

CHAPTER 1

INTRODUCTION

A. Background

Indonesia is a country that has gained independence from hard work by risking the bloodshed of the nation's ancestors. The struggle to free the nation from colonization by other nations was achieved, marked by the proclamation on 17 August 1945. The nation's ideals and hopes are used as an essential guide to building Indonesia in a better direction. National development aims to regulate and prosper in every single sector of life as needed by the Republic of Indonesia in carrying out life to achieve prosperity. State leaders have an essential role in regulating the direction of national development in line with the 1945 Constitution and Pancasila. (Eddie Siregar, 2012)

In the 7th presidential administration, the pair JokoWidodo-JusufKallahave a vision based on "The realization of a sovereign, independent and personality Indonesia based on cooperation." Jokowi-JK makes the nine priority agendas used to realize the national development vision and mission called nawacita.

Nawacita is a general term that is absorbed from Sanskrit, "nawa" (nine) and "cita" (hopes, agendas, desires). These nine priorities are part of the Development Plan to become a strong development foundation. Not only in the economic field, but the Nawacita vision also involves development priorities in fields such as culture, education and defense and security. (Natal Kristiono, 2016)

The content of the Nawacita idea is economic equality for infrastructure development as a dialectics of development. This is an understanding of political development since the old order, the new order, the Reform Order. Political sovereignty creates a balance of politics in overcoming the problems of workers and employers. Currently, the population of Indonesia is estimated to reach more than 265 million, so it ranked fourth under China, India and the United States. This large population can be seen as a burden and a potential for development. (Nasional, 2010)

All development efforts, whenever and wherever they are always directed to improve the welfare of the population, reduce the number of poor people, and reduce unemployment. Judging from the economic dimension, the welfare population is determined by the conditions of the distribution of resources such as land, capital and the opportunity of trying and employment as well as being no less important is the quality of its human resources. (Molo, 2015)

For Indonesia, Human Resources is one of the critical factors in economic reform, namely how to create quality and skilled human resources and highly competitive in the global competition that has been ignored.

In the current era of globalization, countries compete in the global competition. This makes the countries in the world need each other in terms of cooperation for the interests of their respective countries.

Nine development agendas Nawacita presented in the National Development Plan, as follows:

1. Bringing back the country to protect all nations and provide security to all citizens.
2. Make the Government always present by building governance that is clean, effective, democratic and reliable.
3. Build Indonesia from the periphery by strengthening regions and villages within the framework of a unitary state.
4. It is strengthening the presence of the state in reforming systems and law enforcement that are free of corruption, dignity, and dependability.
5. Improve the quality of life of Indonesian people.
6. They are increasing people's productivity and competitiveness in international markets so that the Indonesian people can advance and rise with other Asian nations.
7. They realize economic independence by moving the strategic sectors of the domestic economy.
8. It is revolutionizing the nation's character.
9. Strengthen diversity and strengthen Indonesia's social restoration.

Referring to Nawacita, nine agendas priority Jokowi-JK, the 6th order is mentioned: "Increasing people's productivity and competitiveness in international markets so that the Indonesian people can advance and rise with other Asian nations." (Polmas, 2014)

One of the nawacita programs promises the presence and protection of the state and provides security for all Indonesian citizens, including migrant workers. The importance of migrant protection, but many incidents occurred.

Indonesian workers sent to abroad began in 1887 with the sending of migrant workers (contract jobs) to the countries of the Dutch colonies such as to Suriname, Caledonia and the Netherlands. (Irewati, 2003)

The government's attention to the workforce generally starts from the issuance of Law Number 14 of 1969 concerning Manpower Principles, and Manpower Regulation Number 4 of the year 1970 concerning the deployment of human resources. This legislation is very inadequate to protect the workforce, especially TKI-LN. UU No. 14 of 1969 did not touch the whole, because it only regulates manufacturing workers and does not regulate informal workers, such as domestic servants. (Dr. Romly Arsyad, 2014)

The purpose of the existence of migrant workers who were work abroad is one of the government's efforts to increase the country's foreign exchange. Formally mobility the population in Indonesia, known as migration had started in 1905. Indonesia's workers is no longer a phenomenon of migration of population abroad to work, but it has become a trend that makes the character of this nation that often sends its workforce abroad. This is because the fieldwork in Indonesia is minimal especially for the low-educated society; they are willing to get out of their country to try their luck with other workers.

