

Indonesia's Foreign Policy : Suspends Sending Indonesian Migrant Workers (PMI) to Malaysia After the Establishment of the Online Maid System (SMO) by the Malaysian Government

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Abstract

Indonesia stopped sending Indonesian migrant workers (PMI) to Malaysia after the establishment of the Online Maid System (SMO) by the Malaysian government. SMO created various issues for PMI, especially in protecting their rights. A qualitative method was used in this study. This study discusses various factors that underlying Indonesia's foreign policy to freeze on sending PMI to Malaysia in 2022 after the establishment of the Online Maid System (SMO) by the Malaysian Government. This foreign policy analysis used funnel of causality theory from Eugene Wittkopf. This study results showed that domestic and international factors influenced in formalizing foreign policy. Domestic factors affected Indonesia's foreign policy to freeze on sending of PMI to Malaysia in 2022 after the establishment of the Online Maid System (SMO) by the Malaysian Government, including the Indonesian government's policy regarding regulation and protection of the migrant workers rights. Similarly, the role and influence of community and human rights activists in Indonesia who struggled the rights and interests of Indonesian migrant workers. The international factors, including global human rights issues for Indonesian Migrant Workers, Malaysia's policy in implementing the Online Maid System and bilateral relations between Indonesia and Malaysia related in sending PMI to Malaysia.

Keywords: *Indonesia, Malaysia, Foreign Policy, Indonesian Migrant Workers, Online maid system*

Introduction

Indonesia and Malaysia have a crucial and complex bilateral relationship. This relationship has existed for a long time, since both countries became independent in the mid-20th century. These countries have much similarity in terms of culture, history, religion and language. However, despite having many similarities, they also differ in several

ways, such as the political, economic and legal systems. As neighboring countries that are close to each other in Southeast Asia, Indonesia and Malaysia have many common and interrelated interests. Both countries have close relationship in the economic and trade. Malaysia is the potential trading partner in ASEAN for Indonesia and also one of the largest investors in Indonesia. They also have

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cooperation in security, education, tourism and culture. Indonesia and Malaysia have very strong bilateral relations, especially in terms of trade and employment.

Over the last few decades, many Indonesian migrant workers (PMI) have worked in the informal sector in Malaysia to search a better life. However, in recent years, there are many reports of mistreatment and exploitation of PMI in Malaysia. This issue has attracted concern from several parties in Indonesia and put pressure on the Indonesian government to take decisive action for PMI rights in Malaysia. Indonesian Migrant Workers (PMI) are an important source of foreign exchange for Indonesia. However, sending PMI abroad also has risks for PMI, including risks of harassment, exploitation and discrimination.

Since 13 July 2022, the government has temporarily stopped sending Indonesian migrant workers to Malaysia. This decision was taken after Indonesian representatives found evidence that Malaysia was still implementing SMO. System Maid Online (SMO) is a policy which was issued by the Malaysian government through the Malaysian Immigration Service (JIM) in 2018. This policy changes the placement of migrant workers from nine countries, including Indonesia becomes direct hiring without going through agencies as before. SMO was created to facilitate users or employers to recruit migrant workers at an affordable cost (Dhifa, 2022). Previously, recruiting costs of migrant workers through agencies were considered too high and this became an obstacle for many households in Malaysia to access migrant workers. The existence of SMO can assist employers to register

and connect with the migrant workers with an affordable cost. However, SMO also allows undocumented migrant workers to be re-employed at an additional cost to the users who hired them. The recruitment system was not in accordance with the agreement in the MoU regarding the placement and recruitment of Indonesian migrant workers in Malaysia which was signed in April 2022. The MoU should have regulated the One Channel System (OCS) as a system for recruiting and supervising Indonesian migrant workers who will work in Malaysia, which aims to provide maximum protection for migrant workers.

