



SUSTAINING THE BLOOD BROTHERS' RELATIONS? INDONESIA'S
SETTLEMENT ON THE ISSUES OF WOMEN MIGRANT
DOMESTIC WORKERS IN MALAYSIA

BY

MISS ANGGIA KUSUMA PITHALOKA

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF MASTER OF ARTS (ASIA-PACIFIC STUDIES)
THAMMASAT INSTITUTE OF AREA STUDIES
THAMMASAT UNIVERSITY
ACADEMIC YEAR 2019
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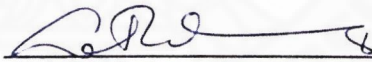
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ABSTRACT

Filling the lack of research on Indonesian women migrant domestic workers (MDW) in the foreign policy realm, this research explores Indonesia's efforts to protect its MDW in Malaysia in order to discover the reasons behind the stagnancy of its settlement by using the Realist perspective. Since *Konfrontasi*, the turbulent RELATIONS between the so-called 'blood brothers' have intensified the sensitivity on various matters, making the issues of MDW remain as a thorn in the RELATIONS for more than a decade despite the relatively good term in the present day. Nonetheless, the question of why Indonesia hesitates to take assertive measures on this matter arises since the state has the responsibility to protect its nationals. Based on such circumstances, this research hypothesizes Indonesia has been driven to be cautious and vigilant in dealing with this matter as the outcome of the decisions might disrupt the pursuance of its prioritized national interest, which is the bilateral cooperation in other sectors. In this regard, this research traces back the brief history of Indonesia-Malaysia bilateral relations and its current development to learn the underlying conditions before examining the costs and benefits of the policy alternatives that could be taken by Indonesia in this matter. The obtained

information from the interviews with Indonesian officials stationed in Malaysia is then analyzed to figure out its congruence with the hypothesis that has been proposed. The findings lead to the conclusion that Indonesia could not risk its bilateral relations with Malaysia by taking assertive measures in this matter as it could damage the good relations it has recently sustained and also disrupt the stability in the Southeast Asia region.

Keywords: migrant domestic workers (MDW), Indonesia-Malaysia relations, foreign policy, Realist perspective, national interest



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LIST OF ABBREVIATIONS

Abbreviations	Terms
ASEAN	Association of Southeast Asian Nations
B2B	Business-to-business
BNP2TKI	<i>Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia</i> (National Agency for the Protection and Placement of Indonesian Migrant Workers)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DPD RI	<i>Dewan Perwakilan Daerah Republik Indonesia</i> (Regional Representative Council of the Republic of Indonesia)
DPR RI	<i>Dewan Perwakilan Rakyat Republik Indonesia</i> (People's Representative Council of the Republic of Indonesia)
G2G	Government-to-government
ICJ	International Court of Justice
IDWFED	International Domestic Workers Federation
ILO	International Labour Organization
IMF	International Monetary Fund
MoU	Memorandum of Understanding
MDW	Migrant Domestic Workers
NAM	Non-Aligned Movement
NEP	New Economic Policy
PM	Prime Minister
RAM	Rational Actor Model
SMO	<i>Sistem Maid Online</i> (Maid Online System)
UDHR	Universal Declaration of Human Rights
UNIFEM	United Nations Development Fund for Women
UNSC	United Nations Security Council
YLBHI	<i>Yayasan Lembaga Bantuan Hukum Indonesia</i> (Foundation of the Indonesian Legal Aid Institute)

CHAPTER 1

INTRODUCTION

1.1 Research Background

Domestic work remains as one of the major occupations taken by Indonesian women migrant workers in Malaysia since their first arrival in the late 1980s. The recent official data obtained from the Immigration Department of Malaysia (2019) stated that there are nearly 92,000 Indonesian women working as migrant domestic workers (MDW)¹ in Malaysia. However, it is claimed that the actual number is greater than that since it only represents the ones who are officially recorded.

Indonesia began sending MDW abroad as part of its Five-Year Development Plan during the reign of Suharto. Although MDW departed slightly later than their fellow men migrant workers, their number immediately overtook the predecessors (Hugo, 1995, p. 275). Hong Kong, Malaysia, Saudi Arabia, and Singapore are among the top destination countries for MDW. Due to geographical and cultural closeness, Malaysia has become the most favorite destination country at least in the past decade (BNP2TKI, 2018, p. 8).

The presence of Indonesian women migrant domestic workers (MDW) in Malaysia has been generating a significant benefit for both the origin and destination country (Patunru & Uddajorat, 2015, p. 6). Economic factor appears to be the main pushing factor for the MDW due to their low level of education that leads to limited opportunities back home. Meanwhile, the growing Malaysian middle class has been the reason behind the constant demand for MDW as the women of the families chose to work and hire MDW to take care of their domestic chores. The amount of

¹ The term 'MDW' used in this research specifically refers to Indonesian women migrant domestic workers who work in Malaysia unless stated otherwise.

remittance sent back to Indonesia is able to improve their living conditions and also make them named as foreign exchange heroes of the country (UNIFEM, 2009, p. 25).

The fact that most of the activities happen in the domestic sphere makes MDW vulnerable to various practice of mistreatments by their employers in the form of long working hours with no day-off(s), low and/or unpaid wages, abuses (physical, psychological, and sexual), and restriction of movement (Austin, 2017, p. 268; ILO, 2019b). In 2018, there were more than 2,500 various cases of mistreatments reported by Indonesian migrant workers in Malaysia (BNP2TKI, 2018, p. 40). Although there is no specific number on the cases of MDW, there are always MDW coming to Indonesian missions in Malaysia on a daily basis to ask for help. In the Consulate General in Penang itself, sometimes it could reach up to three workers or more per day.² At the end of July 2019, there were nearly 150 MDW staying at the shelter provided by Indonesian Embassy in Kuala Lumpur and 37 MDW at the Consulate General in Penang, waiting for their cases to be settled.³

The situation worsens as there is no proper regulation to settle such problems. It is common for MDW to be excluded from the destination countries' labor regulation, and Malaysia is no exception. *Akta Kerja 1955*, or Employment Act 1955, addresses MDW as domestic servants instead of workers. The different term applied to MDW forms an exclusion from the Act itself as most of the articles refer to "workers" only. Despite the existence of one section on the so-called "domestic servants", it does not state anything about protection but limited to three provisions regarding contract only (Parliament of Malaysia, 1955). The exclusion of MDW from the protection articles makes them more vulnerable when they are involved in

² Based on the author's observation during her internship at the Consular Function of the Consulate General of the Republic of Indonesia in Penang, Malaysia in October 2017.

³ The data obtained during the interviews conducted with the Consular officers at the Consulate General of the Republic of Indonesia in Penang, Malaysia on 26 July 2019 and the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

mistreatment cases as there is no law to back them up. In the end, their unfavorable position puts them on the losing side most of the time.

In terms of international law, Malaysia has ratified the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW) and also adopted the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers 2007 apart from the Universal Declaration of Human Rights (UDHR). Although there are other related international laws which have not been signed nor ratified by Malaysia, the failure to comply with CEDAW and its General Recommendation No. 26 on the rights of domestic workers could more or less tell about their unresolved struggles in this issue (Whelan et al., 2016, pp. 3–4).

The inexistence of proper regulation on MDW makes Indonesia and Malaysia have to rely on the Memorandum of Understanding (MoU) concluded in 2006 for the whole arrangement on MDW. All matters regarding placement and protection are discussed in the MoU. However, it was deemed lacking to protect the well-being of MDW as mistreatment cases kept occurring until Indonesia decided to impose a moratorium on the sending of MDW in 2009. The fact that workers' mobility is unstoppable has made moratorium seen to lead MDW into a more vulnerable situation instead as they chose to take the irregular path due to the ban. It was later lifted in 2011 after the amendment on the MoU was made by both parties. Yet, the amendments made were still deemed not adequate to provide a strong protection scheme for MDW (Malahayati, 2015, p. 79; Platt, 2018, p. 90).

The sending of MDW continues until present although the amended MoU has expired in 2016 due to its five-year validity period (BBC Indonesia, 2018a). In 2018, Indonesia threatened to impose another moratorium after the death of Adelina Lisao, an MDW who was being abused severely and not being provided access to basic necessities as she had to live with the employer's dog at the porch (Septiari, 2018).

In addition, the background of Indonesia-Malaysia relations as 'blood brothers' in the Southeast Asia region has made this issue becomes more intriguing to be examined further, especially when *Konfrontasi*, the conflict that has severely

damaged their relations in the past, could even trigger the establishment of ASEAN (Narine, 2002, p. 12; Wey, 2016).

1.2 Problem Statement

The prolonged issue of MDW protection in Malaysia remains unsolved. Attempts such as MoU, moratorium, and amendment on the MoU itself did not seem to produce any significant improvements (Malahayati, 2015, p. 79). Although the relations between Indonesia and Malaysia experienced a series of ups and downs post-*Konfrontasi*, currently the two countries are rather in a relatively good term (Liow, 2008, p. 3; Parameswaran, 2018).

However, Indonesia, whose nationals are at stake in this matter, bears the obligation to protect them by any means. They have been trying to negotiate with Malaysia, but the result was still nowhere to be seen by the public. Yet, the flow of MDW who become victims on the field persists. By putting the focus on Indonesia, this research studied the reasons behind Indonesia's hesitancy on taking assertive measures in this issue.

1.3 Research Objectives

The main purpose of this research is to examine the measures that have been taken by Indonesia to achieve its goal in order to explore the possible reasons behind the stagnancy of MDW issues in Malaysia from Indonesia's point of view. By examining the measures taken, this research offers updated information on the settlement of MDW issues that have not been available across the previous works. At the same time, this research also aims to provide a new approach to the issues of MDW through the realist perspective utilized for the analysis to balance the feminist perspective which has been commonly applied to the research of MDW.

1.4 Research Question

In order to fulfill the objectives above, this research is guided by the following research question:

“Why does Indonesia hesitate to take assertive measures towards Malaysia in order to protect MDW?”