Indonesian workers who are abroad and get success will make their families get happiness because for them by working abroad will be high income, and this is something to be proud of in increasing the degree and social status of their families. However, the number of Indonesian Workers who are successful

is also not comparable to the number of workers who get lousy luck there, such as common and fundamental problems faced by almost all countries in the world for example: many immigrants are involved in disputes with their employers, cases of torture, wage levels that are not appropriate, especially the lack of eligibility or inhumane treatment.

A variety of negative impacts arising from migrant workers problems, causing a level of welfare becomes very minimal. This illustrates how legal protection given to Indonesian migrants workers is still far from expectations even though there has been a national or international legal system.

Many factors cause Indonesia to migrate abroad, especially to Malaysia. In addition to the pulling factors that exist abroad in the form of higher wages, then the most influential factor is the internal driving factor, namely that one of the most important fundamental rights of citizens is not fulfilled, namely work. In the framework of ASEAN regional cooperation, the issue of migrant workers is one of the most crucial. This world full of uncertainty and contradiction becomes a strategic environment where Indonesian diplomacy is essential that must be carried out thoroughly. The opportunity to take advantage of opportunities that are open in this globalization era depends on the proximity of the bilateral international factors of the country. The progress of Indonesia's reform and democratization process has enabled the Republic of Indonesia to be better prepared to face the globalization process that can place itself without any sense of awkwardness in the mainstream of Indonesia's relations with Malaysia, that is, showing a firm stance towards other countries to protect Indonesian citizens, the Indonesian people eagerly await especially Indonesian migrant workers who get unfair treatment by the boss (forward). (Pasetia, 2012)

Indonesia is one of the most significant labor sources in Malaysia, the geographical location is not too different from Indonesia, language, culture, and religion which is not much different from Indonesia is the main factor that encourages Indonesian workers to work in Malaysia. Besides, the value of the ringgit currency is higher than the rupiah is one of the factors

of Indonesian migrant workers. So from that Malaysia is one of the leading countries the main aim of the Indonesian workers.

On the one hand, Malaysia has enjoyed prosperity thanks to the political stability in the life of nation and State. Malaysia's economy only relied heavily on rubber and tin production. Economic transformation that has been carried out since the 1970s has made Malaysia a modern country. The industrial process has made Malaysia complete with modern and efficient infrastructure. (LPPM, 2016)

Industrial growth also results in an increase in workers demand in manufacturing and construction that cannot be met by domestic workers. Until the early 1980s, the scarcity of migrant workers in the agricultural sector and the high demand for domestic workers among the middle class who have inflated, so that accelerate the influx of waves of migrant workers. (Bagja Waluya, 2016)

Malaysia is charming. Many migrant workers choose to enter Malaysia through unofficial routes because immigration through official employment agencies can result in delays in long departures and entangled bureaucratic procedures, while unofficial arrangements only take a few days. However, there is a higher risk of corruption and harassment with unlicensed labor agents, as well as a lack of protection if workers face problems with their employers or authorized government agencies.

Behind all this, there are many human rights violations committed against Indonesian workers. This happens because the opportunities that are open to Indonesian workers are jobs with relatively low quality so that they often cause problems of exploitation, oppression, fraud and more. Many migrant workers go abroad using fake documents, so their status in the destination country becomes illegal. With this illegal status, the rights of workers even as human beings are violated.

