the ideology of the state or nation, the economy, politics, culture of a people, the attitude of psychology, and emotional tensions that exist, and of course the situation geography facts other.

Foreign policy cannot be separated from a variety of national and international development of the situation, and even foreign policy is a reflection of the domestic policies adopted by the government in a State. There are at least four variables were taken into consideration in the selection strategy of foreign policy, including:

1. The structure of the international system is a condition in which there is a pattern of domination, subordination and leadership. The structure of the international system led to some restrictions on the freedom of action of political units.

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2. The general strategy of foreign policy is closely related to the nature of national needs and attitudes of the domestic economy.

3. Perception and elite levels of government against external threats.
4. Geographical location, topographical characteristics and content of natural resources owned by the State\textsuperscript{21}.

Foreign Policy is a combination of diverse means and activities, which are dedicated to understanding and explaining foreign policy processes and the behavior of significant actors in the international system\textsuperscript{22}. Then foreign policy is the political will to achieve national objectives using all the power and capability.

Indonesian foreign policy is essentially a policy that needs to be taken by the Indonesian government in its relations with the countries and international organizations in various aspects of life International in an effort to achieve national goals.

2.2 History of Bilateral Relations

Indonesia has initiated did relations with others since it proclaimed its independence in 1945. Various bilateral regional as well as multilateral deliberations have been staked out by Indonesia in cooperation with friendly countries. Indonesia always holds such forums in the spirit of promoting mutual respect and amenity, negating the use of violence, advancing consultation and prioritizing consensus in voting and decision making.

\textsuperscript{22} Sekhri, Sofiane. 2009. The role approach as a theoretical framework for the analysis of foreign policy in third world countries. \textit{African Journal of Political Science and International Relations Vol. 3 (10), pp. 423-432, October, 2009}
Currently, Indonesia is nurturing cooperation with 162 countries and one non-self governing territory and grouped into eight different regions.  

Indonesia and Malaysia is a country with close ties not only geographical proximity, but also in historical proximity, cultural similarities and a sense of brotherhood. Diplomatic relations between Indonesia and Malaysia has existed since Malaysia became independent in 1957. However, on 17th September, 1963 it was cut off diplomatic relations as a result of the confrontation Indonesia - Malaysia. Political upheavals that occurred since the confrontation until now more motivated by the interests of a particular political group or who wish to disrupt and damage relations between Indonesia and Malaysia. In the process of recovery diplomacy between Indonesia and Malaysia relations began in Bangkok Accord was sign in Bangkok on June 1, 1966 by the Foreign Ministers of both countries regarding the cessation of confrontation. In 11th August, 1966 had held a meeting in Jakarta that led to the Restoration of the Republic of Indonesia-Malaysia relations.  

So far, the political relations between the two countries is an important pillar in advancing the ASEAN organization that has grown rapidly in the last four decades, both at regional and international levels. The relationship the two countries have also been a concern and a role model for States in Southeast Asia as well as in the international world.

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Therefore both the government of Indonesia and Malaysia are able to prioritize and be wise diplomacy in resolving any issues or conflicts, particularly how to put the bilateral relationship the two countries in a balanced way both substantive and from a public perspective of each country. Visit the President of the Republic of Indonesia to Kuala Lumpur on 18-19 May 2010 have turned and revive the Joint Commission Meeting (JCM) which last held in 2004 by forming a working group (WG) and sub-working group (SWG) to discuss issues certain issues under the framework of the Joint Commission Meeting (JCM).

Bilateral relations are good in national interests from both countries are trying to achieve in partnership. Hans J. Morgenthau expressed views on the concept of national interest as follows: “The concept of the national interest contains two elements, one that is logically required and in that sense necessary, and one that is variable and determined by the State.”

Thus the concept of national interest according to Morgenthau basically consists of two elements; the first one is based on subsistence and the second considering various strategic environmental conditions around it. In order to meet the needs of those to whom any cooperation or connections made by two or more countries in the joint definitely prioritize national interest to be achieved by Indonesia and Malaysia. Which is national interest of a country may change following priority levels or ideological agenda or a government leader country.

Bilateral relations conducted is mean as a form of devotion to the international community that no other aimed to meet the national interests of both countries were adjusted to the development of the international

situation prevailing. In the bilateral context, Indonesia seeks to strengthen and enhance bilateral relations with neighboring countries to continue to study the bilateral relations with the countries considered potentially help efforts to achieve the national interest in the implementation and practice of diplomacy, especially in the role of Indonesian domestic workers in Malaysia. Indonesia will seek to maintain harmony especially in politics directly adjacent based on the principle of mutual respect and prosperity.

A bilateral relation between the countries is an important aspect in the framework of International immigration. This issue generally has a close connection with various aspects of employment, both capacity as the sending and receiving countries as. The factor that influence International migration flows in bilateral relations of a country is a harmonious political relation between two countries. If a political relation between the two countries is harmonious, it will further open the opportunity for the exchange of workers in large amounts. The two countries can complement their shortcomings especially in meeting the individual needs of national development. Meanwhile, economic growth is also an important aspect of international migration. Inequality of economic growth will affect the level of prosperity. The fact that the differences in wage levels and job opportunities are varied aspects should be wary as the development of international migration triggers uncontrolled²⁷.

Indonesia until 2012, have bilateral relations with Malaysia for 55 years. Indonesia and Malaysia have a lot of cooperation in various fields, such as economics, politics, social, cultural, and educational. Especially in the field of labor, Indonesia has many countries sending labor to Malaysia. Delivery of labor continues, in because of job opportunities in Indonesia is

insufficient overall workforce. And is an effort to reduce the level of unemployment in Indonesia.

In addition, Indonesian government is more open to the utilization of foreign labor in the country certainly has a vested interest. That in order to support its national interests, because the presence of foreign labor which is quite helpful in carrying out the production process to improve welfare. International Relations between Indonesia and Malaysia may take a while, especially in the field of employment in because the relations between the two countries. In this case each of the two countries have mutual benefit, particularly Indonesia got one way to meet the employment needs of its citizens, while Malaysia helped keep the wheels keep spinning domestic economy. In keeping bilateral relations so the domestic economy wheels keep spinning. In keeping bilateral relations need to be maintained on the role of diplomat as diplomatic representatives of Indonesia in Malaysia to restore the image of Indonesia in the recipient country.

2.3 International Law

International law is essentially a law that regulates matters related to international. Then how the correlation between the state sovereignty of international law? Hobessian rejected the theory of international law because in theory the idea is the only actor who has full sovereignty.

Sovereignty meant entitled to country and decide everything according desires without any intervention other countries. When it appears that the international laws of his name then it can certainly undermine the sovereignty of a country. Countries should sacrifice sovereignty to the

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international community. In other words, the state would be limited in scope so as not flexible in implementing national policies. If there is a point to be observed is actually an error on the theory that the "curb freedom of the state in deciding national policy". Grotian theory explains the error. This supports the existence of international law. These laws exist in order to limit deviant behavior because of the state should be as free as any veil. Actually Grotian intention is to bring us to world peace globally.

Nowadays, status of the state is sovereignty prerequisite to be a member of international community. In state sovereignty is limited by international law and respect the obligations to implement international obligations and rights of other countries with good faith, state sovereignty is limited by the obligation to respect and protect the human rights of its people. This latter obligation is a national law and international law as well as international law and at the same time. International human rights law is based on the concept that every state has an obligation to respect the human rights of the people or citizens, and other countries and the international community have the right, and responsibility, to protest if these obligations are not enforced.\textsuperscript{29}

In practice, determine the scope of the human rights obligations of international customary law harder than obligation conventional international human rights law. Liability conventional law explicitly stated in a legal document that gives legal standing to fellow States Parties in the implementation of conventional mutual obligations including reaction the infraction. While in customary international law, which must be done is to identify the existence of the principle of liability in connection with the

country's international obligations to protect human rights in the interests of international law country that is assumed equal bound by this obligation.\textsuperscript{30}

Common interests of the international community arise immediately upon protected rights violated international law by a country. In this context, the approach adopted by the \textit{Charter of the United Nations Article 55 and Article 56} is very clear with the principle of liability Charter, particularly in the areas of human rights, in Human Rights Charter, has the obligation International, including human rights in particular countries in the world a member of the United Nations. International Law on Human Rights to obtain 2 provisions that laid the conceptual basis for the development of substantive human rights law and international human rights become a problem making concern.

\section*{2.4 Human Rights and Woman Workers}

Indonesian domestic worker is the term for Indonesian citizens working in foreign countries (such as Malaysia, the Middle East, Taiwan, Australia and the United States) in employment for a certain period with pay. However, the term is often connoted with Indonesian domestic workers. Women workers are often called Indonesian woman workers (TKW)\textsuperscript{31}.

In the current era of globalization, job opportunities are everywhere in many countries, this work can be done by anyone who coined the desired qualifications, as many foreign workers who seek to work in Indonesia, many Indonesian domestic workers also took the opportunity to work in other countries. Indonesian domestic workers are a matter of considerable concern.