1.5 Hypothesis

Through the realist perspective, this research hypothesizes that Indonesia, as a rational actor who is seen to make a rational decision, is being careful and attentive in dealing with this issue as taking assertive measures might do more harm than actually solving the problems. Based on the costs and benefits analysis of the possible policy alternatives on this matter, Indonesia could not risk the overall bilateral relations with Malaysia by taking assertive measures in response to MDW issues due to the prospective cooperation from other sectors which is deemed to bring greater benefits to the country.

1.6 Data Collection Process

The necessary data that are being analyzed in this research mainly were collected through document research, including but not limited to books, journals, official documents, and other publications. In addition, semi-structured interviews with six interviewees were also conducted in Indonesian missions in Malaysia, namely the Consulate General in Penang and the Embassy in Kuala Lumpur. From the interviews, information regarding the development of both the issue and the efforts done by the Indonesian government was obtained to update the existing data across the previous works done on the issue. In order to protect any future implications that might harm the interviewees either directly or indirectly, their respective identity was not disclosed in this research. In addition, the author's past experience as an intern for the Domestic Workers section at the Consular Function of the Consulate

General of the Republic of Indonesia in October 2017 also served as a basis for some parts of the analysis.

1.7 Scope and Limitation

This research focuses on Indonesia's approach to this issue. The main analysis is limited from 2006 to present. The year of 2006 was chosen as the starting point where the two countries established the formal arrangement on MDW in the form of MoU. However, some historical explanation on the general bilateral relations of Indonesia and Malaysia is limited from 1963 as it marks the occurrence of *Konfrontasi* which created a significant impact on the bilateral relations.

Due to the sensitivity of this issue to both Indonesia and Malaysia, the accessibility to certain sources is limited. Thus, this research mainly relied on official documents, reports, news sources, and interviews that were managed to be conducted.

1.8 Significance of the Study

The importance of Indonesia-Malaysia bilateral relations in this issue has been mentioned often across various articles, yet the author has not encountered one which actually writes about it. This study offers a broader spectrum of analysis on this issue by choosing the state level in order to provide an explanation of the current situation since analysis on the individual level of MDW has been covered by a lot of scholars. Although the result of this study is not meant to offer any solution, it contributes to the field by providing new insight into the issues. In addition, the application of the realist perspective throughout the analysis hopefully could show that the ideas could also be applied to analyze this issue which could be considered as a non-traditional security issue.

CHAPTER 2

LITERATURE REVIEW

There has been plenty of literature written on the issues of MDW in Malaysia covering the issues from various perspectives, such as but not limited to culture, gender, and also foreign policy. The nature of MDW as individuals has resulted in the tendency of the literature to discuss at the individual level. Due to that reason, the research on MDW at the state level remains limited, especially for the foreign policy realm. While in fact, the state has a significant role in establishing policies and regulations which could affect the whole MDW sphere. In addition, the issues of MDW also have not been discussed thoroughly across the literature on Indonesia-Malaysia bilateral relations although it has been one of the main problems between the two countries for the past decades. Thus, such gaps would be narrowed down through the analysis provided by this thesis in the upcoming chapters.

The literature review is divided into three themes. It will be begun by the literature review on MDW, before proceeding towards the state level with the literature review on Indonesia-Malaysia bilateral relations and Indonesia's foreign policy.

Although there might be no agreed definition of MDW, the Domestic Workers Convention defines a domestic worker as “any person engages in domestic work within an employment relationship” (ILO, 2011). The convention, which is deemed essential for both origin and destination countries of MDW, has not yet been ratified by either Indonesia and Malaysia (ILO, 2019a).

Chin (1998, pp. xi-xii) came up with the idea that the segregated nature of MDW started by what she wrote as “the patriarchal-class environment”, where the men are the breadwinners and the women are responsible for “housekeeping”. Development then began to increase women's participation in the economy, dimming out the domestic sphere more than it has been. As a result, its part in contributing to the development becomes more difficult to be seen.

Chin's book discusses Indonesian and Filipina women MDW in Malaysia. She argues that the inexistence of regulation on MDW in Malaysia, and also other destination countries of MDW, is the one facilitating the abuse done by the employers. The fact that the book was published in 1998 shows how long the issue has been around. Even some of the findings offered by Chin in the book were obtained in 1993. More than two decades later, scholars of MDW issues continue to bring up the same critics, yet nothing has been improved yet.

However, her argument on the impact of development on the domestic sphere might need to be seen from another angle since it seemed to be more applicable to the destination country, where it results in the negligence of the government on regulating the issue. Domestic sphere might be outshone by the major economic activities, but in the case of Indonesian women MDW it could not be denied that they contribute to their country's development through the remittance they sent back. Also, they indirectly help the destination country's development by letting their women employers join the workforce and leaving the domestic responsibilities to themselves. Elias (2013, p. 398) concluded the significance of Indonesian MDW remittance for their country although it might not be as essential as it is for the Philippines in comparison.

Hierofani (2016, p. 165) in her dissertation about Indonesian MDW in Malaysia explains that the unequal power relations between the employer and the MDW lead to further possible problems. She provides an example of how the house of the employers acts as both workplace and living space for the MDW. The fact that the house is technically owned by the employers brings the sense of ownership of the space, granting them the power to do anything they want to, including the MDW who happen to be within their space.

She also argues that one of the main causes is the absence of a comprehensive policy that regulates the issue. She pointed out how Malaysia decided to look for alternative sources by trying to recruit Cambodian MDW instead of settling the matters when Indonesia imposed the moratorium in 2009. However, the history repeats itself as Cambodia stopped sending their MDW in 2012 due to the cases of abuse (Hierofani, 2016, p. 24).

She further elaborated on an important finding from previous work done by Widyawati (2008) on how MDW tend to be portrayed as either victims or crime perpetrators in Malaysian media. It could influence and shape the locals' prejudice towards MDW, especially employers. Although the impact might still linger around, it could also be seen that recently there has been an improvement as Malaysians have been raising their awareness on the cases of abuse happened to MDW and started demanding for government's attention on this matter (BBC Indonesia, 2018b).

In the dissertation, she discusses the argument proposed by Chin in a different work from the one reviewed above, that MDW are seen as a commodity by the agencies (Chin, 1998, p. 15; Hierofani, 2016, p. 28). In fact, it might have become the common perspective that people use. It is shown through how media channels address the sending of MDW as 'export'. Although it could be literally correct, it tends to degrade people as mere goods. Thus, it could form the idea that they are less human that need less protection (Kuo, 2013; Nair, 2015; Whiteman, 2015).

Elias (2013, p. 393) through her feminist perspective on this issue emphasized the commodification of women by the state in this context. The gender-based point of view makes the state sees women as tradable commodities internationally. In addition, the feminist lens also shows how women are classified into the vulnerable group in terms of foreign policy. Thus, the so-called vulnerable women are in constant need of protection from the state, which is portrayed as masculine.

Yet, the gendered structure has prevented significant changes to happen as it limits the strategies that could be implemented. Similarly to the critics that have been circulating around this issue, the rights and the well-being of MDW have not been thoroughly recognized by the stakeholders involved (Elias, 2013a, p. 393). Elias' article serves as one of the main bases for this research by covering the foreign policy aspect through a feminist perspective, while this research tries to balance it through the realist perspective to explain the recent situation.

The issue of MDW has been closely associated with various cases of abuse. However, the selected articles that have been reviewed above managed to help us trace the possible root causes from different angles without merely focusing

on the unpleasant incidents. It could also be noticed that mainly the previous researches on MDW tend to be at the micro-level, researching the individual experiences as its analysis. Thus, this research attempts to examine at the state level to understand the issue from the decision-makers' point of view.

The Philippines has also been a major sending country of migrant workers alongside Indonesia, with most of its women working as MDW. The recent data states that there are more than 34,000 Filipina working in Malaysia combined (Philippine Statistics Authority, 2018).

When it comes to the protection of migrant workers, the attention and efforts given by the Philippines could be taken as examples for comparison. Their persistence in developing proper protection for their migrant workers worked out accordingly. Regime changes do not mean halting the process. It could be seen that the commitment of the leaders matters a lot in sustaining the progress made. The Philippines has managed to establish a strong foundation domestically in 1995 through the Magna Carta of Overseas Filipino Workers (RA No. 8042) which at least shows the government's commitment to protecting their nationals regardless of their status. Furthermore, in terms of stakeholders' responsibility, the Philippines managed to involve them in the decision-making process. Thus, the boundary could be set clear and each respective actors understand their own duties (Setyawati, 2013, p. 278). The interesting point is that the Philippines could establish it since 1995 while Indonesia just recently came up with its Law No. 18 of 2017, replacing the outdated Law No. 39 of 2004 on Placement and Protection of Indonesian Workers Abroad (Almanar, 2017). In addition, Setyawati also displayed the Philippines' commitment through the 35 ILO conventions that they had ratified, twice the number of Indonesia's (Setyawati, 2013, p. 272).

Setyawati (2013, p. 277) further argues that bilateral cooperation and the MOU between the origin and the destination countries remain important despite the domestic efforts made as those ensure the whole arrangement regarding migrant workers. This again emphasizes the importance of bilateral relations between both countries in this issue, which is the key to any further related matters to be settled. From this literature, the lesson learned from the Philippines in migrant workers

protection could help to evaluate and identify the lack of Indonesia's measures. However, Setyawati did not research specifically into one destination country as she only aimed to compare the regulations of both countries in order to understand the measures that had been taken.

In relation to this matter, Hierofani (2016, p. 23) also mentioned that Malaysia's reliance on MoU for MDW arrangements with origin countries such as Indonesia and the Philippines has created ununiformed standards among them. The reason behind Malaysia's reliance is due to the exclusion of MDW in their Employment Act of 1955 as it made no proper framework for them to work on. Furthermore, it also creates a hassle to deal with the problems case by case.

The case of the Philippines in this issue was brought as an additional insight to show that Indonesia is not the only one who has been struggling to protect their own MDW. The Philippines might be considered to be more progressive in this aspect, yet the x-factors between Indonesia and Malaysia could not be put aside when we analyze the whole issue. Thus, this research chose the realist approach to understand Indonesia's perspective in regard to that. In order to discover more about the x-factors, the review below would explain further.