The increasing number of illegal migrants allegedly caused a high level of criminal. That is why the Government of Malaysia was taking steps to rid the country of illegal workers by conducting mass repatriation to the homeland. Massive repatriation of illegal Indonesian workers triggered by the

majority of illegal migrants entering Malaysia did not have adequate official documents as a job seeker. Indonesian workers in Malaysia need to be organized efficiently and provide the convenience and protection needed both domestically and abroad as part of Indonesia's employment planning while taking into account the dignity and good name of the nation and state. The sending of Indonesian workers abroad especially in the discussion of this research toward Malaysia because many of the problems faced by Indonesian workers migrants in Malaysia as a nation that is cognate and also has the same historical background, It should still refer to the policy and diplomacy of Indonesia's foreign relations with Malaysia, which among others are developed to increase friendship and bilateral cooperation in terms of the protection and rights of migrant workers between the two countries which refers to the declaration and must be in accordance with national interests for both countries. (Kemlu, 2017)

Indonesian policy on the migrant worker era of Jokowi still has many incidents, such as fraud, violence, exploitation, and deportation policies towards Indonesian workers. Reflecting on the many incidents that happened to immigrant workers in Malaysia, this is currently a problem and seizes the full attention of the Indonesian government because many of the problems affecting Indonesian migrant workers are not so much noticed. One of them is the rights of migrant workers abroad, and this is a concern of the government because their rights are often ignored by the Indonesian government itself and the country where they work.

Moreover, the issue of protection is vital for workers to get justice for those abroad. The problem of migrant workers is a common and fundamental problem faced by almost all countries in the world, and many immigrants are involved in disputes with their employers, cases of torture, inappropriate wage rates, especially the lack of proper rights or inhuman treatment. As with the case of Adelina Lisao, Indonesian workers from East Nusa Tenggara (NTT), died at Bukit Mertajam Hospital, Malaysia, on Sunday (11/2/2018). The day before he died, rescue

workers found Adelina outside her employer's house in Penang. When found, the 21 years old woman suffered injuries to her body. Among other things on the head, face, and pus in burn marks on the legs. Besides that on 7 November 2017, Siti Romlah a migrant worker from Jember, East Java, who decided to go home with a weak and injured body. Siti said that she often received harsh treatment, such as being showered with hot water, or beaten with objects in her employer's house for five years working there. Then on December 21, 2016, a migrant worker named Suyanti was found unconscious on the edge of 3/10 PJU at street Mutiara Damansara. The worker from North Sumatra suffered injuries all over his body, and his eyes were bruised, and after awakening finally, Suyanti told her about torture from her employer starting from when she worked for one week, and there were many other cases.

Various adversely effects of migrant workers problems, causing the level of welfare to be very minimal. This illustrates how the legal protection provided to Indonesian workers migrants is still far from expectations despite national and international legal instruments.

High hopes from various parties for the best solution to all these problems, Malaysian Ambassador to Indonesia Zahrain Mohamed Hashim said the existence of Indonesian workers is essential in its contribution to fostering the development of the industry in Malaysia. "Migrant workers have a large role in advancing the Malaysian economy because they are involved in various economic sectors, such as the oil industry, plantations, and manufacturing," Ambassador Zahrain said in an exclusive interview with Antara in Jakarta, Wednesday, 28 January 2018. The workforce also demanded the promise written on the first point of the NawaCita program, which was to emphasize the need for the presence of the state to protect all nations including protecting the migrant worker. Therefore, the protection of migrant workers is a priority of the Jokowi-JusufKalla cabinet program. (Probosiswi, 2015)

Friday, 29 June 2018 a meeting was held between Malaysian Prime Minister Mahathir Mohamad and President

JokoWidodo at the Bogor Palace who had many hopes that both countries could address the problems of Indonesian Workers who complained about their fate in the neighboring country. With the direct discussion, it is expected that problems that have not been found for the best solutions for years can be resolved immediately. Since the 1990s the case of Indonesian migrant workers who have been threatened with criminal acts is a crucial issue, which is marked by execution. Until now the cases of violence and the threat of the death penalty seem insoluble, so it is not strange if the number is now in the hundreds. In the era of Susilo Bambang Yudhoyono, a task force for handling Indonesian citizens who were threatened with death was formed. (BBC, 2018)