\textsuperscript{30} \textit{Ibid}

\textsuperscript{31} Tenaga Kerja Indonesia, Wikipedia \url{http://id.wikipedia.org/wiki/Tenaga_Kerja_Indonesia}. Retrieved on 20th November, 2012
in line with the paradigm shift in development, security and human security stability especially against gender issues is a form of equality of the rights of women and man to have opportunities and human rights to participate in the political, economic, social, cultural, and national security and equality in development, while gender equality is a process to be fair to the man and women.32

An increasing number of jobs available to immigrant deemed more suitable to be performed by women, it is at the global trend the percentage of women who want to go as Indonesian domestic workers especially in Malaysia continues to rise but more prone to get problems, Indonesian domestic workers who work as domestic workers in positions most vulnerable because they work at homes under the supervision of government authorities and adequate supervision, these causing problems between Indonesia and Malaysia.

Diplomacy in ideal protection still seems to require a long struggle. However, that did not mean problems of Indonesian domestic workers cannot be solved. Diplomacy is hard in the protection of Indonesian domestic workers need to be initiated simultaneously and not only by diplomats stationed in Malaysia, but also by all stakeholders in Indonesia. Even there is protection of Indonesian workers overseas are discussed in “Undang-Undang No. 39 Tahun 2004”, which explain about Placement and Protection of Indonesian domestic workers overseas.

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International law also has to overcome the problems of what to do in case of arbitrary problems arbitrary human rights enumerated by the government within its jurisdiction, justifications for government intervention by the state or others countries that are not particularly Malaysia in violations human rights in its principles should be handled from within through domestic law and even through international law.\footnote{Lynn H.miller, Agenda Politik Internasional, Yogyakarta :Pustaka Pelajar, 2006, page 231}
CHAPTER III

INDONESIAN DOMESTIC WORKERS IN MALAYSIA 2010-2012

3.1 Development of Indonesian domestic workers in Malaysia

One of the fundamental problems faced by Indonesia along the way to becoming an independent nation is unemployment. In these problems, it shows that in Indonesia, job fields are not able to accommodate the explosion of the labor force. As a result, unemployment is a phenomenon surfaced as one of the serious problems in the circle of the national question called poverty. Therefore, because of unemployment problems become agenda in terms of development and poverty alleviation.

A problem of Indonesian domestic workers is not a new thing for people in Indonesia. During these 55 years, the issue of Indonesian domestic workers did not experience significant development. From year to year, the issue of Indonesian domestic workers for the government is like tangled yarn. Government alone cannot prevent their departure abroad; because it is in their own country employment was limited.

According to the Central Bureau of Statistics or BPS, the number of poor people in Indonesia until March 2011 is 30 million or 12.40% of the population. Poverty is also one of the reasons the poor to become Indonesian domestic workers.

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34 Jannes Eudes Wawa, *Ironi Pahlawan Devisa: Kisah Tenaga Kerja Indonesia Dalam Laporan Jurnalistik* (Jakarta: Kompas, 2005), page. 9
Table 1

Number and Percentage of Poor People in Indonesia Island, September 2011

<table>
<thead>
<tr>
<th>Pulau</th>
<th>Jumlah Penduduk Miskin (000)</th>
<th>Persentase Penduduk Miskin (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>Sumatera</td>
<td>2,045.34</td>
<td>4,273.53</td>
</tr>
<tr>
<td>Jawa</td>
<td>7,527.73</td>
<td>9,216.86</td>
</tr>
<tr>
<td>Bali dan Nusa Tenggara</td>
<td>645.32</td>
<td>1,420.50</td>
</tr>
<tr>
<td>Kalimantan</td>
<td>266.03</td>
<td>705.86</td>
</tr>
<tr>
<td>Sulawesi</td>
<td>354.15</td>
<td>1,798.00</td>
</tr>
<tr>
<td>Maluku dan Papua</td>
<td>116.01</td>
<td>1,520.99</td>
</tr>
<tr>
<td>Indonesia</td>
<td>10,954.58</td>
<td>18,935.56</td>
</tr>
</tbody>
</table>

Source: Taken from data Susenas September 2011.

At the moment government has not fully been able to find solutions to unemployment problem, the phenomenon of Indonesian domestic workers surfaced. This phenomenon appears as an alternative solution that many devotees, marked spirit became so tempestuous workers among the workforce. The phenomenon of cross-border Indonesian domestic workers became an inevitable one, including Indonesia.

In Asia Pacific region, Indonesian domestic workers mostly working in Malaysia and Singapore, but like the destination of labor in other countries, Indonesian domestic workers in the country was often fare badly. Workers who worked in the household sector often suffered a sad fate; they were tortured, sexually abused and even killed from the masters. There have been many cases of torture that struck of Indonesian domestic workers. There are no amendments to the various cases before that happened, just recently the cases.

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cases of migrant workers is increasing. Actually this is contrary to the precepts in point two of *Pancasila* that is about humanitarian and human rights. Therefore the role of the government and the people was needed to handle the cases that afflict our citizens abroad.

**Table 2.** Indonesia workers placement in Malaysia from period 2010-2012

<table>
<thead>
<tr>
<th>YEARS</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNTRY</td>
<td>MALAYSIA</td>
<td>MALAYSIA</td>
<td>MALAYSIA</td>
</tr>
<tr>
<td>GENDER</td>
<td>MAN / WOMAN</td>
<td>92.422 / 61.760</td>
<td>95.983 / 38.122</td>
</tr>
<tr>
<td>TOTAL</td>
<td>154.202</td>
<td>134.120</td>
<td>8.152</td>
</tr>
</tbody>
</table>

Sources: “Penempatan Tenaga Kerja di Luar Negeri Tahun 2010-2012” page 1 and 5, depnakertrans.go.id

The existence of the problem shows that in Indonesia, the jobs would not be able to accommodate the explosion of the labor force. As a result, unemployment is a phenomenon surfaced as well is one of the serious problems in the circle of the national question called poverty. Therefore, to solve the problems of unemployment, there should agenda in terms of development and poverty alleviation. There are several factors that cause a lot of problems in Indonesian domestic workers issues in Malaysia, for example:

1. First, the existence of Indonesian domestic workers just considered part of the labor business, whether conducted by the recruitment agency which is a government agency that granted permission to put the Indonesian domestic workers, as well as by a number of individuals who are better known as scalpers’ / “calo” workers.

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37 *Pancasila* is the basis for the state ideology of Indonesia, contains of 5 major constituent
2. Second, most of the Indonesian domestic workers have competitiveness in the labor market where they work because Indonesian domestic workers are not qualified relative does not have the appropriate knowledge and skills in the field of job, not being able to immediately adapt to the social environment and local customs, do not have the knowledge about laws and regulations pertaining to labor, not skilled in using such available electronic equipment in place they work and do not understand the customs and cultural norms that apply in the workplace.

3. Third, the low quality of Indonesian domestic workers in Malaysia can be a trigger for Indonesian domestic workers conflict with partners or with their master. In this case relates to the inability of Indonesian domestic workers wear electronic equipment well in work and limitations in communication so that Indonesian domestic workers cannot understand very well what was ordered by their master. This leads to dissatisfaction on the performance of Indonesian domestic workers and only makes their master angry.

4. Fourthly, the protection of Indonesian domestic workers should be carried out by representatives of the Indonesian government in Malaysia has not performed optimally. This causes employers in Malaysia was not afraid when did some crime against Indonesian domestic workers especially if the status is an illegal Indonesian domestic workers, in here Indonesian domestic workers in a weak position, lost and helpless\(^\text{38}\).

Acts of violence committed by the masters against Indonesian domestic workers in Malaysia because of the sense of dissatisfaction with job of Indonesian domestic workers. Work that is not optimal, because

Indonesian domestic workers fatigue, it is very reasonable considering their working hours to over 16 hours every day, and without any holiday at all. Such as Samiah Dulkarim, she is Indonesian domestic worker and working over 16 hours every day\textsuperscript{39}. The crimes committed by foreign workers, especially from Indonesia also caused due to a sense of dissatisfaction to the master orders.

From departure until placement in Malaysia, these workers are exploited both by agents and master. While in the process of production, Indonesian domestic workers usually occupy place in the bottom because of their status and are alienated labor is without skill, they felt did not have any capital to demand salary every month when they receive their very hard work. Their status as a class of bottom and structure of the communities in which they work, making them easy scapegoats and the first casualties in the event of crime or violence.