Indonesia and Malaysia might have been claimed by what Liow (2008, pp. 2-3) refers to as 'blood brothers', but the relations between the two have been experiencing more strains than harmony. *Konfrontasi* seemed to be the turning point of the relations between them which began with Sukarno's suspicion on the British as Malaysia was formed. With his belief that Indonesia was the strongest among its neighbors during that time, he confronted Malaysia through the slogan "*Ganyang Malaysia!* (Crush Malaysia!)" which lasted from 1963 to 1966 as a form of disagreement. However, Malaysia saw it not merely as a suspicion on neo-imperialism by the British.

Furthermore, Liow (2008, pp. 80-81) argues that Sukarno, who was known to be leaning heavily towards the Soviet Union and China, made *Konfrontasi* seemed to be more of the communist going against the anti-communist despite the non-aligned remarks since the counterpart inclined towards the Western side for its foreign policy. Although the anti-Malaysia sentiment might be growing, Crouch (2007,

p. 59) explained that there was also a split on the domestic side between Sukarno and the Indonesian army who at first did not really favor the sentiment.

Liow (2008, p. 3) then refers to the territorial disputes, migrant workers disputes, competition in international affairs, to the more recent cultural disputes that have been happening consecutively post-*Konfrontasi* as a battle of pride between the 'blood brothers'.

Mahathir's first entrance into power was concluded by Liow (2008, p. 133) as a 'new dimension' for the relations between the two countries, emphasizing the kinship through their diplomacy. At the same time, Malaysia's activeness in its foreign policy under Mahathir's first administration (1981-2003) was seen to challenge Indonesia's primacy during that era when Suharto, the counterpart, was choosing to go with a low international profile until the late 1980s. Indonesia stepped out of its idleness by the commemoration of the 1955 Bandung Conference in 1985, while Malaysia already went forward with its international initiatives—South-South cooperation, UN Security Council (UNSC), Non-Aligned Movement (NAM), and various UN peacekeeping operations. The indirect challenges further threatened Indonesia's position in the international arena. Liow also explained about the different policy directions that increase the diplomatic tension, giving the example of Indonesia's stance towards the South China Sea claims since then. The brief examples from the 1980s above showed how the gap between the two gradually increased.

In contrast, Wardhani (2008, p. 1) argues that the relations between the two countries improved due to the figure of Suharto and Mahathir post-*Konfrontasi*. His argument is based on how Suharto decided to stop *Konfrontasi* and amend the relations instead until the fall of his regime was followed by heightened tension between Indonesia and Malaysia. The retirement of Mahathir in 2003 was also deemed to be the factor that affected the downfall of Indonesia-Malaysia bilateral relations for the second time as further disputes easily sparked between the two in the following years.

One of the major incidents happened was the territorial dispute. As quoted from Liow (2008, p. 143), "It is important to recognize that even at the height of *Konfrontasi*, Jakarta never made any territorial claims on Malaysian soil." The

dispute on Sipadan and Ligitan islands (1969-2002) marked the first dispute on territorial claims. Allegedly to claim the oil resource beneath, Malaysia ignored Indonesia's reminder as they increased tourism development on the disputed soil. Liow suggests that the conclusion by ICJ in 2002 which favored the Malaysian side had upset Indonesia as once again their pride was challenged. However, he further claimed that at the same time Malaysia could not help to be haunted by the memories of *Konfrontasi* with Indonesian military activities around the islands (Liow, 2008, p. 145).

Being neighbors makes border problems become something usual, without exception happening to Indonesia and Malaysia. The problems developed into the issue of illegal migration, which then relates to the issue of Indonesian migrant workers. Liow (2008, p. 147) argues that Malaysia welcomed Indonesians, who are culturally and physically similar, at the beginning to be their demographic buffers against the inflow of Chinese and Indian workers. The political reasons made them officially invited Indonesians to migrate to Malaysia. However, it later led to another problem as the image of Indonesians in Malaysia gradually shifted into a more negative one. The increase of Indonesian coming to Malaysia as migrant workers due to the rising demand for agriculture and plantation sectors during the New Economic Policy (NEP) was deemed to be the cause of intensified social problems in Malaysia. Since then, both countries had already begun to struggle coming up with solutions. The pulling factor of higher wages had been there since that era. Such problems with Indonesian migrant workers have shifted the way Malaysians perceive Indonesian immigrants (Liow, 2008, p. 148).

Liow (2008, pp. 148-149) further explains that a few bilateral arrangements have concluded as an attempt to decrease the illegal migration—on the supply of workers, issuance of passports for illegal workers, strict penalties. Nonetheless, it did not work out as it was planned due to the bureaucratic hassles. Both parties kept blaming each other on the failure to resolve the problems. Jakarta was accused to be unwilling in settling the matters, while Malaysia was sneered to be too dramatic in response through their 'degrading' manners towards Indonesian workers. Instead of getting it solved, Malaysia, under the reign of Mahathir's first

administration, decided to implement the Hire Indonesians Last policy, making the issue become what Liow (2008, p. 149) addressed as 'highly securitized'. Indonesian media counter-attacked their decision by bringing up *Konfrontasi* back to the surface.

The ups and downs of Indonesia-Malaysia bilateral relations are not something new after looking at their brief history. The significant moments mentioned above were not even covering all the events occurred between the two. Despite the comprehensive coverage of Liow's work, he has not yet covered the issue of MDW, which needs special attention due to its different nature. While Indonesian migrant workers are seen as a threat to their security, MDW have not been seen the same way, but more into the degrading treatments.

Holst (2007, p. 327) has also written about Indonesia-Malaysia relations, questioning how the cultural closeness created such a contrasted relation instead. He claimed that the current situation of the relationship is indeed connected to their history, which tended to be interpreted according to each respective government's interests. On *Konfrontasi*, he argued that the reason for Sukarno's rejection of the formation of the Federation of Malaysia was because he has been seeing himself as a newly emerging forces' leader, going against what he deemed as 'neo-colonialist forces'. Although the relations restored after Suharto came into power, Malaysia was no longer seen as Indonesia's younger brother.

In the context of migrant workers, Holst (2007, p. 333) instead believed that the relations had been resulting in a 'very significant development' based on the early agreements made between the two countries, which is rather contrasting than what most articles on migrant workers argued. At the same time, he saw the situation as the demonstration of Malaysia's dominance over Indonesia. This could point out the bargaining power of each party in this matter which might affect further discussion on this matter.

In addition, the role of media in shaping the way people perceive Indonesian migrant workers were also mentioned by Holst (2007, p. 335), similarly to what Hierofani had written, but Holst leaned more towards the political side. The words such as "flush out", "hunt", "sweep", were used and the government was

not willing to take any responsibility for it, when in fact government-owned news outlet was joining the bandwagon as well.

The impact of such a negative image portrayed since then lasts until the present. Holst (2007, p. 337) covered a little bit on Indonesian MDW, which had been the favorite of upper-middle-class Malaysians due to the cultural closeness. However, the Minister of Women, Family, and Community alongside the Minister of Home Affairs claimed that MDW have been influencing their children negatively as they become dependent on them, making Malaysian children becoming more like Indonesians instead. Such a notion then created the assumption that Indonesian culture does not seem to belong to Malay culture anymore that Malay is exclusive only for Malaysia. It was seen that it was grown within them due to the history that has been being taught in schools is how it is perceived from the government's perspective, resulting in assumptions and stereotypes against each other culture and widen the gap between the 'blood brothers'. Holst's article is helpful to provide the background history on how both parties perceive each other which could further affect the relations.

On the issue of migrant workers, Liow (2002, p. 3) pointed out that the challenge on migrant workers' policies will persist as long as the opportunities in Malaysia are still there, leaving both parties with no choice other than to settle with the issue. Unilateral decisions taken without prior communication with the counterpart shall also be avoided since diplomatic sensitivity needs to be addressed as well, moreover knowing how the history has been between the two countries. Another noteworthy finding is that solving economics problem in Indonesia as a solution could not be completely valid. It is due to the fact that the workers have been migrating to Malaysia ever since the Indonesian economy was still considerably strong.

Being 'blood brothers' with all of its similarities in cultures made the relations tensed instead of strengthened after the past incidents that occurred. Chong (2017, p. 2) discusses the official campaigns of Malaysian tourism that were accused to be 'stealing' cultures that belong to Indonesia for more than once. Attractions such as a Balinese dance called *Pendet*, a Javanese masked dance called

Reog, a Moluccan folk song titled *Rasa Sayang* and some other kinds of Indonesian cultures were being claimed as theirs. It has been said that the claims were possible to happen due to the migration of Indonesians in the past days, bringing along their cultures to the land of Malaysia and passed down through generations, enough to make such notions arise in the mind of Malaysian people. The incidents caused outrage from Indonesians, especially the artists themselves. Repeated incidence of arguments over cultural heritage made Indonesians came up with the slang “*Maling-sia*” as the word ‘*maling*’ means ‘thief’.

Chong (2017, p. 3) further reports on how Indonesians reacted towards such incidents. They managed to bring the level of outrage to the level of protest in front of the Malaysian Embassy in Jakarta where people even threw rocks and eggs, to the extent of burning the Malaysian flag. The action forced both countries to settle it at the state level. In response to the event, Malaysians, including the Minister for Information, Communication and Culture Dato’ Rais Yatim, commented that the nation-wide outrage was unnecessary and dramatized by the excessive anger over ‘a single dance move.’ Chong (2017, p. 16) argues that Malaysian media also played a role in fueling the fire through the portrayal of the issue that provokes both sides. As from the Indonesian side, *Konfrontasi* tends to be used as their ‘weapon’ whenever there was a conflict with Malaysia, no matter it is political or not.

The brief history of Indonesia-Malaysia relations through the review above shows how such factors would be possible to affect the way Indonesia deals with Malaysia or vice versa. The tendency to keep bringing up *Konfrontasi* across various issues could easily spark unnecessary flame between the two countries as Malaysia remembers the incident as what Wardhani (2008, p. 3) addressed as “a bitter experience and betrayal”.

Through the review, it could be seen that the issue of MDW has been being a thorn in the bilateral relations between Indonesia and Malaysia as the scholars have been mentioning it in their pieces, yet no one has gone deep in research on the issue at the state level. Back to the first square where the issue relies on the bilateral arrangement, such history would either directly or indirectly

affect how both sides approach this issue, not only at the high level but also at the operational level. In regard to that, this research tries to fill the gap by analyzing Indonesia's approach to the issue under such circumstances.