However, this task force is ad hoc, only one year, and also unable to keep the peace of new cases of Indonesian migrant workers threatened with death. Diplomacy must begin with the Indonesian Government itself to eliminate criminal acts. It is saving Indonesian workers so that the Indonesian Government has moral legitimacy to free its citizens from the death penalty. Also, a comprehensive short, medium and long term policy must be prepared with a migration scheme that prioritizes the enforcement of human rights to end the regime of exploitative migration. President Jokowi as head of state and head of government must be able to lead direct diplomacy in defense of migrant workers who are still in a long line facing the threat of punishment. The President must be able to take valuable lessons from his predecessors, such as Abdurrahman Wahid, and also the President of the Philippines, the Prime Minister of Australia, and the President of Brazil as heads of state who are serious about trying to protect and defend their citizens.

The Law on Placement and Protection of Migrant Workers must be immediately completed based on the principles contained in the International Convention on the Protection of All Rights of Migrant Workers and Their Families which the Indonesian Government ratified on 12 April 2012. The revision of the Law must also have the spirit of abolishing the role of the private sector which has so far monopolized the migration

process to ensure the re-presence of the state from villages to the central bureaucracy. The face of female migration also requires the government to immediately ratify the domestic worker's bill and ratify ILO conventions 189. The ratification of the Domestic Workers Bill will strengthen Indonesian diplomacy to protect Indonesian migrant domestic workers abroad. (Naek Siregar, 2014)

There are various cases faced by migrant workers who work in various countries, and the lack of maximum protection and enforcement of various violations experienced by migrant workers needs to be a severe concern for every stakeholder. This is the background of the author to raise this issue and for this reason, in this discussion it needs to be reaffirmed how the effectiveness of the implementation of protection from the government towards Indonesian workers in Malaysia related to the implementation of an agreement or declaration in the ASEAN region namely the protection and promotion of the rights of migrant workers (*declaration protection and promotion of the rights of migrant workers*) Because the workforce is experiencing much exploitation with a variety of problems, unpaid wages, treatment that violates human rights as workers who become migrants in Malaysia because this is the dignity and dignity of the Indonesian people.

B. Research Question

How does Indonesia Government improving legal protections for the migrant workers in Malaysia?

C. Theoretical Framework

In observing the issues raised, needed the Foundation theories of International Relations experts that are considered relevant to the issue proposed by the author. The reference framework needed in writing is used as a guideline in researching so that the issues and topics discussed do not deviate from the predetermined path of discussion. In answering the problem statement, the author will use the concept of migrant protection.

The beginning of the emergence of the theory of legal protection originated from the theory of natural law. This flow was pioneered by Plato Aristotle (Plato's pupil and Zeno) (founder of the Stoic School). According to the natural law, it states that the law comes from God that is universal and eternal, and between law and morals must not be separated. The adherents of this school view that law and morals are reflections and rules internally and externally of human life which are realized through law and morals. (Sinaulan, 2018)

Law was created as a means or instrument to regulate the rights and obligations of legal subjects. Besides that, the law also functions as a protection for legal subjects. The principle of legal protection against government actions originating from the concept of recognition and protection of human rights is directed at restrictions on the obligations of the public and the government. (Hadjon P. M., 1978)

According to Fitzgerald, he explained Salmond's legal protection theory that law aims to integrate and coordinate various interests in society because, in traffic of interest, protection of particular interests can only be done by limiting various interests on the other hand. The legal interest is to take care of human rights and interests so that the law has the highest authority to determine human interests that need to be regulated and protected. (Raharjo, 2000)

According to Lili Rasjidi and I.B Wysa Putra argues that the law can be used to realize protection that is not only adaptive and flexible but also predictive and anticipatory (Putra, 1993)

Whereas in the opinion of Philipus M. Hadjon that legal protection for the people as preventive and repressive government action. Whereas in the opinion of Philipus M. Hadjon that legal protection for the people as preventive and repressive government action. Preventive legal protection aims to prevent the occurrence of disputes, which directs government actions to be careful in making decisions based on discretion, and repressive protection aims to resolve disputes, including its handling in the judiciary. (Hadjon P. M., 1987)