However Indonesian domestic workers are the largest contributor in the process of economical development in Indonesia. The development of Indonesian domestic workers in Malaysia each year has steadily increased, nowadays Indonesian domestic workers in Malaysia is giving a negative impact on the government of Indonesia in Malaysia especially women workers are often exposed to violence by their masters; it seems to be a problem that has not been resolved until now. In this time, there are around 2 million women workers were working in Malaysia, the company, in agriculture, and in a variety of jobs. This is the number of the largest Indonesian domestic workers overseas. Of course it will make the existence

of Indonesian domestic workers in Malaysia to bring mutual benefits to both Indonesia and Malaysia.\(^{40}\)

The number of Indonesian domestic workers to be deported from Malaysia during the years 2010 to 2012 reached 9674 people. According to the Head of Social, Labor’s and Transmigration regency Nunukan, East Kalimantan in Thursday 4\(^{th}\) October, said: "Task Force Indonesian domestic workers Nunukan problems with local government have made steps to repatriate the desire to return home and for those who want to living in and around cultivated Nunukan sought employment".\(^{41}\)

In 2010, Malaysian government deported 3639 Indonesian domestic workers consisting of 2,762 men, 676 women and 201 children. The number of Indonesian domestic workers through the Port Tunon Taka deportation in 2011, the Head of the Department of Social, Labour and Transmigration Nunukan recorded 3705 people consisting of 2,857 men, 684 women, and 164 children.\(^{42}\)


\(^{42}\) Ibid
Table 3  
Homecoming Indonesian workers by Regional State Placement and Type Problems In 2010

<table>
<thead>
<tr>
<th>Country</th>
<th>MALAYSIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem*</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
</tr>
<tr>
<td>All of Total</td>
<td></td>
</tr>
</tbody>
</table>

Source: BNP2TKI Diolah Pusdatinaker in 2010

Explanations of the problem *

3.2 PROBLEMS OF INDONESIAN DOMESTIC WORKERS IN MALAYSIA

3.2.1 Impact of Minimum Protection for Indonesian domestic worker

The protection of Indonesian domestic workers as implementers working with the target avoided losses will befall them which includes 3 resulted in a loss, that are physical harm, material and non-material

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43 1 = Work not in accordance of an agreement, 2 = Not being able to work, 3 = Salary not paid, 4 = incomplete documents, 5 = Ill, 6 = sexual harassment, 7 = problematic from the master, 8 = Communication is not current, 9 = Work accident, 10 = Pain caused by work, 11 = Pain innate, 12 = Master died, 13 = Indonesian domestic workers pregnant, 14 = Taking the child, 15 = unilateral termination, 16 = Other

44 Alaydruns, Husein “Perlindungan Tenaga Kerja Indonesia Yang Bekerja Di Luar Negeri” by Badan Penelitian dan Pengembangan Departemen Luar Negeri” in 2001
1. Physical harm
   Physical harm workers who happen to be in the form:
   a. Incompatibility working conditions giving rise to the right of privacy self-interference
   b. Possible long-term health problems due to a work environment that does not qualify
   c. Incompatibility working time causing physical fatigue and health of themselves (physical and mental)
   d. Insecurity would work accidents and physical losses due to the safety factor is ignored or the workers themselves who ignore their safety factor.
   e. Disorders situation uncomfortable and unsafe for private life.
   f. Other physical pressure.

2. Material loss
   Material losses that may be happen with Indonesian workers are:
   a. Salaries are not in accordance with the promise to not pay at all
   b. Discrepancies rights / other benefits that should be accepted
   c. Calculation of pieces that is not transparent to the imposition of burdensome
   d. The disadvantage of not knowing so prone to fraud

3. Non-material losses
   Non-material losses that occur are:
   a. Harassment, stress and other treatments are psychology emotionally disturbing
   b. Treatments that lead to actions or situations that are impaired sexuality disorder
c. The treatments themselves harm privacy rights or personal rights of freedom.
d. At the macro or national wide will give a bad impact and high social cost to be borne.

3.2.2 The Factor That Causes the Disadvantages for Indonesian domestic workers

Source: Husein A. Alaydrus “Perlindungan Tenaga Kerja Indonesia yang Bekerja di Luar Negeri”

1. Indonesian domestic workers Factors
   a. Do not know the object of the agreement
   b. Weakness language communication makes it difficult when should give some opinion
   c. Weakness in defending rights that have been agreed
   d. Not prepared or not be prepare

2. Users Factors
   
   Disobedient or no commitment to the object agreement
3. Factors of Local law

   a. Weak sanctions on employers in the local state do not meet the terms of the agreement or agreements objects
   b. The employment agreement / contract has not become a binding legal commitment formal both sides pretext or agreements merely writing on paper\textsuperscript{45}

4. Factors of Institutions

   a. There is a protection agency that could reach the subject and object of protection in the State of employment are working / full alert provides both preventive services even curative form of advocacy and crisis intervention centers.
   b. Existing insurance coverage cannot give satisfaction to the workers because the system is weak and opportunities of collaboration for waiver applicable regulations\textsuperscript{46}.

5. Governmental factors

   Less continuous placement programs among government agencies so that monitoring data of Indonesia workers becoming blur and illegal migrants still escape from the supervision of the government of Indonesia.\textsuperscript{47}

\textsuperscript{45} Alaydruns, Husein “Perlindungan Tenaga Kerja Indonesia Yang Bekerja Di Luar Negeri” by Badan Penelitian dan Pengembangan Departemen Luar Negeri” in 2001
\textsuperscript{46} Ibid
\textsuperscript{47} Ibid
3.2.3 The Legal and Illegal Indonesian domestic workers in Malaysia

In the placement of workers abroad than through the appropriate shipping via the delivery in accordance with the procedures stipulated in the Ministry of Manpower and Transmigration No. Kep-104A/MEN/2003\(^{48}\) on Placement of Indonesian domestic workers abroad, there is also sending workers out country without regard to the provisions in force. Sending workers abroad without following the procedures implemented by the company sending workers organized which dark ranging from Indonesia to the Country of workers through a specific pathway. In placement, workers who work abroad are without the necessary legal papers and complete without the forms of protection and guarantee adequate.

Lane departure workers from Indonesia to Malaysia carried by sea and forest which is not a common pathway that is very heavy and beyond the reach of surveillance Indonesian security forces. Election unusual path cannot be separated from efforts to avoid scrutiny officers can lead to failure of the concerned workers to Malaysia. During and upon arrival at the shelter, Indonesian domestic workers always under the control supervision company labor service and always avoiding meeting directly with officers. In terms of security protection for Indonesian domestic workers in Malaysia is obvious they are under pressure and in a state of insecurity. Just because the economy and urged the need successful examples obtained by some of their colleagues who came from the same area, eventually making the factors that complicate the neglected.

In addition to the deployment and delivery of employment services company Indonesia, not a few workers who went to Malaysia on their own initiative. This is done by Indonesian domestic workers who previously had experience working in Malaysia or those who coined friends or relatives in Malaysia. They are generally set off by sea and carried out at night. Arriving at the destination in Malaysia, they are straight to the point because there is a hold that friends and relatives who are already residing in Malaysia. From here they are then distributed to employers in Malaysia, both in plantation sector and construction industry.49

Delivering Indonesian domestic workers to Malaysia due to the factor of poverty was because the limited of job field opportunities in Indonesia. The phenomenon of poverty that plague the basis of inspiration for the government to create a national program to reduce poverty by sending workers abroad. Another factor that supports sending Indonesian domestic workers to Malaysia is characterized by the presence of labor demand abroad for some sectors that are requiring, including the most filled by domestic Indonesian domestic workers or informal sector.

Generally they are working as housemaid, caregivers, taking children, and elderly caregivers. They fill jobs that would not be filled even abandoned by local citizens as it includes work that is directly related to the dangers and the high difficulty.


47
To unravel the handling of illegal migrants, there are three fundamental problems:

1. The identity of illegal Indonesian domestic worker.

Suspected illegal Indonesian domestic workers come from two groups: those who are purely illegal, illegal migrants from the beginning were coming to work in Malaysia without a passport or a passport has not come for working permit. These illegal of Indonesian domestic workers exploit illegal channels that offer cheap fare to workers, nearly half of the cost if a migrant worker to take care of legally. The existence of this group is also supported by the demand for illegal workers from companies/master in Malaysia. The Illegal of Indonesian domestic workers exploited by some companies/master to reduce production costs and increase profits. Weakness of illegal worker is legal position and low bargaining power, labor recruitment is a consideration which resulted in low salary for illegal Indonesian domestic workers. Groups of illegal Indonesian domestic workers are typically located in rural areas and often removable storage by employers to avoid the operation of the immigration Malaysia. On tax evasion hiring is another advantage of the employer, as it is usually illegal Indonesian domestic worker is not recorded in the office of immigration. Meanwhile, if illegal migrants were caught, the law is biased in favor of the employer, just illegal Indonesian domestic workers who have suffered captured officers whipped and imprisoned for violating the Act Immigration.\(^{50}\)

The other group is the group of workers who entered Malaysia legally and furnished documents to work in Malaysia. They become illegal Indonesian domestic workers when they were crushed by the case, so no chance to run away from their employers take / ask for the documents workers to their employers. Thus once they become illegal Indonesian domestic workers, they also face the same legal risks as the Malaysian immigration officers caught considered as immigrants / illegal workers.