Problem regarding Indonesian migrant workers (PMI) in Malaysia is very complex because it involves many factors and aspects. Bank Indonesia (BI) has documented that there will be 3.44 million Indonesian overseas workers (PMI) in 2022, with the majority of them located in Malaysia, totaling 1.67 million people. Additionally, when we account for informal workers, the total number exceeds two million individuals (Rizaty, 2023). Some problems that often arise based on (Arisman & Jaya, 2021; Maksum, 2017; Rahmawati Putri & Puspita Sari, 2021), data from the International Organization of Migration or hereinafter referred to as IOM, two-thirds of the total estimated number of migrants in the world were migrant workers. If the flow of migrant workers is higher, the problems will increase. Problems that usually occur to migrant workers are exploitation in working and living conditions such as payment of wages below the minimum limit, unsafe work environment, debt bondage, and human trafficking. In addition, most cases involving Indonesian migrant workers were related to false

promises and abuse by their recruitment agencies. When migrant workers arrived in the destination countries, most of the time, they were asked to work in different sectors with different jobs and different employers, reverse with the agreement from agencies before their departure. Therefore, many Indonesian migrant workers felt cheated and did not trust recruitment agencies. In many cases, they moved to other jobs. However, without proper documentation, it can be considered as illegal workers. As a result, these people did not have access to any protection from their origin country. Undesirable conditions cause Indonesian workers should encountered harassment and, violence from their employers.

Muthia (2020) emphasized that PMI problems were related to several interrelated factors, including the large number of unregistered recruitment brokers and agents in rural areas, the lack of knowledge among Indonesian migrant workers about proper migration procedures and human rights of migrant workers, lack of government involvement in providing information and protection for Indonesian migrant workers, weak law enforcement and failure to prosecute those involved in illegal and immoral recruitment practices (Muthia, 2020).

Nevertheless, Indonesian government had carried out protect action, but in actual it did not implement as expected, in (Pratama Ilham Z et al., 2020; Sugandi Suprayogi & Heryadi Dudy, 2017) the problems of Indonesian migrant workers had been responded politically by President SBY by establishing BNP2TKI in 2004. At that time, BNP2TKI was in charged in protecting Indonesian migrant workers overseas,

one of which was in Malaysia. This protection covered sending PMI until repatriation to Indonesia. The efforts from Indonesian government to protect Indonesian migrant workers are embodied in Law Number 39 of 2004 concerning the Placement and Protection of Indonesian Migrant Workers Overseas which is issued to regulate the placement of Indonesian migrant workers in destination countries, including in Malaysia. Agreements and laws that governing Indonesian migrant workers include the Memorandum of Understanding (MoU) between Indonesia and Malaysia regarding sending migrant workers in 2006, which was renewed in 2016.

The Indonesian Migrant Workers' Placement and Protection Law (UU No. 18) 2017) which determines protection standards for Indonesian migrant workers abroad. Furthermore, migrant worker placement program managed by the Indonesian Ministry of Manpower to ensure that companies that recruit Indonesian migrant workers meet standards and provide adequate protection for migrant workers.

In addition, the implementation of MoU between Indonesia and Malaysia strengthens cooperation between the governments of Indonesia and Malaysia in the supervision, placement, protection and repatriation of Indonesian migrant workers. (Pratama Ilham Z et al., 2020) explained that several efforts, namely international cooperation was carried out to ensure the safety of Indonesian Migrant Workers (PMI). One of the collaborations was cooperation between Indonesia and the International Labor Organization (ILO). One of the programs was the

Decent Work Country Program (DCWP) which functions to protect PMI in Malaysia, as one of the countries that has accepted many migrant workers from Indonesia.

An understanding of the factors underlying Indonesia's foreign policy to suspend sending PMI to Malaysia after the establishment of the Online Maid System (SMO) by the Malaysian Government has a high urgency. This is because Indonesia's foreign policy relates to important issues regarding human rights and the protection of Indonesian migrant workers rights in Malaysia. In addition, this policy is also related to bilateral relations between Indonesia and Malaysia which have a long history and becomes focus from international attention. Therefore, research that investigates the factors underlying Indonesia's foreign policy to suspend on sending PMI to Malaysia after the implementation of the online maid system by Malaysia provided important contribution to understanding issues related to human rights and bilateral relations between the two countries.