According to Philipus M. Hadjon also legal protection is always related to power. Two powers are always of concern, namely the power of the Government and the power of the economy. Concerning the authority of the Government, the issue of legal protection for the people (who are governed), is against the Government (which rules). About economic power, the problem of legal protection is protection for the weak (economy). Against the strong (economy), for example, protection for workers against employers. (Philipus, 1994)

One of the objectives of the State, as stated in the Opening of the 1945 Constitution of the Republic of Indonesia protecting all of the Indonesian people and all of Indonesia's bloodshed. As a consequence of the rule of law, the state must protect human rights.

In Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, it regulates the right to decent work and livelihood for every citizen that must be fulfilled by the State. Indonesian Workers' Rights are also contained in Article 28C which regulates the right of everyone to get an education and benefit from science to improve their quality of life. Furthermore, Article 28D of the 1945 Constitution of the Republic of Indonesia states that everyone has the right to the recognition, guarantee, protection, and fair legal certainty and equal treatment before the law and has the right to receive compensation and fair and proper treatment in employment relations. Freedom to embrace religion and worship according to religion is also regulated in Article 28E along with the freedom to associate, gather and issue opinions. The fundamental right for overseas workers and now raises many problems the right to communicate and obtain information as provided for in Article 28F. (UUDNKRI, 2012).

In Law No. 18 of 2017 concerning protection of Indonesian migrant workers in every Indonesian citizen who is qualified to work abroad and registered with a district/city government agency responsible for employment. The legal basis for the protection of migrant workers still does not sufficiently protect migrant workers. The Act further regulates the placement

of Indonesian workers abroad rather than protecting migrant workers. (BNP2TKI, 2017)

Every year, around 450,000 Indonesian citizens go abroad as workers. No fewer than four million Indonesian citizens who work as Indonesian workers abroad, 70 percent of whom are women and the majority work in the domestic sector. Of these, an estimated 60 percent were sent by procedure or illegally. Based on the cases and results of monitoring, the concept of the placement of migrant workers which has been applied by the Government of Indonesia. Has given birth to or raised the problems of migrant workers' families which have an impact on the oppression and injustice of migrant workers and their families. (Asyhadie, 2007)

Theoretically, it is known that there are three types of work protection:

1. Social protection Law No. 13 of 2003, Chapter X Article 68, which is protection relating to social enterprises, whose purpose of enabling workers to enjoy and develop their lives as humans in general, and primarily as members of the community and family members. Social protection is also called occupational health. The 2004 National Social Security Law (Law No.40/2004) guarantees universal access to health care, and income protection in case of work injury, old age and death for the entire population, including foreign workers living in the country.
2. Technical protection Law No. 1 of 1970, namely the type of protection relating to efforts to keep workers protected from the dangers of accidents caused by work tools or materials worked. This protection is more often referred to as occupational safety.
3. Economic protection stipulated in Law Number. 3 of 1992, is a type of protection relating to efforts to provide workers with sufficient income to fulfill their daily needs for themselves and their families, including if the workers are unable to work because something is against his will. This type of protection is usually called social security.

It is undeniable that the Indonesian Government has taken necessary steps in the effort to protect the rights of migrant workers in 2012 namely the ratification of the 1990 migrant convention through the Act. No. 6 of 2012, which includes seven protection components, namely:

1. Fundamental human rights for migrant workers and their families;
2. Pre-departure information;
3. Regulation and supervision of recruitment;
4. Protection abroad;
5. Remittance;
6. Return and reintegration;
7. Legal assistance and access to justice.

However, these steps have not been accompanied by concrete realization and follow-up so that the steps taken have not yet been felt by the benefits of migrant workers and their families.

