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PENGARUH PROTOKOL AMANDEMEN MOU INDONESIA-MALAYSIA DALAM MELINDUNGI PEKERJA MIGRAN INDONESIA (PMI) INFORMAL

Baiq Yunita Nur Anjani¹

Abstract: One of the global phenomena in international relations is labor migration, which constantly evolves in various countries. Indonesia is one of the largest suppliers of migrant workers in ASEAN and Malaysia is the most prominent placement country for Indonesian Migrant Workers (PMI) from 2011-2016. Both countries strive to protect PMI by making a bilateral agreement, one of which is MoU Amendment Protocol of 2011. This research aims to find out and explain how influential the 2011 MoU Amendment Protocol is related to the protection of informal migrant workers for problems that often occur based on the data obtained. The research method used in this research is descriptive qualitative with secondary data. International Treaty Theory is used to answer the reasons for the amendment of the MoU on Recruitment and Placement of Indonesian Domestic Workers in 2006, and to determine the effect of the 2011 MoU Amendment Protocol, externally using the Output Approach, Outcome Approach, and internally using the Legalization Approach. From the analysis, it is known that the MoU Amendment Protocol of 2011 has an insignificant influence on the issue of protecting informal migrant workers in Malaysia. This is because based on the Output Approach, it is found that bilateral agreements and policies implemented by both countries still lack regulations on the protection of informal migrant workers, based on the Outcome Approach through existing data shows that the same problems continue to be experienced by informal migrant workers, and based on the Legalization Approach based on three indicators, namely funds, precision, and delegation, it is known that the 2011 MoU Amendment Protocol has the potential not to be complied with in its implementation and is classified as soft law.

Keywords: Migrant Workers, PMI, Indonesia-Malaysia, Protection

Pendahuluan

Salah satu fenomena global dalam hubungan internasional yaitu migrasi tenaga kerja yang senantiasa mengalami perkembangan di berbagai negara dan mereka yang melakukan migrasi tenaga kerja disebut dengan pekerja migran. Berdasarkan perkiraan *International Labour Organization* (ILO) pada tahun 2015 melaporkan ada sebanyak 150 juta pekerja migran di dunia. (*International Labour Organization*, 2017). Menurut catatan *World Bank* pada tahun 2015 ada sebanyak 6,5 juta pekerja migran di kawasan ASEAN. (*Danang Sugianto*, 2017). Indonesia sendiri pada tahun 2015 menjadi negara pemasok pekerja migran terbesar kedua di ASEAN dengan menyumbang sebesar 18% atau setara dengan 1,2 juta pekerja. (*Desi Angriani*, 2017). Sedangkan menurut Kepala BP2MI, Benny Rhamdani, hingga saat ini pekerja migran menjadi penyumbang devisa terbesar kedua di Indonesia setelah Minyak dan Gas Bumi (Migas) hingga disebut dengan pahlawan devisa negara. (*Titis Amis Fauziyah*, 2023).

Berepedoman pada definisi Pekerja Migran menurut ILO, maka sebutan Tenaga Kerja Indonesia (TKI) diubah menjadi Pekerja Migran Indonesia (PMI) berlaku sejak disahkannya Undang-Undang No.18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia. (*Kementerian Ketenagakerjaan*, 2017). Adanya perubahan dalam penyebutan ini diharapkan dapat mengubah paradigma di dalam dan luar negeri mengenai TKI sebagai pekerja kelas rendah menjadi PMI yang memiliki karakter baru

¹ Mahasiswa Program SI Hubungan Internasional, Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Malawarman. E-mail : sptm.ato@gmail.com.