PLACEMENT PROCEDURES OF INDONESIAN MIGRANT WORKERS IN MALAYSIA: CASE STUDY AT PPTKIS BANTUL REGENCY

UNDERGRADUATE THESIS

This undergraduate thesis is submitted as one of the requirements to obtain the degree of Bachelor of Laws at the Faculty of Law

Universitas Muhammadiyah Yogyakarta

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FACULTY OF LAW
INTERNATIONAL PROGRAM FOR LAW AND SHARIA
UNIVERSITAS MUHAMMADIYAH YOGYAKARTA
2018
DECLARATION PAGE

I hereby declare that the undergraduate thesis entitled “Placement Procedures of Indonesian Migrant Workers in Malaysia: Case Study at PPTKIS Bantul Regency”, its content is truly my own work and I did not do plagiarism or quotation. On this statement, I am ready to bear the risk/any sanction imposed on me in accordance with applicable regulations. If in the future it is found a breach of scientific ethics, I am willing to accept the sanctions.

Written by:
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Yogyakarta, December 8th, 2018

Baiq Nuzulia Putri
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Baiq Nuzulia Putri
20140610316
For indeed, hardship will be ease.

(Asy-Syarh 5:30)

So when you have finished your duties, then stand up for worship.

(Asy-Syarh 7:30)

And every small and great thing is inscribed

(Al-Qamar 54:53)

And say (O Muhammad SAW) “Do deeds! Allah will see your deeds, and (so will) His Messenger and the believers. And you will be brought back to the All-Knower of the unseen and the seen. Then He will inform you of what you used to do.”

(At-Taubah 9:105)

Barangsiapa yang senantiasa beristighfar maka Allah akan memberikan kegembiraan dari setiap kesedihannya, dan kelapangan dari setiap kesempitannya, dan memberinya rizki dari arah yang tiada disangka-sangka

(HR. Abu Daud, Ibnu Majah dan Ahmad)
DEDICATION PAGE

This undergraduate thesis is dedicated to

My Lord, Allah SWT
Prophet Muhammad SAW

My beloved parents
H. Lalu Nasarudin
Hj. Baiq Nurhalimah

My beloved Grandfather and Grandmother
Alm. H. Lalu Sulaiman
Alm. Hj. Baiq Salmah

My beloved sister
Baiq Fitria

My beloved Brothers
Lalu Najamudin
Lalu Islahudin

My lovely cousins
Amelia Afisa
M. Aiman Arif

My lovely nephews
Bayu Aji Nusantara
Surya Aji Nusantara
FOREWORD

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The Government Regulation No. 4 of 2013 on the Procedure and Placement of Indonesian Migrant Workers abroad by Government.

The Government Regulation No. 3 of 2013 on the Protection of Indonesian Migrant Workers Abroad.

The President Regulation No. 18 of 2016 on the National Authority for the Placement and Protection of Indonesian Overseas Workers (BNP3TKI).

The Ministerial Regulation No. 22 of 2014 on the Implementing Placement and Protection of Indonesian Migrant Workers abroad.

The Ministerial Decree of Manpower and Transmigration of the Republic of Indonesia No. 104A/2002 on the Ministry of Manpower and Transmigration.
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<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>TKI</td>
<td>Tenaga Kerja Indonesia (Indonesian Migrant Workers)</td>
</tr>
<tr>
<td>PPTKIS</td>
<td>Pelaksana Penempatan Tenaga Kerja Indonesia Swasta (Private Worker Placement Agency)</td>
</tr>
<tr>
<td>SIP</td>
<td>Surat Izin Pengerahan (Worker Supply Permit)</td>
</tr>
<tr>
<td>PAP</td>
<td>Pembeakalan Akhir Pemberangkatan (The final briefing for departure)</td>
</tr>
<tr>
<td>KTKLN</td>
<td>Kartu Tenaga Kerja Luar Negeri (Overseas Worker Card)</td>
</tr>
<tr>
<td>SIPPTKI</td>
<td>Surat Izin Pelaksana Penempatan Tenaga Kerja Indonesia (Worker Placement Agency Permit)</td>
</tr>
<tr>
<td>PKSP</td>
<td>Perjanjian Kerjasama Penempatan (Placement Cooperation Agreement)</td>
</tr>
<tr>
<td>PP</td>
<td>Perjanjian Penempatan (Worker Placement Agreement)</td>
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<td>MCU</td>
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