2. The Supplier chain of illegal Indonesian domestic workers.

From a pure kind of illegal Indonesian domestic workers, actors need to look at recruitment wild (no job order and did not have operating permits) that often operate in poor rural areas both economic criteria, education, health, and access to information that is limited. Recruitment wild exploit demand from companies / employers will hire unauthorized / illegal. With the low cost and easy procedures, salaries and facilities and the seductive promise of improving the standard of living, wild agents are easily recruit prospective workers. In addition to recruitment agencies, it also permits the bureaucratic chain that launched all the documents were forged, in exchange for money, also took part in inflating the number of illegal Indonesian domestic workers 51.


The case of the kind of legal Indonesian domestic workers to be illegal Indonesian domestic workers is because of the lack of legal protection afforded to Indonesian domestic workers abroad. Commitment legal protections of Indonesian domestic workers are less visible and often

late. Demonstration conducted workers against companies that often led to persecution shows there are still issues that need to be fought for welfare. In addition, many other cases affecting workers also related to discrimination against human rights. Indonesia designation for the citizen, whatever their status indicates that there is still the lining of class society stand, let alone the fact shows that there is indeed most Indonesians workers with skill levels and skill levels.

There are also occurring as deviations implementation placement workers abroad. In an effort to provide oversight the placement and protection of Indonesian workers is administrative sanctions may take the form of written warning, suspension and cancellation SIUP-PTJKI. As for prospective migrants or migrants administrative sanctions may include revocation of departure, return at their own expense, the ban on working abroad and return costs incurred by implementing the placement in accordance with the regulations.

Sanction is necessary to remember that in practice in the field often there is some deviation. Irregularities both in individuals, groups, institutions and PTJKI. Several irregularities PTJKI, there are:

a. Labor recruitment in areas with no job orders from overseas service users and service user exceeds the quota demand
b. Recruitment process is not optimally implemented, due to emerging labor candidates who do not qualify with low quality work
c. Implementation of the extension were not optimal explanation emphasizes migrants liability issues in the workplace

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compared to overseas workers' rights and the procedures that must be followed if there is something that is not desirable
d. Supervision and inspection of health manpower shipped overseas are not done well
e. Imposition of a huge shipping fee to job seekers because the system costs due to less transparent. Transparent no matter the cost in labor sending become prospective workers are burdened with enormous cost53.

3.3 The Advantages and Weaknesses of Indonesian Domestic Workers In Malaysia

3.3.1 The Advantages of Indonesian Domestic Workers in Malaysia

Indonesian domestic workers are the main attraction for some people, in addition will have experience of living abroad, a migrant worker salaries can also be spelled big. Indonesian domestic workers provide great benefits to foreign countries. Workers have a strategic value for Indonesia because obviously they provide numerous benefits for economic growth in the country.

Deputy BNP2TKI Protection Poelongan, Lisna Y in Wednesday, 26th September 2012 expresses remittances Indonesian domestic workers accounted for 10% of the value of the state budget. This means correct to say that migrants are 'Heroes Foreign Exchange. She said:

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53 Kebijakan Politik dan hubungan luar negeri Indonesia dalam menangani perlindungan warga Negara Indonesia di luar negeri : “Survey tenaga kerja Indonesia di Malaysia” by Badan Pengkajian dan Pengembangan kebijakan Departemen Luar Negeri Republik Indonesia. Published on 2003
"The numbers have 10 percent of the value of the state budget, took second place after revenue from oil and gas sector,\textsuperscript{54}\"}

Indonesian domestic workers may be a matter of pride for government. A hero of income for the country is clearly inherent. Of course, the results of some of your salary you will send to family in the country, from which the country will benefit. Salaries were obtained from the work as migrant workers can be spelled many. If you can take advantage of the conditions properly, you can save part of your salary is. The salary you get you can use as working capital while in the country.

### 3.3.2 The Weaknesses Of Indonesian Domestic Workers In Malaysia

There are several factors that make Indonesia looks as weak labor in Malaysia, there are:

1. Government cannot create jobs in Indonesia

   The biggest reason is the workers off the land to find a job, because Indonesia is very difficult to find a job and this one being the biggest factors of poverty, and the factors that cause a lot of that went out the country, with desire of high salaries they go out the country to the capital education, mostly primary school. Most of the maids are lack of information and a very remote.

2. Difficult To Assess The Presence Of Indonesian Domestic Workers In Malaysia.

The government cannot confirm the number of workers working in Malaysia especially illegal migrants, because they did not report the data themselves nominally to the Embassy. It is means if they are exploited by their master or companies so Embassy will be difficult to handle their case.

3. The lack of a bilateral agreement between Malaysia and Indonesia.

In the absence of bilateral agreements in the space for representatives of Indonesia to protect its citizens confined to the Vienna Convention of 1963 and the Vienna Convention 1961. Vienna Convention was still leaning against the absolutism of the authority of the recipient country. The general objective of the Vienna Convention member state's right sender for communication and relationship with its citizens in recipient countries, thus limiting the participation of the sending state to provide protection to its citizens. Then, the lack of clarity about the limits included in the category of intervention on domestic policy in the recipient country.
CHAPTER IV

INDONESIAN DIPLOMACY IN PROTECTION OF
INDONESIAN DOMESTIC WORKERS IN MALAYSIA:
PERIOD 2010-2012

4.1 Indonesia Diplomatic Strategic Steps To Handle Indonesian Domestic Workers Problems in Malaysia

Efforts in the country conducted by the ministry of foreign affairs together with the ministry of manpower and transmigration and local authorities in dealing with the case of Indonesian domestic workers abroad, while efforts abroad could be done by the ministry of foreign affairs with representatives of Indonesia in Malaysia. This will be the basis of a strategy to support Indonesia's diplomacy in handling problems of Indonesian domestic workers in Malaysia. Some of these efforts include:

1. At the central level, the Ministry of Foreign Affairs continues to perform the steps and efforts to address the root causes of Indonesian domestic workers that occurred in the country such as forming a grand design as a policy paper that can be used as a guide to policy makers, including representatives of Indonesia in providing services and the protection of Indonesian domestic workers. This is a basic step in determining the steps to be taken by the next government so that every effort is made to achieve the goals that have been targeted.\(^{55}\)

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2. Foreign Ministry Affairs should conduct coordination with related institutions or agencies, parliaments, institutions, non-governmental organizations, the media and stakeholders in order to support the success of diplomatic efforts in handling migrant workers conducted by the Ministry of Foreign Affairs and representatives of Indonesia in Malaysia. Periodically every three months, the Ministry of Foreign Affairs will hold a meeting with relevant ministries, especially the Ministry of Manpower to unite with each other in the protection of information and policy on migrant workers abroad, mainly in Malaysia. Through this meeting is expected to provide alignment information, budget and planning activities in handling migrant workers.\(^5^6\).

3. The Government of Indonesia should organize to the central government in order to optimize the service and protection of Indonesian citizens abroad. This is useful for Republic Indonesia representatives who will implement these policies established by the center in order to handling problems that are often experienced by the citizens, especially related issues of overseas migrant workers. Strong synergy between the representatives of Indonesia abroad by the central government can be formed through continuous communication and incentives to prevent misperceptions among the parties involved and stay true to one purpose, namely to work together in dealing with Indonesian domestic workers in Malaysia.\(^5^7\).


\(^{57}\) Ibid
Under the direction of the Minister of Foreign Affairs, representatives of Indonesia in Malaysia in a consistent and persistent to pursue several steps in providing care and protection of Indonesian domestic workers. These steps include:

a. Establishing and developing networks wide with colleagues in the country where the representatives of Indonesia to be, especially with people who are directly related to the protection of Indonesian domestic workers in Malaysia. Networking is expected to be approach in second track diplomacy (diplomacy, non-formal) to the related elements in the placement of representatives of Indonesia. This in turn is expected to facilitate and help the first track diplomacy can be run effectively in handling Indonesian domestic workers, due to bureaucratic problems that often occur resistor can be minimized.

b. Representatives of Indonesia in Malaysia can detect more effective and early response to any possible problems that may befall the maids in the country. This can be done by empowering all the elements of the Indonesian community in the country, such as community organizing, the set of students, whole communities and organizations in the region where representatives are Republic Indonesia. So, the information coming from elements of society may soon identify by representatives of Indonesia to be processed and responded that any potential problems that may arise can be solve early as possible.
c. Provide protection to the Indonesian domestic workers is problematic since the complaint was first and does not even delegate to a third party, in this case is PJTKI. Embassy in Malaysia directly and rapidly respond and give protection using various approaches, either through legal, humanitarian, political or even including the management of the shelter for the Indonesian workers who have problems and stay over\textsuperscript{58}.