Besides, the conflicting arguments on how Mahathir's role influenced the bilateral relations provide further gaps as he recently got back into power which could influence the development of the relations. Thus, this research will also cover the recent situation of the bilateral relations after his comeback to evaluate Indonesia's approach to this certain issue of MDW.

Meanwhile, in the context of foreign policy, Indonesia has been holding up the principles of independent and active for its foreign policy, which were established in 1948 by Mohammad Hatta, Indonesia's first vice president. The principles are the interpretation of the Constitution's provisions that aspire to preserve international peace and also to emphasize Indonesia's non-aligned stance in the light of the Cold War. In the objectives, Hatta (1953, p. 441) listed "to defend the freedom of the people and guard the safety of the state", and also "to place special emphasis on initiating good relations with neighboring countries". He further argues stability and peace are essential in order to fulfill the country's interests in the economy (Hatta, 1953, p. 450). Yet, the following events after the establishment of such principles could not really reflect its effort in pursuing the objectives as Sukarno, the president himself, sparked *Konfrontasi* towards Malaysia. Nonetheless, the underlying principles of Indonesia's foreign policy could not be simply be neglected merely due to that one specific event as those continue to serve as the basis for the current direction of Indonesia's foreign policy.

Weatherbee (2005, p. 152) argues that Indonesia since the reign of Suharto has been seeking to 'undo the damage' caused during Sukarno's era, including but not limited to *Konfrontasi*. He further claimed that Yudhoyono's rise into power has generated higher expectations on Indonesia's role, especially regarding its leadership in ASEAN.

In accordance with that, Puspitasari (2010, p. 1) stated that Yudhoyono's reign has redirected Indonesia's foreign policy, especially in terms of its leadership in the region after the continuous struggles faced by the previous presidents on the

separatism issue such as East Timor and Aceh that gained international attention. Released in 2010, the slogan 'a thousand friends-zero enemy' reflects Indonesia's intention to strengthen its relations both bilaterally and multilaterally.

Puspitasari (2010, pp. 4-5) echoes that Indonesia has been putting ASEAN as its priority ever since, with the emphasis on restoring its relations with Malaysia and Singapore. One of the underlying reasons behind it is the issue of Indonesian migrant workers which has been floating around since the past years. She also mentioned that Indonesia has been trying to repair its international image, which aligns with Weatherbee's previous claim (Weatherbee, 2005, p. 152).

The high expectations for Indonesia's leadership in the region have been emphasized by a number of scholars such as Weatherbee (2005), Murphy (2008), Parameswaran (2014), Puspitasari (2010), including Laksmana (2011, p. 157). Such idea arose from its great geographical size, abundant resources, and what he wrote as 'revolutionary history'. Despite the ups and downs experienced in international affairs, he brought up the notion of Indonesia's rising profile, regionally and globally, that he claims in line with the utilization of such materials as its national power. However, he suggests that further assessment is necessary in regard to that. It is because such power combined with aggressive policies could generate restlessness for the neighbors as what happened during *Konfrontasi* since they have been seen as rivals. Thus, Indonesia aims its bilateral defense diplomacy mainly towards its closest neighbors.

There has been limited literature that discusses Indonesia's foreign policy in regard to the issues of MDW in Malaysia. It has been a public secret that the prolonged issues are yet to be solved. Elias (2013b, p. 28) argues that the issues of MDW, in fact, have been concerning both countries. But again, the continuous cases of mistreatment explain the lack of substantial improvement in practice. She also pointed out the limited availability of articles that specifically examine these issues, especially on the Indonesian side. Thus, this research attempts to fill the gap through its focus on Indonesia's foreign policy while she chose the gender approach and focused more on the migratory flows.

Furthermore, another notable finding offered by Elias (2013b, p. 31) is that the lack of improvements resulted from the way Indonesia perceives the migrant workers as what she refers to as ‘material benefits to the national economy’, not as humans whose rights have to be protected at all costs.

The review above on the brief trend and development on Indonesia’s foreign policy provides the groundwork for further analysis in this research. It is also to show Indonesia’s main focus on its international image and role as the *primus inter pares* of the region (Weatherbee, 2005, p. 155). Thus, this research aims to analyze further how such an objective could affect the way Indonesia deals with the issues of MDW in Malaysia.

Throughout the literature review discussed above, limited literature addressed the issues of MDW in Malaysia, especially in the context of its settlement and related foreign policy at the state level. Thus, it emphasizes the need to fulfill such gaps with a new approach through the realist perspective in order to provide a better understanding at the state level.

CHAPTER 3

THEORETICAL FRAMEWORK

This chapter describes the tools that are being utilized to analyze Indonesia's foreign policy on the issues of MDW in Malaysia. By following the realist's assumption of the state as a rational actor, the rational model of decision-making can explain the decision a state takes and the cost and benefits assessment behind it. Finally, the key concept of national interest is discussed.

3.1 Realist Perspective

Nau (2019, p. 52) suggests that international relations could be understood through various perspectives as it is useful to determine the major cause of a certain case. The realist perspective is one of the main perspectives that could be utilized. In addition, realism itself persists to maintain its dominance in International relations (Brown & Ainley, 2005, p. 28). Among all of the existing perspectives, this study believes that the realist perspective is suitable to examine Indonesia's foreign policy on the issues of MDW in Malaysia.

The realist perspective views the state as the main actor in international relations due to its significance compared to other actors such as international organizations, groups, and individuals for example. The state's significance could be seen through its role as the official body that could regulate the terms for those other bodies to act and operate (Brown & Ainley, 2005, p. 30). This reason provides the foundation for this research to analyze the issues of MDW on the state level. Echoing what has previously mentioned, the state is the most significant actor that could set the rules. Thus, it is important to not only look into the issues at the individual level but also at the state level with its significance as the main decision-maker that could actually change the whole situation.

The realist perspective might tend to concentrate on conflicts, but it is for the purpose of avoiding its reoccurrence by understanding them. Morgenthau (1948, p. 5) suggests that the actions of a state are carried out based on the assumptions that generated from retracing the history. The state's decision might be driven by its interests, but such interests could not be separated from history due to its influences (Morgenthau, 1948, p. 10).

Morgenthau (1948, p. 5) stated that “the concept of interest defined in terms of power”. That makes power become one of the key objectives that states aim for. Exercising their power is the way for states to be able to rule and direct their policies. It is claimed that natural resources, population, and geographic size are the most essential sources of power that states could have naturally (Mingst & Arreguin-Toft, 2017, p. 146). The power they seek is then utilized to pursue other goals (Brown & Ainley, 2005, p. 30). Indonesia, as the state that is analyzed in this research, has obtained the mentioned natural sources of power for states. In regard to that, Indonesia's utilization of such power sources could be seen in the main analysis to show how it also relates to the settlement of the MDW issues.

Although material power might be the indicator that could somehow reflect the state's capability in tangible forms, the realist perspective does not simply overlook some of the soft power elements such as reputation and prestige. It is because the image and reputation of a certain state relate to its “credibility to use force”. Throughout the process done by states to achieve certain power, it is not always about war. Diplomacy is one of the other means used, either as another way to maintain the state's security or as a disguise for their force (Nau, 2019, pp. 99, 101).

Furthermore, it is undeniable that power relations between the involved actors, which in this context refer to states, could not be avoided in the process. Each party understands its objectives and potentials while attempting to understand its counterpart that in fact might be misleading. The knowledge they have on themselves and the opponent is then considered and result in their next steps. At the end of the day, it is unlikely to generate equal satisfaction to both parties despite the benefits each party received (Mingst & Arreguin-Toft, 2017, p. 154).

In this case, diplomacy in the form of bilateral negotiation has been mentioned across the literature on MDW as one of the most essential ways to settle the MDW issues. Indonesia itself has been conducting continuous negotiations with the Malaysian side in pursuing its goals on this matter. Due to its importance, Indonesia's negotiation process will be analyzed in the following chapter, along with how power relations between Indonesia and Malaysia could affect the settlement process.

To provide the base for the power relations between Indonesia and Malaysia, it is important to understand the anarchic international system. The inexistence of a central power in the anarchic international system, according to the Realist perspective, forces states to rely on their own to survive. Granted with sovereignty, states have full control of their own domestic affairs and other parties should not interfere in any way. The selfish nature of states results in the uncertainty about the truth of each other's intentions (Nau, 2019, p. 95). In this case, Malaysia's sovereignty serves as the boundary for Indonesia's diplomacy in this matter and increases its bargaining power as the host country for MDW.

As the realist perspective is state-centric, foreign policy decision-making also relies upon the hand of the state. The state itself is being referred to as 'a territorially-based political unit' that has become the center for the decision-making process (Brown & Ainley, 2005, p. 63). The realist perspective also views the state as a rational actor, which results in rational decision-making (Morgenthau, 1948, p. 5). Although it could not be denied that the intentions might be mixed up by certain factors such as misperceptions and personal interests of the leader along the way, Thucydides, the Ancient Greek historian, stated that the main goal of the rational decision-making will always be achieving the state's national interest despite the way it is being developed (Mingst & Arreguin-Toft, 2017, p. 77).

3.2 Rational Model of Decision-Making

Allison (1971, p. 4) claims that the Rational Actor Model (RAM) has been used by a great number of analysts to explain a state's behavior. Using governmental choice as its unit of analysis, patterns could be drawn from the goals and objectives of one state that has been studied. Thus, one could predict a state's choice or what it would have done through the calculation of the rational decisions that could be done in a particular situation. He emphasizes through the argument that has been offered by Morgenthau (1948, p. 5) in *Politics among Nations*, "To give meaning to the factual raw material of foreign policy, we must approach political reality with a kind of rational outline, a map that suggests to us the possible meanings of foreign policy."

In the RAM, the foreign policy decisions are made by the state as a unitary actor. It sees the state as one whole unit in the decision-making process, unlike the Organizational Process Model which sees the decision being generated by 'multiple organizations' with their own routines and procedures which might vary among them (Brown & Ainley, 2005, p. 72).