The author discusses the factors that underlie Indonesia's foreign policy to suspend sending PMI to Malaysia after the establishment of the Online Maid System (SMO) by the Malaysian Government using the funnel of causality theory initiated by William Wittkopf in 2008. This theory is used in the relations international law to explain the complex interaction between domestic and international factors in establishing foreign policy. Domestic factors include the political system as well as socio-economic factors in the country and the society and individuals conditions (Wittkopf et al., 2008). While international factors include global factors such as

the international system, relations with other countries, and changes in power dynamics at the global level.

According to the theory, domestic and international factors interact and influence each other in shaping a country's foreign policy. Domestic factors can limit or expand the scope of a country's foreign policy, while international factors can influence a country's foreign policy preferences. The funnel of causality theory emphasizes that a country's foreign policy is not the result of a single factor, but of a complex interaction between domestic and international factors. Therefore, this theory emphasizes the importance of looking at interrelated factors in shaping a country's foreign policy (Wittkopf et al., 2008)

The purpose of writing this article was to discuss the factors underlying Indonesia's foreign policy to freeze in sending PMI to Malaysia after the establishment of the Online Maid System (SMO) by the Government of Malaysia.

Research Methods

This study used a qualitative method. Through literature study, this method involved collecting data through text sources related to the topic, such as official documents, journals, books, articles and news. Data was collected by searching for data sources related to the research topic. Relevant data was analyzed and recorded for each data source. Data that had been collected was analyzed using qualitative analysis methods. Data was categorized into relevant research topic. Then, it was interpreted to find patterns and themes related to the factors underlying Indonesia's foreign policy to freeze in sending PMI to Malaysia

after the establishment of the SMO by the Government of Malaysia.

Results and Discussion

According to (Wittkopf et al., 2008), in understanding the factors underlying Indonesia foreign policy to suspend sending PMI to Malaysia after the establishment of the Online Maid System (SMO) by the Malaysian Government, it can be carried out through investigations towards domestic and international factors in formalizing foreign policy. The domestic factors that influence Indonesia's foreign policy to freeze in sending PMI to Malaysia after the establishment of the Online Maid System (SMO) by the Malaysian Government, is the Indonesian government's policy regarding regulation and protection of the rights of migrant workers, including arrangement recruitment mechanisms and providing legal protection for PMI. As well as the role and influence of community and human rights activists in Indonesia who struggled for the rights and interests of migrant workers. The international factors, including global human rights issues for PMI, Malaysia's policy in implementing the Online Maid System, as well as bilateral relations between Indonesia and Malaysia related to sending PMI.

Domestic Factor

Indonesian government policies related to the regulation and protection of the rights of Indonesian Migrant Workers

The unemployment rate in Indonesia is categorized as high, which cause the government tried to find new jobs for its citizens, including by sending PMI abroad as migrant

workers. Indonesian labor are limited to certain sectors and did not distributed equally between urban and rural areas, forcing people to find work abroad (Berkatin Winda et al., 2021).

Demands from community to improve economic welfare, especially for PMI families, the government responds by opening new jobs abroad. In its implementation, the Indonesian government has policies related to the regulation and protection of the rights of migrant workers, including the regulation of recruitment mechanisms and the provision of legal protection for PMI working abroad, including through the process of recruitment and legal protection for Indonesian Migrant Employees abroad, including Malaysia.

The consequence of sending Indonesian Migrant Workers to Malaysia is the need for protection from the Government of Indonesia for Indonesian Migrant Workers. This has been stated in the new Law, namely Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers which was issued to revise Law Number 39 of 2004 concerning Placement and Protection of Indonesian Migrant Workers Abroad, which aims to improve the weaknesses in Law 39/2004 . This law assigns the government role in a more dominant position compared to the private sector, to prevent inhumane acts against PMI due to the lack of role from the state. The presence of Law 18/2017 is expected to be a new solution for Indonesian migrant workers and their families to avoid acts of crimes against humanity such as human trafficking, slavery, forced labor, violence, and other actions that harm human rights (Moh Nizar et al.,

2017)

The revision of this law shows the government's commitment to protect PMI. There are five important things that changed the PMI protection pattern from the previous law to the new law, namely: decentralization of PMI protection, strengthening the role of the Labor Attache, PJTKI has 2 functions (namely the transfer agency function and the marketing function), insurance PMI is handled by the government, and there are sanctions for violators of the law.