The approach used in the case for protection of migrant workers in Malaysia can be described as follows:

1. **Advocacy Law**
   a. Protection of Indonesian domestic workers who have problems in Malaysia, where the problem cannot be solved by the family and require to be brought to court, the Embassy in Malaysia formed Advocacy team consisting of two categories of lawyers in accordance with the Ministry of Decree No.51 of 2003\textsuperscript{59} as follows:

   First is Non-Paying Lawyer, is a lawyer who provided free of charge by the Embassy, especially for the migrant workers who cannot afford the services of a lawyer. This lawyer is a lawyer provided by the state public TKW receiver that handles cases of felonies. Second is Feat-Paying Lawyer, lawyers are paid services that can only be used by workers who have enough money to use the service.


\textsuperscript{59} Ibid
2. Humanity

Humanitarian protection that can be made by the Embassy in Malaysia is through humanitarian visit to the troubled Indonesian domestic workers and became prisoners in the country. This can be done periodically in order to control the state of the maids as well as providing consultation and moral support so that the housemaid can be more powerful undergo the suffering that is felt. It can also be evidence of concern for the citizens in the Malaysian Embassy.

3. Politicians

Protection of Indonesian domestic workers in the field of politicians can be conducted by the Ministry of Foreign Affairs to increase cooperation as joint G-to-G or Government to Government with recipient countries, collaboration G-to-G with other sending countries, cooperation with non-governmental organizations, international institutions, and organizations religious.

a. Cooperation Government to Government by recipient
Cooperation G-to-G between Indonesia and Malaysia as Indonesian workers with basic protection in the country can be pursued by the Ministry of Foreign Affairs to establish specific rules to protect the maids Malaysia, such as the establishment of a Memorandum of Understanding (MOU) with the Malaysian government which has refused to sign memorandum of understanding proficiency level. Bilateral agreements are essential to provide protection to Indonesian workers from violence when working. Moreover, Malaysia has no law that specifically deals with Indonesia workers who

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worked as Housemaid because it is informal and is not formally regulated in the rules of employment in Malaysia.\footnote{Rauf, Lutfi. M.A “Kebijakan Pemri Dalam Rangka Perlindungan dan Pelayanan WNI di Luar Negeri”. Retrieved on 11\textsuperscript{th} December, 2012. www.depkeu.go.id/indl/.../dirjen_bakohumas.ppt}  

If necessary, Indonesian government can implement a moratorium with sending Indonesian domestic workers who was work as housemaid especially in Malaysia. It is a part of political diplomacy conducted by the Indonesian government in response to the pressure as well as the Malaysian government refusal to approve the MOU.

b. Cooperation Government to Government with the sending countries. Cooperation G-to-G between Indonesia with other labor sending countries can be realized in the form of forum-sending countries to discuss important things like the salaries of the workers, housing, healthcare, insurance, and so on. This forum is important to implement because it can be a forum to share experiences between labor-sending countries by policies implemented in each country. In addition, it can also consult each other on issues related to the problems faced by workers abroad to work together to find solutions to those problems. As a result, will increase the bargaining position of the sending countries, particularly Indonesia.

c. Cooperation with Non-Government agencies, International Organizations and Religious Organizations Non-government agencies is often called Social Institutions (NGOs) play an
important role as a watchdog and control all activities of the delivery and placement of migrant workers to Malaysia. NGO's serve as the eyes and ears as well as being the voice of society action corrects the Indonesian government in performing its obligations and help the government in handling cases of maids. Thus, coordination between the government and NGOs are necessary to the success of efforts to protect Indonesian domestic workers in Malaysia.⁶²

For example, NGO Migrant Care who helped migrants especially issues that are outside the shelter and has not been addressed by the Embassy. Efforts are made among others by helping workers in counseling, advocacy with the cooperation of the Embassy. While in the country Migrant Care became superintendent of the fraud that occurred in the execution of sending maids.

Coordination with international organizations is also important to government because it has a similar role with NGOs. It's just that the role of international organizations is more comprehensive and global. IOM as one of the many international organizations providing assistance cooperation in dealing with problematic of Indonesian domestic workers abroad by providing counseling and help repatriate Indonesian domestic workers into the country. While religious organizations play a greater role in this case specifically. Background nation which is predominantly Muslim Malaysia can be used as a reason for government officials fielded religious organizations in performing second track diplomacy.

Engagement with parties outside the government to help the handling of overseas labor is seen in activity increased socialization BNP2TKI involving community leaders, labor organizations, NGOs and religious leaders in a forum at the named dialog round table. This forum aims to provide a better understanding of the handling of labor problems abroad.

4.2 Foreign Ministry Affairs and Indonesian Embassy in Kuala Lumpur Efforts in Protection of Indonesian Domestic Workers in Malaysia

The Law also stipulates that the Minister of Foreign Affairs is a minister in charge of foreign relations and foreign policy. The scope of duties of the Ministry of Foreign Affairs is as follows:

a. Administration of foreign relations and implementation of foreign policy, including the facility and mechanism in the implementation, coordination between the central level and its representatives at the local level, authority and delegation of authority in the administration of foreign relations and implementation of foreign policy.

b. The principal provisions on the drafting and ratification of international agreements with more specific arrangements, including the criteria of international agreements the ratification of which requires the approval from the House of Representatives, later enacted in a separate law.

c. Protection of Indonesian citizens, including the provision of legal assistance and legal advice as well as consular services.

d. Foreign relation apparatus/officials.

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The abovementioned is also expressly stipulated in Article 31 of Indonesian Presidential Regulation Number 9 of 2005 regarding the Position, Duties, Roles, Structure, and Work Procedure of the State Ministries of the Republic of Indonesia, and Article 7 of Law Number 39 of 2008 regarding State Ministries which further sets forth that the Ministry of Foreign Affairs has the duty to assist the President in the administration of some governmental affairs in the field of foreign policy and foreign relations.

Protection for citizen especially Indonesian domestic workers carried out by the Ministry of Foreign Affairs through various, such as:

1. Perform coordination with related parties

In terms of the implementation of the protection of Indonesian domestic workers in Malaysia, Indonesia Ministry of Foreign Affairs as executive affairs of foreign countries in coordination with the Ministry of Manpower and Transmigration and BNP2TKI as a special agency established in the country to assist each other in dealing with Indonesian domestic workers in Malaysia in an effort protection for Indonesian domestic workers. Form of coordination is indicated by the frequent foreign ministry held a meeting with the technical BNP2TKI handle the delivery and placement of Indonesian domestic workers abroad. in this meeting, the ministry of foreign affairs and BNP2TKI workers exchange information and data on Indonesian domestic workers sent by BNP2TKI procedurally. This data is needed by the representatives of Indonesia in Malaysia to support the protection and settlement of Indonesian domestic workers issues. With this data, the representative of Indonesia can know the existence of Indonesian domestic workers in Malaysia is expected to facilitate the embassy to control these workers. However, this does not include Indonesian domestic workers who come in illegally, so the service and the implementation of protection for illegal Indonesian domestic
workers are likely very little to do. it also resulted in the implementation of the protection of Indonesian domestic workers in Malaysia cannot be done evenly and thoroughly\textsuperscript{64}.

The coordination between the representatives of Indonesia and BNP2TKI also indicated in cases of violence against Nirmala Bonat. In this case, the representative of Indonesia in Malaysia has coordinated with relevant BNP2TKI development and maintenance case against the Nirmala Bonat. RI Representatives continue to preach the legal measures taken to defend the rights of the parties BNP2TKI. It is also will continue to monitor that victims get the maximum care in order to recover her healthy soon.

2. Promote Bilateral Agreements

A cooperative relation between Indonesia and Malaysia in terms of delivery of labor basically never based on a bilateral agreement between the two since the shipping process was implemented\textsuperscript{65}. The Ministry of Foreign Affairs together with the Ministry of Labors and Transmigration continue to encourage the formation of bilateral agreements in the field of placement and protection of Indonesian domestic workers between Indonesia and Malaysia. This essentially is the duty and authority of the Ministry of Foreign Affairs and Indonesia representation in Malaysia. But Ministry of Labors and Transmigration continues to encourage Foreign Ministry to immediately complete discussion memorandum of understanding (MoU) with the government of Malaysia as more rampant cases of abuses faced by migrant workers in Malaysia. As in the know that during this delivery Indonesia workers conducted by Indonesia to Malaysia was never based on a bilateral


\textsuperscript{65} \textit{Ibid}
agreement between the two countries set about it. Plus the two countries have not ratified the ILO convention for the protection of domestic helpers. Deputy Protection BNP2TKI, Poeloengan, Lisna Y affirming that: "The MoU does not guarantee the protection of migrant workers will be improved, but it can be an instrument repair".66

From the statement, Lisna want to point out that the MoU is important to be promoted by the government of Indonesia if want improvements in the delivery of maids to Malaysia. This effort is also one form of diplomatic protection of migrant workers who continue to be pursued by the government.