Mingst & Arreguin-Toft (2017, p. 163) echoed and further elaborated Allison's claim on the rational model by modifying it with a realist approach. They argue that most realists, based on the assumption that the state is a rational actor, utilize the rational model in explaining foreign policy. The state's rationality would drive itself to determine which decision could maximize the fulfillment of its interests in return (Allison, 1971, pp. 11, 13; Mingst & Arreguin-Toft, 2017, p. 163).

Allison (1971, pp. 29–30) listed the concepts in the RAM, such as goals and objectives, alternatives, consequences, and choice. Those concepts have apparently been translated by Mingst & Arreguin-Toft (2017, p. 164) into a rational model of decision-making which could be seen in Figure 3.1 below.

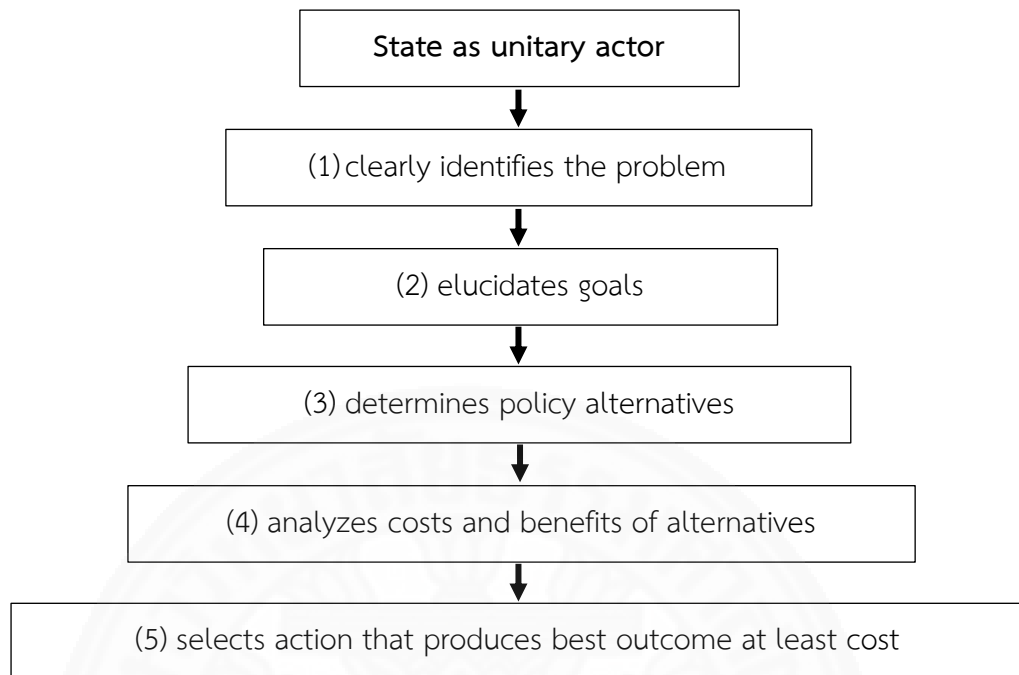


Figure 3.1 The Rational Model of Decision-Making

Source: Mingst and Arreguin-Toft (2017, p. 164)

In addition, Nau (2019, p. 156) mentioned that the ‘chance of political survival’ of the state itself also becomes one of the aims that need to be achieved. Thus, the cost and benefits from the available options are rationally assessed by the state. Rationally assessed means that the state should avoid being subjective in the process, for example bringing along the leader’s bias of a certain country.

3.3 National Interest

National interest is one of the primary key concepts both in the realist perspective and foreign policy decision-making as state conduct is mainly driven by it (Brown & Ainley, 2005, p. 67). According to Morgenthau, the concept of national interest itself could also be applied to criticize a certain state’s behavior (Brown & Ainley, 2005, p. 31). Despite its importance in the International relations field, the definition and meaning of national interest remain ambiguous as there are various

meanings depending on the context used. For that reason, there is no consensus regarding its meaning (Frankel, 1970, p. 42).

Rosenau (1980, p. 283) distinguishes national interest between the one used in political analysis and political action as follows:

“As an analytic tool, it is employed to describe, explain, or evaluate the sources or the adequacy of a nation’s foreign policy. As an instrument of political action, it serves as a means of justifying, denouncing, or proposing policies. Both usages, in other words, refer to what is best for a national society. They also share a tendency to confine the intended meaning to what is best for a nation in foreign affairs.” (Rosenau, 1980, p. 283)

Developing Rosenau’s argument above, Frankel (1970, p. 19) describes national interest as ‘the desired outcomes’ from a certain foreign policy. Furthermore, he argues that national interest is not permanent due to the possibility of reinterpretation which often happens when the power relations shift. It is also important to keep in mind that policies tend to be reactive to the catalyst from the surroundings. Thus, the aims are subject to change from time to time. However, there is a tendency for national interest to lean more towards ensuring the well-being of a certain country than serving its glory (Brown & Ainley, 2005, p. 67).

The importance of national interest in foreign policy aligns with Frankel’s further claim regarding the government’s exclusive role in decision-making. The reason behind the government’s exclusivity is that other actors, such as groups and individuals, are deemed to be powerless compared to the first-mentioned (Frankel, 1970). Such an explanation echoes Morgenthau’s idea on the state’s significance in international relations as the main actor that has been discussed in the previous section.

Frankel (1970, p. 31) offered the classification of national interest into aspirational, operational, explanatory, and polemical. National interest on the aspirational level refers to some set of vision and ideal goals that would be pursued by the state depending on the possibility of its realization. Since its pursuance might be adjusted from time to time, its inactiveness during a certain period does not

mean it has become irrelevant. Some of the main characteristics of national interest on the aspirational level are long-term, rooted in history and/or ideology, and directs the actual policy. As for the operational level, it refers to the actual interests and policies that are being pursued by the state. It is characterized by short-term, predominant concerns, and least-costed policies (Frankel, 1970, pp. 31–33).

Between those two levels, there is a distance that could determine its dynamism, showing the feasibility of such vision and goals to be asserted at the operational level. A certain interest, regardless of which level it belongs to, could be revised or dropped due to any changes that occur to the state. However, the revision or the drop should not be done at both levels as it would generate a serious impact on the distance. An example case was given, explaining that if a goal at the operational level could not be reached within a period of time, it could be switched to the aspirational level or being completely dropped (Frankel, 1970, p. 34).

Meanwhile, the national interest on the explanatory and polemical level is being utilized ‘to explain, evaluate, rationalize, or criticize foreign policy.’ Unlike the previous classifications that mostly describe and prescribe, these levels aim to justify oneself as the right one and point out the opponents’ faults. It is being demonstrated through various official documents and occasions where statements are addressed (Frankel, 1970, pp. 35–36).

Such classifications that have been explained above are reflected throughout the analysis in the next chapter. Indonesia’s national interest across all levels of classifications could be seen, starting from its foreign policy direction that was concluded by Mohammad Hatta in 1948 that set the aspirational national interests to its evaluation on Malaysia’s side regarding the MDW issues.

CHAPTER 4

APPLICATION OF THE THEORETICAL FRAMEWORK AND DISCUSSION

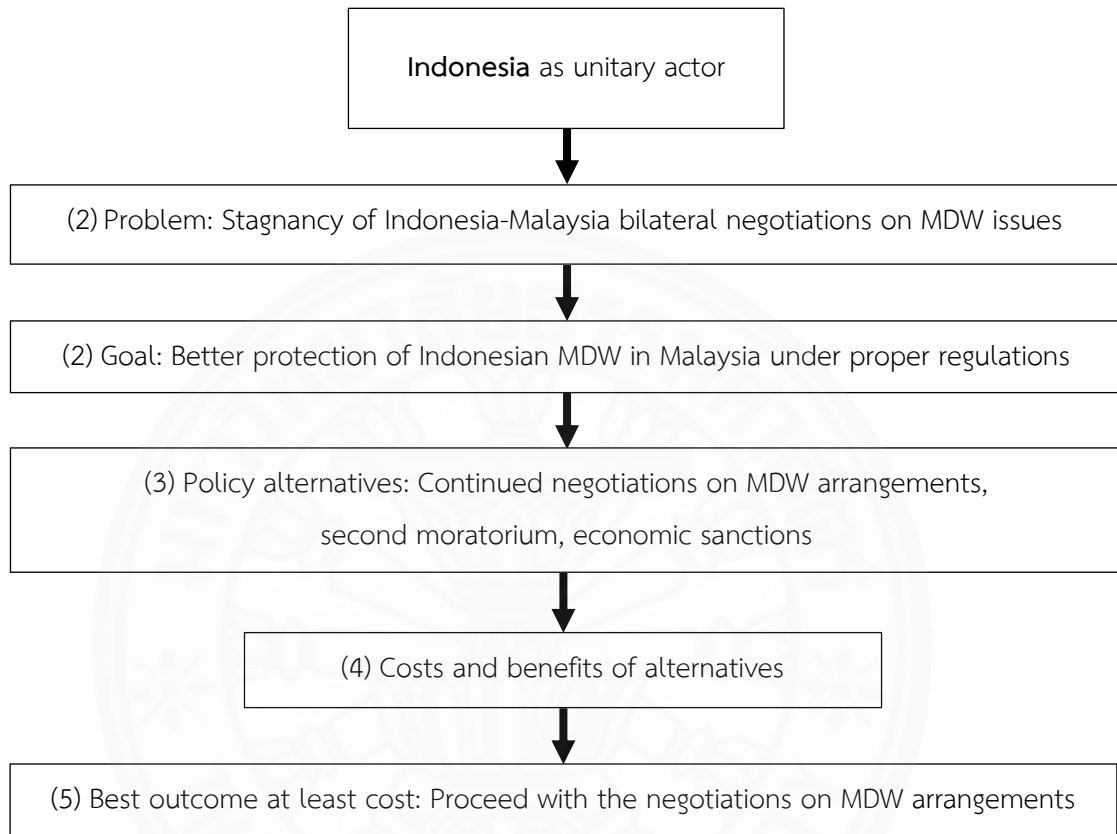


Figure 4.1 Application of the Rational Model of Decision-Making to Indonesia's Foreign Policy on the Issues of MDW in Malaysia

Source: Author's interpretation based on Mingst and Arreguin-Toft (2017), p. 164

In this chapter, Indonesia's foreign policy on the issues of MDW in Malaysia is discussed using the structure of the model that has been provided in the previous chapter. The analysis includes the elaboration of the current situation of the bilateral negotiations between Indonesia and Malaysia according to the information obtained from the interviews, the cost-benefit analysis of the measures that could be taken by Indonesia, and the prioritization of Indonesia's national interests based on the cost-benefit analysis. Displayed below is the model for the detailed analysis.