One of the advantages of Law Number 18 of 2017 compared to the previous law is the decentralization of PMI protection, in which local governments have a big responsibility to manage and protect PMI from the recruitment process. In an effort to actualize this law, the government has built one-stop service centers for PMI in all districts and cities, especially in PMI recruitment centers (Moh Nizar et al., 2017)

Through strengthening the government's role in the law, and also a commitment from the Indonesian government to improve protection for PMI abroad, including Malaysia. Thus, related to the implementation of SMO (System Maid Online) by the Malaysian government, it can be said that it has damaged the efforts that have been made by Indonesia in providing PMI protection in Malaysia, because the implementation of SMO in Malaysia is not in accordance with the Indonesian government intentions, especially in minimizing potential loss.

SMO has many weaknesses because it could not provide optimal protection for Indonesian migrant

workers. The level of protection is minimal because there is no responsible agent or company, especially if the system did not check the track record of the prospective employer who would employ them. In addition, the characteristics of Indonesian migrant workers who are less independent and do not fully understand their rights increase the risk of difficulties in fighting for these rights. (Muhammad, 2020) On the other hand, Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers can provide basic protection for migrant workers who need it, especially those managed by companies that provide Indonesian labor services. If Malaysia recruits migrant workers through the Online Maid System, this violates Law Number 18 of 2017 which has been established by the Indonesian government to protect Indonesian migrant workers.

The role and influence of community groups and human rights activists in Indonesia who struggled for the rights and interests of migrant workers

Migrant Care Indonesia is an organization concerned with the rights of Indonesian migrant workers, including domestic workers abroad. Regarding the implementation of the online maid system in Malaysia, Migrant Care Indonesia gave a critical response. They mentioned that the online maid system did not provide adequate protection for migrant workers, especially for domestic workers who are vulnerable to exploitation and abuse (Saputra, 2022). In addition, Migrant Care Indonesia also stated that the system could increase the risk of human

trafficking.

Migrant Care Indonesia emphasizes that the Malaysian government must ensure that migrant workers, including domestic workers, receive adequate protection in accordance with human rights. The Malaysian government must also ensure that the online maid system is not misused for the purpose of exploitation and human trafficking. Migrant Care Indonesia also requests that the Indonesian government take action to protect the rights of Indonesian migrant workers in Malaysia, especially with the existence of SMO as a recruitment channel implemented by the Malaysian government (Saputra, 2022).

Criticisms to SMO policies had been revealed by human rights activists because SMOs was considered assisting in providing an opportunity for profit-seeking people to bring migrant workers directly from their country of origin using tourist visas. These migrant workers were taken without going through official procedures and not registered with the Ministry of Manpower and e-KTKLN (Sarah, 2021).

International Factor

Global Human Rights Issues for PMI

The issue of Indonesian migrant workers has become a global issue related to human rights because migrant workers are a group that is vulnerable to human rights violations. Migrant workers often work in unfit and unsafe conditions, and are vulnerable to exploitation, abuse and discrimination. Indonesia has greatest contribution in sending migrant workers in the world, and millions of Indonesian migrant workers are spread all over the world, including in

Asia, Middle East and Europe. Many Indonesian migrant workers work in high-risk sectors, such as the plantation, fishing, and domestic work sectors. Human rights problems faced by Indonesian migrant workers do not only occur within the country, but also in destination countries. Many Indonesian migrant workers experience exploitation, abuse and discrimination in the workplace, and do not have adequate access to health services, education and legal protection (Clarissa et al., 2023).

The issue of Indonesian migrant workers is a global issue related to human rights because it involves many different countries and actors, including the government, employers, recruitment agencies, and civil society including for Indonesian migrant workers in Malaysia. This problem requires collective action and coordination between countries to ensure that migrant workers receive appropriate protection and rights in accordance with international human rights standards. Violence and discrimination against PMI working in Malaysia. The establishment of Law on the Protection of Migrant Workers in 2017 was partly due to pressure from the United Nations committee on migrant workers over the urgency of protecting Indonesian migrant workers. These laws cover various aspects, including recruitment, protection, repatriation and dispute resolution. Maid Online System, specifically the rules and recommendations given by the UN Migrant Workers Committee could not be implemented (PTRIJenewa, 2021).