Various attempts were made to establish bilateral relations with the Malaysian government. One is an attempt to hold an initial meeting Ministry of Foreign Affairs technical level between the governments of Indonesia and Malaysia. As stated by the Ministry of Foreign Affairs spokesman Michel Tene, that "the planned meeting to discuss labor issues, especially domestic worker". This effort is one of the diplomatic efforts by Indonesian diplomats to protect Indonesian domestic workers in Malaysia. however, Indonesia's diplomacy has not been successful enough in fact influencing the policies of the Malaysian government, until now Malaysia still has one of the service recipient Indonesian domestic workers who do not have a MOU with Indonesia in terms of sending Indonesian domestic workers. in this regard, Indonesia is still questionable diplomatic skills to find the right moment to influence government policy in Malaysia. Protective measures for Indonesian domestic workers if associated with the recommendations of the CEDAW committee are still very weak. Weaknesses this is evident from the absence of bilateral agreement (MOU) that can be realized by the government of Indonesia

and Malaysia. In fact, the bilateral agreement is very important to set the protection Indonesian domestic workers in Malaysia. Besides, it can also show the strong diplomatic relations between Indonesia and Malaysia.

Protection model made by the government of Indonesia has been seeking an MOU with the recipient country was also not sufficient, because standard MOU does not provide protection principles in the national policies, so that the MOU made by the Government of Indonesia is only dominant governing cooperation between agencies and for State Goals, and not significant to the protection of migrant workers.

4.2.1 Indonesian Government Efforts to Handle Issues of Indonesian Domestic Workers Threat Death Penalty In Overseas

Table 4

Totality of Indonesian domestic workers threatened the death penalty in Malaysia

<table>
<thead>
<tr>
<th>Year</th>
<th>Country</th>
<th>Profile Cases</th>
<th>Number of people</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>Malaysia</td>
<td>court of first court of appeals court of cassation</td>
<td>60 49 17</td>
<td>a. Drugs cases: 116 people b. Murder cases: 26 people c. Case of owner gun: 1 people</td>
</tr>
</tbody>
</table>

Source: *Badan Pengkajian dan pengembangan kebijakan kementrian Luar Negeri 2011*

The steps that have been taken by the government of Indonesia in handling cases of Indonesian nationals facing the death penalty abroad, there are:

1. Formation Unit officers at the national death penalty, it has been described in Presidential Decree No.17 in 2011: *Establish a Citizens*
Task Force Case Handling Country Indonesia / Indonesian Workers Abroad Threatened Death Penalty, hereinafter Presidential Decree is called “satgas”.\(^{67}\)

2. Assisting law at all levels of the legal process (advocacy)
3. Provides attorney retainer in some representatives of Indonesia.
4. Allocate a budget for legal aid and other liberation efforts.
5. Approach to the families of the victims for crime murder
6. Approach through diplomatic channels to the relevant authorities, including sending a written request to the head of state forgiveness\(^{68}\)

### 4.2.2 Indonesian Embassy in Kuala Lumpur Efforts in Protection of Indonesian Domestic Workers in Malaysia

Indonesian Embassy effort to protect Indonesian domestic workers in Malaysia:

a. Establish a Task Force on Citizen Protection Ministry for Indonesian workers to handle and investigate cases pertaining to workers.

b. Collecting data of Indonesian citizens who were detained in prisons and deportation centers in Malaysia so that the embassy can take the steps it deems necessary.

c. Conducting outreach to places where the concentration of the Indonesian community in Malaysia.

d. Carry out awareness campaign on safety and working legally in Malaysia to communities in Indonesia with the help of the media.


\(^{68}\) Forum Komunikasi Kelitbangan (FKK) “Masyarakat Ekonomi ASEAN (MEA) 2015) dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri” by Badan Pengkajian dan Pengembangan Kebijakan Kementrian Luar Negeri 2011
e. In collaboration with Malaysian Polis in exposing perpetrators network Trafficking in Persons.

f. Providing legal assistance to Indonesian citizens in need.\textsuperscript{69}

In 2009 as many as 1008 workers asked for protection to the Embassy, the Embassy successfully completed 960 case workers and claimed 4.2 billion in unpaid salary workers.\textsuperscript{70} However, this commitment has not been enough to completely solve the problem of Indonesian domestic workers in advance with much misery experienced by migrant workers in Malaysia. The Malaysian government policies are considered to be very detrimental to the maids, to make the policy response to the Government of Indonesia through the diplomatic process. The diplomatic process is done with the visit of Minister to Heads of State or by representatives of Indonesia in Malaysia.

Duty of Task Force Service units and citizen protection the Government continues to provide protection to citizens who are abroad. The manifestations of these efforts are among others the establishment of the Directorate of Protection of Indonesian Citizens and Legal Aid Indonesia by the Ministry of Foreign Affairs. Relating to the protection of citizens, protection of Indonesian domestic workers government issued regulations as a legal basis:

a. UU No.39 tahun 2004 (Indonesian Law number 39 year 2004)

b. Presidential Instruction No.6 years 2006


c. Ministry of Manpower and Transmigration of the Republic of Indonesia Regulations No. 20 years 2007

Embassy in Indonesia spearheading government prioritizes the protection of Indonesian citizens. In this regard on 29th January in 2007 Embassy in Kuala Lumpur has established a Task Force on Protection of Indonesian Citizens Services. The organizational structure in the picture below:\footnote{71 Tugas dari Satuan Tugas Pelayanan dan Perlindungan WNI. Tuesday, 23 February 2010 http://www.kbrikualumpur.org/web/index.php?option=com_content&view=article&id=54&Itemid=60}
For citizens / workers who are facing problems or are in the process of problem solving Embassy provides storage facilities that shelter Embassy.

In March 2004, the Embassy has completed construction of additional storage capacity and workers are located in the Embassy in Kuala Lumpur. Development aid is supported by the Coordinating Minister for People's Welfare. Construction of temporary shelters is an effort to maximize the protection of citizens / workers who were in the area of accreditation in particular are facing a variety of problems.
The shelter can now be occupied by 70 people. However, over time, workers either displaced or who are having problems with the other side, resulting in increasing quantities should be stored exceeds capacity (over capacity). For example, in November 2004 the number of workers who collected nearly 260 people.

### 4.3 Steps To Solve The Problems of Indonesian Domestic Workers Issues

Placements MoU of Indonesian domestic workers in Malaysia signed in March 2006, which discusses about wage increases and passport workers, is a good step forward in the placement Indonesian domestic workers in Malaysia. but there are forgotten in the discussion of the issues they will MoU cost structure is more talk about the cost of training, insurance and accommodation. Although ideal, but at least there is a reference in the recruitment process of Indonesian domestic workers. The MoU is not yet a thing of the final protection context. The main obstacle is the lack of problem-solving Indonesian domestic workers database owned Republic of Indonesia Representatives since most workers did not provide data that is sent to the representatives of Indonesia.

Embassy workers provide a variety of services to include: passport renewal, case management, information services via the Internet, brochures, radio and messages, and outreach programs through field visits. Indonesian Embassy also keep a blacklist Malaysian recruitment agencies and employers who have acted not well against migrant workers, and reported them to the authorities following service is provided for all citizens of Indonesia in Malaysia.

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a. Administration services fast three hours. Before there is an improvement in the administration at the Embassy, the process of passport renewal, passport replacement or other services related to passport can take for days or weeks. It is difficult for workers to get the service of the Embassy because they cannot leave their jobs in the long term. A system has been created to manage documents within three hours. Observations show that ESC research team express service "three hours" work better on Friday when there was not much pressure from his staff. However, from Monday to Thursday, express service "three hours" often take longer. The results express service, the Embassy no longer need to use the services of management of passport workers from outside.

b. Construction of shelter for workers who have a problem. Reception at Embassy provides proactive services to domestic a worker who are victims of violence and who suffers from a psychological disorder. To support their recovery, the shelter provides food, counseling skills and activities. Embassy limit time staying at the shelter for up to 6 months. The place has a capacity to accommodate 70 people and is often crowded. At the time of the study, September 2009, there were at least 150 women who lived there. The volunteers who helped this event stated that he wished health services could be well organized and adequately in order to improve the recovery process for those in need. Each month the Embassy help repatriate Indonesian domestic workers more than 100 people from shelters Embassy.

c. Prevention brokers go to the Embassy. The realtor and the people who offer the service of false documents are no longer allowed to enter the territory Embassy in Kuala Lumpur. The goal is to protect the workers from their exploitation. Previous migrant
communities feel that there is no true cooperation between the brokers and officers of the documents that disturb the public service. The broker is now not allowed to approach the queue, or go to the Embassy area. However, they are still able to offer their services, for example for the "photo shoot".

d. Appropriate service facilities. Before the waiting room built for Indonesian domestic workers, but it is often trouble getting into the Embassy, as they were forced to wait with other people outside the embassy. Previous state is possible for brokers to offer the falsification of documents, especially if they are facilitated or had a relationship with Embassy employee. Embassy now provides a special area for processing of documents for workers.

e. Outsiders who care about issues workers can access data from the Embassy, is very useful for monitoring the process and allow stakeholders to improve services for workers. Data collected by the Embassy is essential in formulating policies for the protection of migrant workers.

f. In an ideal, the workers should be trained before departure to Malaysia. However, as discussed in the first part, a lot of them, especially housemaid arrived with basic skills or limited. Embassy funds several activities to provide assistance or empowerment program workers. For example, the Indonesian School in Kota Kinabalu, East Borneo, aims to provide access to education for workers who are not able to gain access to education in Sabah, a Malaysian state. Government of Indonesia in cooperation with one of international NGO HUMANA, handles access to education for children of Indonesian migrant poor in Malaysia. Indonesia and
Malaysia agreed that the organization is based in Denmark, to help provide education. There are about 70,000 children of Indonesian domestic workers who do not have access to education. Indonesian school in Kota Kinabalu used as a training center, where classes are held outside the training center by the distance between the child and the training center. Nevertheless, the partnership with the Embassy of Indonesia HUMANA has ended. The Embassy plans to continue the program considering the provision of education for migrant children is very important.

g. Orientation program for newly arrived Indonesian domestic workers in Malaysia. Embassy of Indonesia has initiated the establishment of an orientation program for newly arrived migrant workers in Malaysia by providing information about their rights, laws and regulations in accordance with the relevant embassy services. In addition services in Embassy of Indonesia, workers also get the services of NGOs and Civil Society of the United throughout Malaysia.