4.1 Problem: Stagnancy of Indonesia-Malaysia Bilateral Negotiations on MDW Issues

The validity of the 2006 MoU on MDW arrangement between Indonesia and Malaysia and its renewal in 2011 was five years. The renewal process then has become the chance for both parties to improve the content of the MoU itself. As has been learned from the literature review, the MoU that was renewed in 2011 is deemed to not provide enough protection for MDW despite the amendments made in the same year.

The second renewal of the MoU was due in 2016. Indonesia requested a renegotiation, along with the draft proposal for the new arrangement. However, until the interviews for this thesis were conducted in July 2019, Malaysia has not yet responded by proposing its counter draft. According to one of the interviewees, the reason is that Malaysia has been working on a common guideline that regulates migrant domestic workers in Malaysia in general, which not only includes Indonesia but also other sending countries. The inability for both parties to conclude a new MoU on the due date has left Indonesia with no choice other than to proceed with the old MoU to continue the MDW placement process in Malaysia.⁴

The 'perfect' proposed draft, as claimed by one of the interviewees, focuses more on the protection of MDW, reducing the lack of the previous version. Nonetheless, no matter how 'perfect' the draft is, he asserted that the implementation stage remains a challenge for both parties. For example, the employers continue keeping the MDW's passport for safety purposes despite its prohibition that had been concluded in the MoU. Although the reason might be understandable, such an incident could also be prevented if Malaysia issues an official identification card that could substitute their passport for daily purposes as what Saudi Arabia has done.⁵

⁴ Interview conducted with the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

⁵ *Ibid.*

Despite the stagnancy in the negotiation which has passed three years since the MoU expiration, one interviewee did not agree to put the blame on the Malaysian side for the delay. He argued that both Indonesia and Malaysia could not yet find the 'middle way' that accommodates both countries' interests. Indonesia sees the common guideline to be not compatible enough for its interests, partly due to the concern on the lack of state intervention as it relies more on the third party, which in this case is the agency.⁶

Apart from the MoU arrangement, another obstacle arose in the middle of the process. Launched at the beginning of 2018 by Malaysian Immigration, *Sistem Maid Online* (SMO) was established to ease the MDW recruitment procedure as it offers an eight-day process and only a quarter of the normal recruitment fee (Kaos Jr., 2017). The SMO allows prospective employers to hire an MDW from Cambodia, India, Indonesia, Laos, Nepal, the Philippines, Sri Lanka, Thailand, and Vietnam directly without the help of an agent as long as both the MDW and the employer fulfill the requirements which have less practical obstacles compared to the conventional process. The prospective MDW is required to be a 21-45 years old woman originating from one of those countries who is not listed on the immigration's blacklist. In addition, the SMO during its early days also allowed the hiring of women who are already in Malaysia under a Social Visit pass, even those who overstayed could be hired as long as the employers paid for their compound fee (Jabatan Imigresen Malaysia, 2017).

The SMO might be tempting for the prospective employers as they could save large amounts of money compared to the normal recruitment fee they have to pay. However, some of the interviewees claimed that the SMO is a rather unilateral initiative by the Malaysian immigration due to the lack of coordination not only with the sending countries, which in this case is Indonesia, but also among the Malaysian

⁶ Interviews conducted with the Consular officers at the Consulate General of the Republic of Indonesia in Penang, Malaysia on 25 July 2019 and the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

authorities themselves. Indonesia, on this specific issue, understands Malaysia's attempt to make the recruitment process of MDW become cheaper to favor its own nationals, but it shall not be a unilateral decision as the real process involves Indonesians.⁷

Indonesia has been delivering its objection to the SMO on every possible occasion up to the Minister level. The main concern is that by conducting the recruitment process through SMO, it disregards a great number of important pre-departure and arrival procedures that involve the Indonesian side. As a result, the possibility for the hired MDW to be not competent enough to do the tasks is higher than before, which has been seen to cause problems. Most importantly, the Indonesian side does not have any record about the MDW that might create a major hindrance if something happens to the MDW in the future. Harshly said, if the employers are having problems with the MDW hired through SMO, they could simply 'throw' them away on the streets. Based on the experiences, it really is difficult to have MDW remember the important details regarding their employment, such as passport and visa details, employer's name and address, sometimes even the exact address of their residence back in Indonesia. For the regulations side, the framework is unclear when it comes to the MDW hired through the SMO since the Malaysian side did not establish any form of coordination with the Indonesian missions. Thus, the unclear arrangement and lack of coordination have made SMO worsening the issue instead, as there is no certainty on the underlying framework that they could refer to when there is a case to be solved.⁸

Referring back to the classification of national interest proposed by Frankel (1970, p. 31), in this context the Indonesian government showcased its national interest on the explanatory and polemical level in this matter by explaining the obstacles in the negotiation process. It includes the evaluation of the Malaysian government's efforts and the criticism of the SMO. Thus, by stressing the flaws of the

⁷ *Ibid.*

⁸ Interview conducted with the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

Malaysian government, it could provide justification for Indonesia's current position in this matter.

4.2 Goal: Better Protection of Indonesian MDW in Malaysia

Both the Indonesian Ministry of Foreign Affairs and the Ministry of Manpower are the main stakeholders in the MDW issues. It has been agreed that the main goal is to ensure the dignity and safety of MDW during their employment abroad, in which such an interest falls into the classification of operational level as the fulfillment aims for the short-term. When it comes to the protection aspects, the responsibility lies in the hand of the Ministry of Foreign Affairs to determine whether a certain country is safe to work in or not. In addition, the Ministry of Foreign Affairs is also the one who has the say to advise a halt on the sending when it is deemed necessary.⁹

To achieve a well-protected MDW in Malaysia, the Indonesian side believes it is necessary for Malaysia with its capacity as the state to be involved further in the domestic settlement, including its law and implementation. One interviewee emphasized the importance of the dispute settlement mechanism in this matter as its lack is one of the main hindrances to the general settlement of the issues. The reason behind the high number of MDW stuck in the Indonesian missions in Malaysia waiting for their case to be settled is due to that reason. It then becomes more complicated if the status of the MDW is irregular as the Malaysian side tends to nullify cases based on irregular immigration statuses. When in fact, according to one interviewee, as long as an employment relationship has been formed, the case shall remain open to be settled despite a regular or irregular status.¹⁰

⁹ *Ibid.*

¹⁰ Interviews conducted with the Consular officers at the Consulate General of the Republic of Indonesia in Penang, Malaysia on 25-26 July 2019 and the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

Aside from Malaysia's responsibility on rules and regulations, the equality between the MDW and their employers before the law is also essential to be ensured. All of the interviewees admitted that on some occasions the siding of the judge towards the employers, who are Malaysian nationals, could not be avoided and push MDW to the losing side. Furthermore, regarding this specific situation, some of the interviewees saw this partly due to the deep-rooted sensitivity between the two countries that could not be erased yet, worsened by the image of Indonesian MDW as the 'offenders' of Malaysia's immigration. Related to the immigration status in the previous paragraph, the defeat of an irregular MDW due to her status should actually be reviewed again since the working permit is, in fact, the main responsibility of the employer. Thus, employers should also be responsible for such a matter before the law.¹¹

Besides, on the notion that Malaysia as the state needs to be involved more on the settlement of the issue, Indonesia also perceives that the recruitment process of MDW should be changed into a government-to-government (G2G) system instead of business-to-business (B2B) as it has been done until the present through agents. With a greater involvement of the state, the idea is seen to be able to help in reducing the recruitment cost that tends to be the root of the problem where the employers either choose to employ MDW through the irregular way or abuse the MDW they recruit legally as if they already 'bought' them with such a high price (Maulana, 2018). In addition, the direct involvement of both countries could also enhance the supervision of MDW and the implementation of the law and regulations.

Despite the obstacles that have been hindering the conclusion of the negotiations, Indonesia will not stop pushing the agenda on MDW issues. There is a little chance for this interest to be dropped, bearing the risks that the process might require a longer waiting time.

¹¹ *Ibid.*

4.3 Policy Alternatives for the Settlement of MDW Issues in Malaysia

Three possible policy alternatives that could be taken by Indonesia in response to the MDW issues in Malaysia will be discussed. The options were selected with reference to what the Indonesian government has done and is currently doing based on the information from the interviews and gathered data.

The first option is for Indonesia to choose the diplomatic way through continuous negotiations on this matter. The second option is for Indonesia to implement a second moratorium on the sending of MDW to Malaysia. Thirdly, Indonesia could impose economic sanctions on Malaysia to intensify the threat. Further explanations of the options offered will be elaborated in the next section of the cost-benefit analysis of each respective option.

4.4 Costs and Benefits Analysis of Indonesia's Policy Alternatives on MDW Issues

The costs and benefits of each policy alternatives will be discussed further in this subchapter. However, the analysis is not merely based on the information obtained from the interviews, but also combined with the existing data that have been analyzed by the author in order to build objective costs and benefits analysis.

4.4.1 Continued Negotiations on MDW Arrangements

Diplomacy has significant importance as the means utilized by states in pursuing their foreign policies. The common practice of diplomacy itself mostly is done by the state's ministry of foreign affairs. Its conduct is considered 'a major ingredient of power' (Berridge, 2002, pp. 1, 3). Thus, continuing the negotiations on MDW arrangements could be one of the available options for Indonesia in this matter.

Negotiation, as a part of diplomacy, is designed to settle any dispute or concern between the parties through the designated representatives. Conducting a negotiation, in fact, is a tricky and complex process. Thus, negotiation

tends to be time-consuming. Due to the length, reaching an agreement on the disputed issue could be even more difficult. In terms of urgency, although this does not apply to every case, negotiation sometimes is conducted for the issues that are not the most urgent. For example, to request a clarification or to release a warning. Nonetheless, it remains the most important means of diplomacy (Berridge, 2002, pp. 27, 30).