The problem of migrant workers is indeed very complicated. Among other things, remittances from migrant workers are used for unclear consumption, abandoned children are not managed, even wives work as migrant workers, and her husbands have an affair, Asia still applies the division of jobs based on gender. It should be noted that most Asian migrant workers are still employed in the realm of three-D jobs. (Dirty, Difficult, Dangerous) (Gurry, 2005)

The government is the responsible party and is the necessary legal guarantee for migrant workers. Migrant workers, according to the perspective of state law, are those who are working citizens. From international law, humanity can see migrant workers as human beings working in the human community. However, all of these perspectives have not been adequately controlled by the state to protect the workers fully. This means that the state is still not even poorly doing legal protection for workers who work abroad. (J, 1999)

Many migrant workers, they work without direct wages. Receive wages that are not contracts, but some do not even

receive wages at all. Conditions such as describing clearly the spirit or form of a liberal capitalist economy, that is, the owners of capital (employers) will always suppress expenses to obtain massive profits. Capital will be stacked individually to make further economic investments. (gefline, 2014)

Amy Gurewitz who researched the struggle for migrant workers' rights carried out by activists in Malaysia explained that at least 75% of migrant workers in Malaysia are from Indonesia. Most of them are women who work as domestic workers. However, the treatment of women migrant domestic workers, as well as male workers in the industrial sector, is not comparable to the violence they receive. They often get a variety of torture both physically, psychologically, economically, and sexually from employers who employ them. In other words, Malaysia needs migrant workers to facilitate their activities but do not want them. Malaysia needs migrant workers but does not want them. (Putri, 2018)

Not only wages in the form of salary or cash. However, the matter of providing guarantees of food and drink is not so noted. This is also part of efforts to minimize expenditure. Expenditures that are swallowed or issued are minimal and not worth the work services issued by the workers. (Peschke, 2014)

The position of migrant workers in their essence can be viewed from two aspects, that is from a juridical and social-economic perspective. In terms of socio-economic conditions, workers need legal protection from the state for the possibility of arbitrary actions by employers.

Based on the provisions of Article 27 of the 1945 Constitution, that is, every citizen has the same position in law and government. This provision is further elaborated in Article 5 and Article 6 of Law No. 13 of 2003. Article 5 that is every workforce has equal opportunity without discrimination to obtain employment. Article 6, i.e., every worker has the right to receive equal treatment without discrimination from employers. The position of workers and employers or between employers and workers is different from the position between the seller and the buyer. (UURI, 2004)

As Employment an integral part of national development based on Pancasila and the Law Basic State of the Republic of Indonesia in 1945, According to the Ministry of Communication and Information Directorate General of Information and Public Communication. (Communication, 2011)

Employment must be regulated in such a way that fundamental rights and protection are met for migrant workers and at the same time can create conditions conducive to the development of the business economy. For this reason, a comprehensive and comprehensive migrant workers regulation policy is needed, including the placement, regulation, protection, and contribution of Indonesian migrant workers.

Other issues of migrant worker law are concerning globalization. The workforce available in Indonesia is mostly unskilled labor, while universal demands about the era of free markets require equal opportunities and treatment for service workers and goods entering or leaving. This means that everyone can work in their own country or another country without restrictions or unfair treatment. Likewise, goods that have entered or exited cannot be subject to customs differentiation. Even at this time, it can already be felt by Indonesian aluminum entrepreneurs, who have recently entered aluminum from Australia at lower prices with better quality. Also, it was also found the fact that the prices of Betawi chairs in Malaysia were far cheaper than in Indonesia.

The policy of placing Indonesian migrant workers abroad is an effort to realize equal rights and opportunities for workers to obtain decent jobs and income, which is carried out while taking into account the dignity, human rights and legal protection and equal distribution of employment opportunities and the provision of employment. (KOMINFO, 2018)

This is as determined in Article 1 number 3 in Law Number 39 of 2004 which states that "Placement of Indonesian Migrant Workers is a service activity to bring Indonesian migrant workers together according to their talents, interests, and abilities with employers abroad which covers the entire recruitment process, document management, education and

training, shelter, departure preparation, departure to the destination country, and repatriation from the destination country " (Husni, 2011)