4.4 The Cases That Have Been Solved by Embassy and Indonesia Government

In 2012 there were some issues about Indonesia woman workers (TKW), that there were 2 cases of rape of women of Indonesian Workers in Malaysia. These issues were happened in Penang city and Negeri Sembilan city.

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4.4.1 Cases of Indonesian Domestic Workers Who Got Raped by Three Police Officers in Penang Malaysia

1. On 9th November 2012, Indonesian domestic workers from Batang, Central Java has become a victim of rape by 3 (three) persons Malaysian Police in Prai, Penang, Malaysia. Three perpetrators have been arrested by authorities in Malaysia. 75.

2. Ministry of Foreign Affairs and representatives of Indonesia in Malaysia has taken the steps of handling as follows:
   a. Consulate General in Penang:
      i. Provide protection to the victims at the consulate with place it in Penang
      ii. Malaysian Police urged to give explanations and assurance for a case thoroughly, especially the legal process for offenders
      iii. Consulate and Embassy also preparing legal aid lawyer to provide handling of cases referred to the process 76.

   b. Embassy in Kuala Lumpur:
      i. Ambassador in Kuala Lumpur has to communicate with the Ministry of Foreign Affairs Malaysia immediately after receipt of the report the incident on Friday night, 9th November 2012

76 Ibid
ii. Embassy expressed criticism over the incident in question, and requested the Malaysian Government take legal action against the perpetrators through a transparent process in accordance with applicable regulations. There is an increase in the handling of the case, because in 2004 in the case of Nirmala Bonat, law going on for years due to legal systems and processes exist in Malaysia so long to take up to 5 years, not only because the government was not paying attention and hard to lobby the government and the judiciary Malaysia.

c. Ministry of Foreign Affairs in Jakarta:
Calling the Malaysian Ambassador and expressed condemnation and deep concern related to the case and urge a speedy and transparent investigation into the incident.

d. In particular, the Foreign Minister has made direct communication with citizens and conveys assurance of protection intended by the Government of Indonesia through the Consulate Embassy in Kuala Lumpur and Penang.

In this case, the role of Indonesian diplomacy is crucial to the exercise of the right of defense Indonesian domestic workers. With the diplomacy between Indonesia and Malaysia may reflect concern and care for

victims of violence experienced by Indonesian domestic workers so that the power of Indonesian diplomacy will be stronger and tougher. Punishment must be received by the offender should be comparable to the suffering endured by the victims, the government should crack down on this case that Indonesian diplomacy seen more clearly in response to the victim's case in Malaysia.

3. Currently, the three Malaysian police have been suspended for seven days starting on 10 November 2012. Malaysia police promised an investigation will be fair and impartial. Today, the 13th of November 2012, Penang Chief Police said that the investigation of these three elements has been almost completed and the case will be transferred to Malaysia to be submitted to the Attorney litigation. The three police officers were arrested and threatened with a maximum penalty of 20 years in prison.

4.4.2 Cases of Indonesian Domestic Workers Who Got Raped By Their Master in Negeri Sembilan

1. On 12th November, 2012, the Embassy in Kuala Lumpur received information from the Malaysian Police in Seramban, Negeri Sembilan, on the case of raping TKW by their master. Cases of rape occurred on 5th November 2012. Both of these masters now escaped and are being hunted by police Negeri Sembilan.

2. In 13th of November 2012, the Embassy in Kuala Lumpur has sent a team to Seramban, Negeri Sembilan, and was met

with the victim to provide assistance and protection. The condition of the victim at this time and continue to improve the care Hospital in Seramban\textsuperscript{79}.

3. Embassy also has asked the Ministry of Foreign Affairs Malaysia concern over the case and also asked the Malaysian police to take legal action against the perpetrator (the employer is concerned)\textsuperscript{80}.

In connection with these two cases, in particular Foreign Minister has spoken directly with Malaysian Foreign Minister to call attention to the Malaysian Government to such cases. Malaysian Foreign Minister condemned any cases referred to and promised thorough treatment in accordance with the legal provisions in force in Malaysia. In a statement issued today, the 13\textsuperscript{th} of November 2012, Malaysian Foreign Minister said that the Ministry of Foreign Affairs Malaysia takes seriously the case and will give full cooperation to the Government of Indonesia in connection with the case in question.


\textsuperscript{80} Ibid
CHAPTER V

CONCLUSION

5.1 Conclusion

Diplomacy between Indonesia and Malaysia become more apparent following the signing of the MoU on labor, the demand for repairing program that troubled Indonesian domestic workers and illegal Indonesian domestic workers are still being processed and has not been approved by the Malaysian government. Indonesia and Malaysia so far has attempted to deal with the issue of violence issue especially with regards to the Indonesian domestic workers in Malaysia. Diplomacy of Indonesian domestic workers ideal protection still seems to require a long struggle. However, that does not mean problems of workers cannot be solved.

Diplomacy has been done in open and discusses bilateral safeguard Indonesian domestic workers. It should be launched simultaneously not only by diplomats stationed in Malaysia, but also by stakeholders in Indonesia such as NGO. Looking at the current condition, the Indonesian government to participate in performing its obligations and provide a strong and decisive response in the case, although not all cases not resolved but the governments have been trying to carry out their duties.

Diplomacy strategy by the government of Indonesia with cases of Indonesia workers is to improve bilateral relations and make the MoU between the governments of Indonesia and Malaysia focuses on the protection of Indonesian domestic workers and the government of Indonesia should be more strict in the implementation of workforce who want to go to abroad, the Embassy has an important role in the handling
and protection of Indonesian domestic workers in Malaysia so it needs to increase credibility in dealing with problems associated with citizen and Indonesian domestic workers residing in Malaysia.

The best solution in solving the problems Indonesian domestic workers in Malaysia is with established an integrated coordination with the ministry of labors and transmigration, BNP2TKI and agencies. Coordination is intended to complement the information of Indonesian domestic workers in Malaysia facilitate the effort of the protection and mutual cooperation deal with problems experienced by Indonesian domestic workers in Malaysia. Representatives of Indonesia in Malaysia or the embassy as an arm of the government has consistently sought several steps in providing care and protection for the citizen as legal aid for Indonesian domestic workers who deal with the local law, consular services, provision of shelter, deportation, and so forth.
BIBLIOGRAPHY

Books:

Alaydruns, Husein “Perlindungan Tenaga Kerja Indonesia Yang Bekerja Di Luar Negeri” by Badan Penelitian dan Pengembangan DEpartemen Luar Negeri” in 2001

Declaration on principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with Charter of the United Nations 1970. This is from Charter of the United Nations Pasal 2 ayat(1).


K.J Holsti, Politik Internasional ; Suatu Kerangka Analisis, Bandung : Bina Cipta, 2005 page 133.


Pandji Susilo, 2010, "*Ketahanan Nasional RI Dalam Kaitan Dengan Perjuangan Diplomasi RI’*, Jakarta, page 11 – 12


Websites:

Berita Resmi Statistik No. 06/01/Th. XV, Retrieved on 2th January, 2012.  
http://www.bps.go.id/brs_file/kemiskinan_02jan12.pdf

BNP2TKIAi tanda tangani Mou Klaim asuransi TKI. Retrieved on 30th November 2012.  
http://www.antaranews.com/berita/313547/bnp2Indonesian domestic workers-aai-tandatangani-mou-klaim-asuransi-Indonesian domestic workers


Forum Sadar Hukum Islam, Kiat Meraih Peluang Kerja Di Luar Negeri,  
(Jakarta: Forum Sahabat, 2009), page 11

http://www.diplomacy.edu/courses/humanitarian


Indonesia lemah dimata Malaysia, Retrieved on 10th December, 2012.  
www.detiknews.com

Jannes Eudes Wawa, Ironi Pahlawan Devisa: Kisah Tenaga Kerja Indonesia Dalam Laporan Jurnalistik (Jakarta: Kompas, 2005), page. 9


Pidato Presiden RI mengenai Dinamika Hubungan Indonesia-Malaysia, Retrieved 12\textsuperscript{th} Mei, 2011 www.kbrikualalumpur.org.


