

THE LEGAL PROTECTION OF INDONESIAN ILLEGAL WORKER IN MALAYSIA

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Abstract

This undergraduate thesis examines the legal protection provided for the Indonesian illegal workers in Malaysia and the obstacles experienced by the government in protecting them. These two issues are crucial since Indonesian foreign workers in Malaysia are the largest number compared to those of other countries such as Hong Kong, Taiwan, Singapore, etc. The National Agency for Placement and Protection of Indonesian Workers (BNP2TKI) as of March 2019 recorded that 19,695 people were placed in Malaysia. A large number of Indonesian migrant workers is caused by the lack of jobs provided in the government, so citizens look for a job abroad is an option for survival. There is a high number of unemployed people in Indonesia resulting in poverty. Besides, the requirements that have been determined by the government to become Indonesian workers are not easy, therefore many Indonesian workers have a strong desire to go illegally. Indonesian illegal workers often get inhuman treatment. The 1945 Constitution Paragraph (1) states that every citizen shall have the right to work and earn a human livelihood. It means that Indonesian government should protect every citizen, even though they are illegal workers; they are still Indonesian citizen. This undergraduate thesis is based on normative-empirical legal research through facts taken from direct observation and obtained from interviews, as well as through secondary legal data in the form of laws governing these matters, journals or from trusted sites from the internet. The results of this study show that first; the protection for Indonesian illegal workers is the same with legal migrant workers. Second, there are two obstacles faced by the Indonesian government: lack of data regarding the Indonesian illegal workers and lack of state budget to handle the protection of Indonesian illegal workers.

Key words: workers, Indonesian illegal workers, legal protection, obstacle of Indonesian government.