Malaysia's policy in implementing the Online Maid System

On January 1, 2018, the Malaysian Migration Service (JIM),

representing the Malaysian government, issued a policy regarding the Maid Online System (SMO). The Maid Online system is a direct hiring method for placing migrant workers without going through an agency (Sarah, 2021).

Previously, the placement of Indonesian migrant workers in Malaysia was only through agencies as intermediaries between users and migrant workers. Through SMO, the Malaysian government changed the placement system by minimizing the role of agencies. The new policy allows migrant workers from nine countries, including Indonesia, Thailand, the Philippines, Cambodia, India, Laos, Nepal, Sri Lanka and Vietnam. The SMO policy was originally created to help users or employers reduce the high costs of recruiting migrant workers through agencies. The middle class in Malaysia supports this policy especially those who are struggling to build a career and family. Prior to SMO, employers had to pay agency fees of around RM15,000.00-RM20,000.00 to employ migrant workers. The fee is considered too expensive and becomes an obstacle for many households in Malaysia to access migrant workers (Sarah, 2021).

SMO allows employers to register and connect with the migrant workers with affordable cost. In this case, SMO is considered to be able to reduce placement costs through agencies. In addition, SMO also provides an opportunity for undocumented migrant workers to re work, although there are additional costs that must be paid by the employers. The recruitment process through SMO is also easier, especially if the prospective migrant worker has domiciled in Malaysia, which only take

5-8 days to complete all recruitment process (Sarah, 2021).

The MoU on the Placement and Protection of Indonesian Migrant Workers (PMI) in Malaysia stipulates that the placement of domestic migrant workers from Indonesia to Malaysia will be carried out through a One-Channel System, which has accommodated Job Orders, placement processes, and workplace facilities. This system is the only legal mechanism for recruiting and placing Indonesian domestic migrant workers in Malaysia. However, the Malaysian government violated the agreement by continuing to recruit workers through System Maid Online (SMO), an online recruitment system. Recruitment through this system is believed could harm PMI to exploitation and violates Law Number 18 of 2017 concerning the Protection of Migrant Workers (Putra, 2022).

In this case, SMO encouraged PMI entered Malaysia using a tourist visa, then it was changed to a work visa during recruitment. They worked without undergoing training, did not understand the employment contracts, did not have clarity about wages, employers, facilities, rights and protection. Based on data obtained from the Indonesian Embassy in Malaysia, hundreds of domestic PMIs have had problems due to the SMO recruitment system (Putra, 2022). Therefore, the Indonesian government decided to temporarily stop sending PMI to Malaysia due to PMI recruitment through the Online Maid System.

The act of temporarily suspend PMI placement in Malaysia regarding the application of Online Maid System, aims to provide protection and rights that should be receive by PMI in accordance with the provisions in

Articles 6, 7 and 8 of Law Number 18 of 2017. One of the rights is to obtain legal assistance and protection against actions that can be humiliating in accordance with the laws and regulations which applicable in Indonesia and placement country.

Bilateral relations between Indonesia and Malaysia related to sending PMI.

Bilateral relations between Indonesia and Malaysia regarding sending Indonesian Migrant Workers (PMI) have existed for decades. Since the 1970s, PMI has been the largest number of foreign workers sent to Malaysia. This bilateral relationship is very important for both countries because PMI makes a significant contribution to the economies of both countries. However, there are a number of issues that is considered as serious concern in this bilateral relationship related to the protection of the rights of Indonesian migrant workers in Malaysia. The Indonesian government has expressed concern about several cases related to violations of human rights and the migrant workers rights, such as cases of violence and discrimination, inadequate working conditions, restrictions on freedom of assembly and association, and lack of access to health and education services (Muthia, 2020).

Indonesia and Malaysia had signed agreements on protection of Indonesian Migrant Workers (PMI). Some of the important agreements between Indonesia and Malaysia include the Cooperation Agreement on the Transfer of Labor Between the Government of Indonesia and the Government of Malaysia, which was signed in 2006, aims to regulate the transfer and protection of workers

between Indonesia and Malaysia. This agreement covers several aspects such as mechanism for registration, recruitment, training, delivery, legal protection, and repatriation of workers.