Based on article 21 paragraph (1) letter d and f of the Law on migrant Protection, protection during work obtained by a migrant while working abroad includes facilitation of Indonesian workers case resolution, as well as assistance, mediation, advocacy. So the provision of legal assistance in the form of facilitation of advocate services by the Central Government or Representative of the Republic of Indonesia and guardianship following local law. Added in paragraph (2), the provisions of protection referred to above are carried out by not taking over migrant's criminal and civil liability and carried out by the provisions of the laws and regulations, the law of the destination country, and customary law and Illegal International Law. (Nur, 2018)

To improve skills, Indonesian migrant workers candidates also have the right to be given job training before leaving for work abroad. Besides, Indonesian Migrant Workers must also carry out obligations as stipulated in the law. The government also has a heavy duty to be able to supervise the Departure of migrant abroad. The heavy duty is to be able to suppress the Indonesian migrant numbers that go abroad not following the procedures as stipulated in the law, which is called illegal workers. Considering a large number of Indonesian migrant who leaves overseas are illegal. The illegal status certainly has an impact on the application of Indonesian migrant protection abroad later. (Rohanawati, 2018)

D. Hypothesis

On improving legal protection and facilitate in handling cases that occur against Indonesian workers in Malaysia can be endeavored through coordination and evaluate the flow of migrant workers from Indonesia to Malaysia by implementing a worker protection policy, consisting of social protection to ensure occupational health, technical protection in placement through one door of the government to minimize migrants and

illegal agents, Economic protection made an agreement on the MoU for Indonesian migrant welfare..

E. Scope of Research

To facilitate research to remain focused and avoid deviating from the topic, the authors limit the scope of research. This study discusses and observes the solution of general problems related to the protection of Indonesian workers in Malaysia during the period of the administration of President Susilo Bambang Yudhoyono until the reign of President Joko Widodo 2013-2018. However, the analysis will be more focused on the era of Joko Widodo.

F. Research Purposes

1. To find out the inhibiting factors of the government's efforts to provide legal protection for overseas migrant workers who have experienced criminal acts or human rights violations.
2. The results of the research carried out should be able to become recommendations and inputs for the government in increasing legal protection to migrant workers.

G. Research Methods

1. Type of Research

In preparing this thesis, the author uses the following research methods:

- a.** A descriptive, analytical method is an analysis that aims to describe and clarify the symptoms or phenomena based on observations of various events and problems of migrant workers, then try to analyze it and try to interpret the data obtained and proceed with solving problems both ongoing and thought in the future based on existing theories or rules. This method is used to describe the collaboration between Indonesian and Malaysian cooperation in the field of employment with problems that occur from the existence of Indonesian workers in Malaysia and also to analyze whether the system of protection of migrant workers is under the applicable legislation.

- b. Historical analytical methods are methods of research which include gathering events or ideas that arise in the past to find generalizations which can then be used as reference material to analyze past problems and are useful for understanding the current situation as well as predicting future developments. This method is used to understand the background of the emergence of problems related to cooperation and mechanisms for the protection of migrant workers in Malaysia.

2. Data collection technique

Data collection used in this study is qualitative and quantitative. Qualitative research methods are used to explain norms, values or meanings related to the subject of research obtained from various relevant references, such as literary sources, articles or journals that use logical thinking, analysis with logic, by induction, the analogy of interpretation, compatibility, etc. (Faisal, 1990)

H. Writing System

This thesis research is written in five major chapters that explain the topic of the thesis. Then there are sub-chapters to detail the explanation of the previous large chapters, the relationships between the chapters in this thesis are systematically written to make it easier for readers to understand the contents of the thesis, as follows:

BAB I

Contains an introduction, which is divided into the background, research question, theoretical framework, hypothesis, research methodology, the objective of research, limitation of research, the system of writing, and references.

BAB II

Describes the variables in the research problem regarding the history of sending Indonesian migrant workers abroad, push and pull factors of Indonesian migrant workers migrate.

BAB III

Describes the dependent variable in the research problem regarding the complicated problem often faced Indonesian migrant workers in Malaysia.

BAB IV

Explain the role of the Indonesian government in overcoming the problem of migrant workers.

BAB V

Conclusion.