In terms of bilateral negotiation, mainly its functions are being carried out by the state's missions abroad. The missions' role becomes more crucial when the difficulty of the negotiation is high and the length it took is rather prolonged. Thus, although a rigid manner might be necessary in order to implement the state's foreign policy at some certain moments, it is more important to maintain and boost friendly relations to keep the relations smooth (Berridge, 2002, pp. 118–119).

Assessing the history of bilateral relations between Indonesia and Malaysia through the realist perspective, the prevention of conflict reoccurrence is significant interest. In this case, reflecting back to *Konfrontasi* and the following conflicts after, it is rather necessary to avoid any conflict that would end up costly for both parties. However, avoiding conflict does not mean a certain country would simply do nothing to achieve its interests. Thus, diplomacy provides a way for the state to maintain its force without going straight into any coercive measures.

Indonesia has been regularly involved in an annual bilateral talk with Malaysia through the form of the Joint Commission for Bilateral Cooperation (JCBC). In the meetings, various issues are discussed and evaluated, including the issues of MDW. Each party's stance in the specific issue could be learned on the occasion. The short annual meeting at the Minister level is usually preceded by bilateral sectoral meetings at the lower level. The most recent is the 16th JCBC, held on 20-21 November 2018 in Kuala Lumpur (Ministry of Foreign Affairs Malaysia, 2018).

A number of interviewees confirmed that there is a separate meeting specifically on the issues of migrant workers.¹²

As has been understood, the major part of the settlement of MDW issues relies on the Malaysian domestic side through its rules and regulations which enable the MDW to get adequate protection and also access to equal treatment before the law. Such a responsibility is beyond Indonesia's control as it falls under Malaysia's sovereignty. Thus, in this context, what Indonesia could do is entering a negotiation with Malaysia to do its part internally.

The negotiations have been going for years without tangible results. Instead, the issues have been getting more tangled with the establishment of SMO instead of the conclusion of a new MoU. Some of the interviewees claimed that there was a specific session designed for the discussion on MDW issues, but the result remains unsatisfactory.¹³

4.4.1.1 Continued Negotiations on MDW Arrangements: The Costs

Diplomatic negotiations might not require a lot of material resources. However, a formal G2G process could take a long time, which also happened in this case. Supposed to be due in 2016, nothing has been concluded until nearing the end of 2019. Yet, the demand and supply for MDW will not stop anytime soon. The other cost that Indonesia has to bear with this option is the time constraint.

The prolonged negotiation process has costed the safety of Indonesia's own nationals, not to mention also the death cases that happened due to the employers' abuse and mistreatment. Even for a case to be solved, it takes years and during the process, the MDW could not go home or else the case will be

¹² Interviews conducted with the Consular officers at the Consulate General of the Republic of Indonesia in Penang, Malaysia on 25-26 July 2019 and the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

¹³ Interviews conducted with the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

closed. The cost then increased to the form of the shelters' logistics as the missions have to host the MDW who have to stay there. In addition, the mental stability of the MDW at the shelter could also be affected by various factors, such as stress, idleness, isolation, and more, according to the author's observation.

In addition, as has been explained previously in the theoretical framework chapter, it is almost impossible to avoid power relations in a negotiation. In this context, Malaysia holds a stronger power due to its position as the host, where the domestic settlement regarding this issue is within its competence. Indonesia's power is limited due to Malaysia's sovereignty over its domestic matters.

4.4.1.2 Continued Negotiations on MDW Arrangements: The Benefits

The main benefit Indonesia could obtain from choosing the option of negotiations would be the sustained relations with Malaysia, amending and strengthening the relations that were disturbed for a few times in the past. The idea is supported by the report of the 12th Malaysia-Indonesia Annual Meeting held in 2017 in the celebration of 60 years Indonesia-Malaysia bilateral relations from President Joko Widodo's official website. In the limited meeting between him and Prime Minister Najib Razak, various issues have been discussed, including the issue of migrant workers' protection. The meeting report concluded that Indonesia-Malaysia bilateral cooperation was getting stronger (PresidenRI, 2017).

It was emphasized further by Indonesia's Minister of Foreign Affairs, Retno Marsudi, during the meeting between President Joko Widodo and Malaysia's Deputy Prime Minister Wan Azizah Wan Ismail in the following year. She stated that it is important to intensify the communication between the two countries due to the fact Indonesia and Malaysia is the closest country to each other. Improved communication in terms of frequency could help to solve any problem that may occur between the two parties. Also, she claimed that both leaders pointed out the necessity to improve the currently good relations between Indonesia and Malaysia (PresidenRI, 2018).

It did not take long for Indonesia to enjoy the benefit of sustaining good relations with Malaysia. The dropping of charges against Siti Aisyah,

the Indonesian who was involved in the murder case of North Korea's Kim Jong Nam in Malaysia in 2017 along with a Vietnamese, Doan Thi Huong, has become the proof. Both Siti and Doan had to face charges despite the fact they were being deceived by North Korean spies who disguised the murder attempt as a 'Japanese comedy show prank' (Ellis-Petersen, 2019a). The decision to drop the charges in 2019 was surprising yet controversial as Siti was released but not Doan as she continued to face the trial. In response to Siti's release, the Vietnamese government attempted for an appeal but rejected by the Malaysian prosecutors (Ellis-Petersen, 2019b).

Although Doan was released two months later than Siti after the court reduced the charge, the case demonstrated how Indonesia's good relations with Malaysia is greatly beneficial to the process. The controversial decision to release Siti but not Doan has also left the prosecutors with no reasons to give. The Indonesian government claimed that it could happen due to 'its continual high-level lobbying'. The Malaysian attorney general stated that the decision was made after considering 'the good relations between our respective countries' (Ellis-Petersen, 2019a).

Another benefit that Indonesia could possibly obtain is the new bilateral arrangement on MDW. It was recently reported that it is planned to be finalized by the end of 2019 (Septiari, 2019). Although Malaysia has insisted on offering Indonesia the common guideline, the bilateral arrangement is still seen as a relevant instrument in the MDW arrangement. Thus, that becomes one of the reasons why Indonesia continues to pursue the conclusion of the new bilateral arrangement. It is reasonable knowing the fact that Indonesia is the major stakeholder among other sending countries of MDW to Malaysia.

However, according to one interviewee, Malaysia has not stated anything in regard to the finalization of the common guideline that will be applied to all MDW in Malaysia. Despite the uncertainty on the time aspect, he claimed that the new administration of Malaysia under Mahathir has shown more interest and willingness in solving the MDW issues from the roots. He further explained that the Malaysian government has established a committee to specifically discuss the issues on its decision-making process. The committee itself consists of

various groups, including officials, activists, and observers. Indonesia has been invited to the meetings as an observer. But until the interview was conducted, there has been no significant new policies concluded yet.¹⁴

Last but not least, the sustained relations between Indonesia and Malaysia could result in the mushrooming of cooperation between the two, which is reflected in the increasing bilateral cooperation in economic aspects recently. Oesman Sapta, the Speaker of the Regional Representative Council of the Republic of Indonesia (DPD RI) in 2018, stated that the cultural closeness between Indonesia and Malaysia could act as a strong foundation for the bilateral relations. The great potential of the two countries in the economic aspects shall be maximized through various cooperation. In addition, he pointed out the importance of the media's role in supporting the relations as they could influence the perception of each other (Murdaningsih, 2018).

4.4.2 Second Moratorium

A moratorium is common to be used in the international arena to postpone or suspend a certain activity due to the inability of the involved country to carry out its obligations. Its 'indispensable values' are necessary to assist the settlement of complicated issues. As a temporary measure, the duration of a moratorium should be limited. Although the duration itself may or may not be stated since the beginning, its temporary status reemphasizes the intention that it is not supposed to last forever (Yin, 2012, pp. 321, 333).

In this context, the moratorium provides a reversing effect, where the disputed activity and all of its related activities are being banned completely. However, it requires substantial reasons for justification purposes. The implementation of a moratorium itself is seen to uphold the 'spirit of compromise and cooperation in diplomatic negotiations'. As for its reasons, there are three categories, namely the inability to discharge obligations, the existence of extraordinary circumstances, and necessary policy tools (Yin, 2012, pp. 335–336).

¹⁴ Interviews conducted with the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

For the case of Indonesia's moratorium on the sending of MDW to Malaysia, the reasons are the combination between the first and the third ones. The main reason for the moratorium would be about Malaysia's inability to fulfill its obligations on protecting MDW as the host country. Thus, a moratorium is used as a means to settle it. At the same time, the moratorium is also being maximized to achieve Indonesia's foreign policy goals by 'facilitating further action' through the leverage it gives to the ongoing negotiation on MDW issues. Despite its function, it is unavoidable that its advantages are still debatable among the affected parties (Yin, 2012, pp. 338–339). For example, the moratorium on the sending of MDW to Malaysia is deemed to worsen the situation due to the increase of irregular MDW (World Bank Indonesia, 2017). Nonetheless, the moratorium remains to be seen as a means that still upholds peace and cooperation in the dispute settlement process (Yin, 2012, p. 340).

After the first moratorium was implemented in 2009-2011, the Indonesian Ambassador to Malaysia Rusdi Kirana proposed another moratorium on the sending of MDW in September 2017 during the meeting with the Indonesian Consuls General stationed in Malaysia (Rezkisari, 2017). The moratorium plan escalated at the beginning of 2018 after the death of Adelina Lisao. Although it arose in coincidence with the enactment of SMO, no official statement could be found in regard to that.

The implementation of a moratorium on the sending of MDW has been criticized by scholars and activists—such as Malahayati, Human Rights Watch, and Migrant Care—due to the reason of the MDW shifting into irregular lane instead and making them more vulnerable than before. The report issued by World Bank Indonesia found that the number of MDW going to Malaysia through the irregular lane increased by 58 percent during 2010-2011 compared to before the implementation of moratorium (World Bank Indonesia, 2017, p. 34).