The next agreement was the Memorandum of Understanding (MoU) regarding the Protection and Management of Labor Between the Government of Indonesia and the Government of Malaysia which was signed in 2016, which aims to improve the protection and management of foreign workers in Malaysia, including PMI. This MoU covers efforts to prevent exploitation, violence, and human trafficking, as well as increase access to health and education services (Clarissa et al., 2023).

The latest regulation regarding Indonesian Migrant Workers is Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers (UU PPMI). The Memorandum of Understanding (MoU) on the Protection and Management of Indonesian Migrant Workers in Malaysia: This MoU was signed in 2018, which aims to improve the protection and management of Indonesian migrant workers in Malaysia. This MoU includes efforts to increase the access of Indonesian migrant workers to their rights, including the right to wages and the rights to freedom of assembly and association.

The most recent is the MoU on the Placement and Protection of Indonesian Migrant Workers in the Domestic Sector in Malaysia which was signed in 2022. The MoU between the two countries regulates the implementation of a one-channel system as a system of recruitment until supervision. The Head of State believes that using this system could

provide maximum protection for Indonesian migrant workers (PMI). Regarding the SMO which refers to the PMI recruitment system in the domestic sector or domestic helpers, it is considered a form of violation towards the agreement between Malaysia and Indonesia. The Indonesian government was not able to know the name of employer, or the amount of salary that the domestic worker received. Thus, the application belonging to the Malaysian Ministry of Home Affairs is vulnerable to exploiting PMI. The Indonesian Embassy in Kuala Lumpur recommends to the Central Government to temporarily stop PMI placement in Malaysia, until there is clarification from the Malaysian Government, including a commitment to close the SMO mechanism for PMI placement.

Malaysia was considered to have violated the agreement signed on April 1, 2022. According to the agreement, PMI recruitment in domestic sector was only carried out through a one-channel system. Based on agreement, the channel was supposed to be the only official mechanism for recruiting and placing domestic sector PMIs in Malaysia. With this channel, the Indonesian government should be able to review the amount of salary and health social security of PMI (Aida, 2022). Meanwhile, in actual the Government of Malaysia was still carrying out PMI recruitment through the online maid system.

Overall, the maid online system in Malaysia has threatened Indonesian migrant workers, because they do not have a sufficient legal protection, experience uncertainty in employment and income, should pay high fees and obtain unfair payment

system. In addition, the Malaysian government does not provide sufficient support to protect the rights of Indonesian migrant workers.

Conclusion

Factors that underlying Indonesia's foreign policy to freeze in sending PMI to Malaysia after the establishment of the Online Maid System (SMO) by the Malaysian Government showed that domestic and international factors had an influence in establishing this foreign policy. The domestic factors that affected this action was the Indonesian government's policy regarding the regulation and protection towards the rights of migrant workers, including the regulation of recruitment mechanisms and the provision of law protection for PMI working abroad. The role and influence of community and human rights activists in Indonesia who struggled for the rights and interests of migrant workers. As for international factors, concerning global human rights issues for PMI, Malaysia's policy in implementing the Online Maid System, bilateral relations between Indonesia and Malaysia related to PMI.

The author provides recommendations to suppress problems related to Indonesian migrant workers in Malaysia, among others, build better relations with the Malaysian government to increase cooperation in protecting Indonesian migrant workers there. This can be done through active diplomacy and open dialogue between the two countries. Increase access of Indonesian migrant workers to legal information and resources, including their rights and obligation. Develop a

more effective monitoring and supervision system to ensure that Indonesian migrant workers in Malaysia work in safe and humane conditions. For example, by always adhering to the One Channel System that has been proposed by Indonesia. Also can be done through regular work audits and supervision by non-governmental organizations and government officials.

Promote better training and education for Indonesian migrant workers is also important, so that they can acquire the skills necessary to work in more productive and future-oriented industries. Indonesian government should develop a more comprehensive policy to strengthen the protection of Indonesian migrant workers in Malaysia, including efforts to address the factors driving migration and find long-term solutions to this problem.

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