Tentang KBRI Kuala Lumpur, Retrieved on 15\textsuperscript{th} Nov, 2012. www.kbrikualalumpur.org/web/index.php?option=com_content&view=article&id=60&Itemid=70,


APPENDICES

Figure 1.1: Indonesian domestic workers placement in Malaysia period 2010

<table>
<thead>
<tr>
<th>NEGARA TUJUAN PENEMPATAN</th>
<th>JENIS KELAMIN</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ghana</td>
<td>62</td>
<td>62</td>
</tr>
<tr>
<td>Greece</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Guinea</td>
<td>7</td>
<td>7</td>
</tr>
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<td>8</td>
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Figure 1.1: Indonesian domestic workers placement in Malaysia period 2011
<table>
<thead>
<tr>
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Sources: Ditjen Binapenta dan BNP2TKI Diolah Pusdatinaker
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE
REPUBLIC OF INDONESIA
AND
THE GOVERNMENT OF MALAYSIA
ON
THE RECRUITMENT AND PLACEMENT OF
INDONESIAN DOMESTIC WORKERS

The Government of the Republic of Indonesia and the Government of Malaysia, hereinafter referred to singularly as "the Party" and collectively as "the Parties";

REFERRING to the Agreed Minutes of the Seventh Meeting of the Joint Commission for Bilateral Cooperation between the Parties held in Kuala Lumpur on 18-20 February 2002 concerning the need for the relevant authorities of both countries to jointly review the Note of Agreement on the Guidelines on the Hiring of Indonesian Maids between Indonesia and Malaysia of 30 January 1996;

TAKING INTO ACCOUNT the Joint Statement of the Annual Consultation between the Prime Minister of Malaysia and the President of the Republic of Indonesia at Bukittinggi, Indonesia on 12-13 January 2006;

BELIEVING that the employment of domestic workers from the Republic of Indonesia in Malaysia shall be an area of cooperation which is mutually beneficial to both countries;

REALIZING that recruitment of domestic workers requires a separate framework to facilitate the selection, conveyance and recruitment of domestic workers from the Republic of Indonesia;

PURSUANT to the prevailing laws, rules, regulations, policies and directives of the respective countries;
HAVE REACHED AN UNDERSTANDING on the following matters:

Article 1

For the purpose of this Memorandum of Understanding (MOU):

"Domestic Workers" means a citizen of the Republic of Indonesia who is contracting or contracted to work in Malaysia for a specified period of time for specific individual as a domestic servant as defined in the Employment Act 1955, the Labour Ordinance Sabah (Chapter 67) and the Labour Ordinance Sarawak (Chapter 76).

"Employer" means any individual granted approval by the relevant authorities in Malaysia to employ Domestic Workers from the Republic of Indonesia.

"Indonesian Mission" means the Embassy of the Republic of Indonesia and/or Consulate General of the Republic of Indonesia and/or Consulate of the Republic of Indonesia, in Malaysia.

"Malaysian Mission" means the Embassy of Malaysia and/or Consulate General of Malaysia and/or Consulate of Malaysia, in Indonesia.

"Indonesian Recruitment Agency" (IRA) means an Indonesian recruitment agency approved by the Indonesian Government for the purpose of recruiting Indonesian Domestic Workers.

"Malaysian Recruitment Agency" (MRA) means a private employment agency licensed under the Private Employment Agency Act 1981 and approved by the Malaysian Government for the purpose of recruiting Domestic Workers from Indonesia.

"Work Pass" means a visit pass (temporary employment) issued by the Immigration Department of Malaysia (IDM) to permit the Domestic Worker to work in Malaysia.

Words and expressions in the singular include the plural, and words and expressions in the plural include the singular.
Article 2

The objective of this MOU is to develop the existing cooperation between the Parties for the purpose of strengthening the mechanism on the conveyance and recruitment of Domestic Workers from the Republic of Indonesia.

Article 3

The Parties agree that the recruitment of Domestic Workers for employment in Malaysia shall be conducted in accordance with this MOU.

Article 4

The Government of Malaysia recognizes that the Domestic Workers shall be employed in accordance with the terms and conditions of employment as provided under the relevant laws, rules, regulations, policies and directives relating to employment in Malaysia.

Article 5

1. Any Employer who wishes to employ a Domestic Worker without the service of MRA or through IRA must obtain prior approval from the relevant authorities in Malaysia. The relevant authorities shall, as soon as practicable, inform such approval to the Indonesian Mission.

2. The Parties agree that the implementation of the employment as referred to in paragraph 1, shall be dealt with by the Joint Working Group as stipulated in Article 12.

Article 6

The Government of the Republic of Indonesia agrees to ensure that the Domestic Workers who are offered for selection by the employer to work in Malaysia shall satisfy the following conditions prior to entry into Malaysia:

(a) be at least 21 years of age but not more than 45 years of age;
(b) possess sufficient knowledge of Malaysian laws, culture and social practices;
(c) possess the ability to communicate either in Malay and/or English language;
(d) satisfy Malaysian immigration procedures in Malaysia;
(e) must be certified fit and healthy in accordance with the requirements of the relevant authorities in Malaysia and Indonesia; and
(f) do not possess any previous criminal records.
Article 7

1. The Domestic Workers under employment in Malaysia shall comply with all Malaysian laws, rules, regulations, policies and directives; and respect Malaysian traditions and customs in their conduct as Domestic Workers in Malaysia.

2. The Employers shall comply with all Malaysian laws, rules, regulations, policies and directives.

Article 8

The Parties acknowledge that the responsibilities of the Employer, MRA, IRA and Domestic Workers for the purpose of the implementation of this MOU shall be in accordance with Appendix A.

Article 9

The Domestic Workers who are recruited under this MOU shall work in Malaysia:

(a) for a specified period of time in accordance with the Contract of Employment as per Appendix B; and

(b) subject to the terms and conditions of the Contract of Employment as per Appendix B.

Article 10

Subject to Article 9, the Domestic Workers may be allowed to continue working in Malaysia as required by the Employer.

Article 11

1. The Parties shall facilitate the repatriation of the Domestic Workers upon the termination of their Contract of Employment.

2. The respective Party shall take appropriate action against Employers or MRA or IRA or Domestic Workers that contravene the provisions of this MOU.

Article 12

1. The Parties agree to establish a Joint Working Group comprising the relevant officials from the respective Governments to discuss any matter arising from the implementation of this MOU.

2. The Joint Working Group shall meet from time to time and designate the venue and date of the meeting.
viii. IRA shall be responsible for the repatriation cost of the Domestic Workers who are not certified fit and healthy from the medical examination conducted under paragraph B(x) above.

ix. IRA shall maintain and update records of the Employer and the Domestic Workers including the Domestic Workers' next of kin. The IRA shall keep the Malaysian Mission in Indonesia informed on such update records.

x. IRA shall comply with the fees for the recruitment and placement of Domestic Workers as agreed upon by the relevant Malaysian and the Indonesian authorities.

xi. IRA shall not operate/conduct the business of recruitment and placement of Domestic Workers in Malaysia.

D. Responsibilities of the Domestic Workers

i. The Domestic Workers shall sign the Contract of Employment before the time of commencement of employment. A copy of such contract shall be provided to the Domestic Workers.

ii. The Domestic Workers shall be responsible for the following payments:
   (a) Visa;
   (b) Travelling document and other related documentation imposed by the relevant authority in Indonesia;
   (c) Medical examination prior to employment of the Domestic Worker's Work Pass;
   (d) Accommodation and incidental expenses charged by IRA in Indonesia before departure;
   (e) Transportation cost from the place of residence of the Domestic Workers to the original exit point in Indonesia; and
   (f) Other expenses incurred in Indonesia.

iii. Domestic Workers shall ensure a copy of the medical examination report is available to be shown upon request at the entry point.

iv. The Government of Malaysia reserves the right to revoke the Work Pass in the event that the Domestic Workers marry in Malaysia during the period of employment.

v. No members of family or any other person shall be allowed to stay with the Domestic Workers in the place of employment without the consent of the Employer.

vi. The Domestic Workers shall be responsible to produce their foreign worker card for identification purposes to enforcement agencies whenever required during their stay in Malaysia.
IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this MOU.

DONE at Bali, Indonesia on the 13th day of May in the year 2006, in Bahasa Indonesia, Bahasa Malaysia and English, all texts being equally authentic. In case of any divergence of interpretation of this MOU, the English text shall prevail.

On Behalf of the Government of the Republic of Indonesia

[Signature]

Erman Suparno
Minister of Manpower and Transmigration
Republic of Indonesia

On Behalf of the Government of Malaysia

[Signature]

Dato' Sri Mohd Radzi bin Sheikh Ahmad
Minister of Home Affairs
Malaysia