However, Indonesia has a different view on it. Dede Yusuf, the Chairman of the Commission IX of the People's Representative Council of the Republic of Indonesia (DPR RI), claimed that the reason behind the high number of irregular MDW is because of the high employment fee that the employer has to pay

in order to recruit MDW legally (Maulana, 2018). Thus, the government concluded that the implementation of the moratorium would not have a direct impact on the irregular lane of MDW as it will always happen whether the moratorium is in force or not. Such a claim was also echoed by one of the interviewees.¹⁵

Nonetheless, according to some of the interviewees, a moratorium is only a temporary measure until the situation has been deemed improved, which in this context, refers to the conclusion of a new agreement on MDW. It is also a response to the criticism towards the moratorium as he emphasized that moratorium is not the final policy for this issue.¹⁶

4.4.2.1 Second Moratorium: The Costs

The main cost for Indonesia if a moratorium is being implemented is a loss of job opportunities that could have improved the standard of living of prospective MDW as they could earn nearly five times more than what they earn back in Indonesia. Although the intention is to protect the well-being of MDW in the destination country, Indonesia should also consider the domino effect from a moratorium. Learning from the first moratorium, it increased the unemployment rate among low-educated women in the major sending areas, especially those who are willing to go through the official process (World Bank Indonesia, 2017, p. 34). From the first moratorium alone, it was reported that approximately 90,000 prospective MDW were affected and not being able to work abroad for their betterment (Renaldi, 2018).

For example, East Nusa Tenggara (NTT) and West Nusa Tenggara (NTB) are among the main origin provinces for MDW who work in Malaysia. NTT itself is listed as the 'third poorest province in Indonesia'. Such a situation has

¹⁵ Interviews conducted with the Consular officers at the Consulate General of the Republic of Indonesia in Penang, Malaysia on 26 July 2019 and the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

¹⁶ Interviews conducted with the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

resulted in more than 21 percent of its people living with less than US\$2 each day. The percentage might seem not to be that huge, but in fact, it equals to more than one million people. Going abroad with the opportunity to earn way much more than what they could earn back home might be the only option for them who live below the poverty line on top of the low level of education they have obtained (Renaldi, 2018).

Besides increasing the unemployment rate in Indonesia, the other cost Indonesia would have to bear is the possibility of losing the remittance inflow to the country. Indonesian MDW themselves are well-known to be the '*pahlawan devisa*' or 'currency heroes'. Most Indonesian migrant workers work as MDW and nearly half of the total Indonesian migrant workers work in Malaysia (Portal Informasi Indonesia, 2019). During the first moratorium alone, it was reported that Indonesia lost approximately US\$6 billion of remittance in the following year (Renaldi, 2018).

However, the loss of remittance during the first moratorium might be covered by those who chose to go through the irregular lane. It was estimated that around 11,000 MDW took the risk once the moratorium was being enacted (Renaldi, 2018). Although Indonesia then might not suffer from substantial loss due to the 'replacement', their status once again increases the risk that haunts them if things go wrong. Furthermore, it was also indicated from one of the interviews that the repatriation cost for irregular MDW mostly relies on the government's budget, especially when the MDW are having problems with their salary. In addition, Malaysia also applies a compound fee of RM3,000 for the MDW to be allowed to go home.¹⁷

Another interviewee expressed that there was even an idea to do the moratorium not only on the sending of MDW but also the Indonesian formal migrant workers to Malaysia. The category includes all the Indonesian migrant workers, both men and women, working for any legal entity in Malaysia, such as

¹⁷ Interviews conducted with the Consular officers at the Consulate General of the Republic of Indonesia in Penang, Malaysia on 25 July 2019.

companies, factories, restaurants, shops, but excluding the professionals.¹⁸ According to the data provided by the Malaysian Immigration at the end of July 2019, the Indonesian formal migrant workers account for 611,770 workers.¹⁹ However, if the number is to include all the irregular workers, the final number could double up. The huge number of workers might be referring to the ones who are currently working in Malaysia, but it reflects how significant their presence is. It was reported at the beginning of 2019 that the total remittance received from the Indonesian workers in Malaysia reached US\$771 million (Purnomo, 2019). The amount could hurt Indonesia significantly if the moratorium of both formal and informal migrant workers ever be carried out. Aside from wasting the opportunities for potential workers to gain a better income, it will also definitely cause a great impact on Malaysia's economy due to their constant demand for workers, generating a chain reaction of disruption to the bilateral relations. In response, the Malaysian side could retaliate with another measure that results in more serious harm to Indonesia instead of fulfilling Indonesia's request.

4.4.2.2 Second Moratorium: The Benefits

As one of the interviewees clarified that a moratorium was not a final decision, he then emphasized that it instead acted as a leverage for the bilateral negotiation process between Indonesia and Malaysia on the MDW arrangement.²⁰ In regard to what has been discussed earlier in terms of the power relations, a moratorium as leverage could increase Indonesia's bargaining position in the negotiation. It has also been understood how serious the impact could be if the

¹⁸ Interviews conducted with the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

¹⁹ The data obtained during the interview with the Employment Sector officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 31 July 2019.

²⁰ Interviews conducted with the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

moratorium is ever to be enacted for the second time, especially if it is the one including the formal migrant workers.

A moratorium could also show how firm Indonesia's stance is in this matter to the point that it is willing to take a certain measure that might actually cause harm both inwards and outwards. During the first moratorium, Malaysia did not bother Indonesia's moratorium based on the reason that they could simply replace Indonesian workers from other neighboring countries, one of which is Cambodia. As it has been identified that one of the main causes is Malaysian domestic law that could not protect MDW in general. In the end, the Cambodian MDW who are replacing Indonesian MDW experienced the same forms of abuse and mistreatment to the point that the Cambodian government decided to follow Indonesia's action by stopping the sending of MDW to Malaysia in October 2011 (Hierofani, 2016, p. 26; Human Rights Watch, 2011). Although both parties agreed to lift the ban in 2015, the new agreement was concluded in November 2017 (The Star Online, 2018). Understanding the position of Cambodia at this point, which used to act as the backup, it could lead to Malaysia's reconsideration not to take this issue lightly anymore with Indonesia.

From such an experience, even a threat of a second moratorium was already able to make Malaysia signaled to Indonesia not to proceed with the plan. After the Indonesian Ambassador to Malaysia Rusdi Kirana made the statement public, Malaysia immediately responded with its regret. Malaysian Deputy Prime Minister Ahmad Zahid Hamidi delivered his regret with "aggrieved at learning" after the moratorium plan reached him through the Indonesian media (Today Online, 2018). The Malaysian Ambassador to Indonesia Datuk Seri Zahrain Mohamed Hashim echoed, stating that such a unilateral measure would not be the best way out as it tends to result in the increase of irregular MDW. Furthermore, he suggested that more intense discussions among the two governments shall be conducted instead (Bernama, 2018). In addition, the Malaysian side also expressed its wish for the Indonesian side not to have a negative view on Malaysia (Today Online, 2018). Those statements were enough to show Malaysia's concern on the second moratorium plan after the lessons learned from the first moratorium imposed by Indonesia.

4.4.3 Economic Sanctions

Economic sanctions are another possible option that Indonesia could take as a more assertive approach to this issue when bilateral negotiation and moratorium appeared to be ineffective. Economic sanctions are considered as important measures that could be utilized to achieve a certain foreign policy goal. However, economic sanctions are controversial. Hufbauer et al. (2007, p. 3) define economic sanctions as “the deliberate, government-inspired withdrawal, or threat of withdrawal, of customary trade or financial relations”. To emphasize the use of economic sanctions as a foreign policy means, they then define the foreign policy goals to support their definition of economic sanctions. In this context, they define foreign policy goals as “to encompass changes the sender state explicitly or implicitly seeks in the target state’s political behavior” (Hufbauer et al., 2007, p. 3).

Seen as a diplomacy tool, economic sanctions were argued by Hufbauer et al. (2007, p. 5) to provide a more coercive approach to persuade the counterpart in responding to the negotiated issue. It is being utilized in order to avoid the immediate use of military force in the process, which in fact, on this matter is unlikely. The imposed economic sanctions are supposed to show that the sender country could not forgive the actions done by the target country that has triggered the sender country to do so. Furthermore, they introduced the term sender and target countries to refer to the countries involved in the economic sanctions. They argue that the sender country tends to be active in foreign policy. In addition, the role of its power also matters, such as geographical size.

Economic sanctions themselves could come in the form of export limitation, import restrictions, and/or finance flow disruption. Such policies are intended to corner the target country specifically on the critical commodities they rely on the most. Each policy could be imposed as a standalone on its own. However, mostly the sanctions imposed are a combination of all of those three policies. Apart from that, when it comes to economic sanctions, the sender country would not bother the status of the target country whether the counterpart is its friend or foe, even between neighbors, as the action supposed to serve a statement of their stance against them (Hufbauer et al., 2007, pp. 44, 60).

In the case of Indonesia, imposing economic sanctions on Malaysia is nothing new. Instead, it has been done before, which could also be said to be one of the events that shaped the bilateral relations of Indonesia and Malaysia until the present day. During Konfrontasi in 1963-1966, Indonesia imposed economic sanctions towards Malaysia as part of its stance, campaigning the “Ganyang Malaysia!” (“Crush Malaysia!”) (Hufbauer et al., 2007, p. 23). Konfrontasi itself not only has shaped the bilateral relations among the two but the Southeast Asia region in general, as it became one of the underlying reasons for the establishment of ASEAN. In addition, the event highlighted Indonesia’s position in the region through its size and ‘disruptive potential’ until today (Narine, 2002, p. 12; Wey, 2016).

Furthermore, imposing economic sanctions seemed to be the most assertive measure it could take as a last resort. Even in the form of a threat, there is a possibility that it could make Malaysia think twice and quicken its pace in settling the issue. Also, with the current situation where Indonesia and Malaysia have been strengthening their economic cooperation, such a threat could generate a serious impact on both sides.

4.4.3.1 Economic Sanctions: The Costs

Choosing the option of economic sanctions would direct more towards a lose-lose situation instead, especially when the economic ties between the involved parties are considerably strong. In this case, Indonesia and Malaysia are currently engaged in various economic cooperation and imposing economic sanctions could not only disrupt but harm both sides. Although economic sanctions could be chosen due to its ‘cheaper’ cost in terms of material power, it is still not as cheap as expected.

Imposing economic sanctions would not merely hit the state level but goes immediately into the lower level, which in this context refers to firms and businesses. For example, the disrupted financial flows, which is deemed the easiest and fastest way to affect the economy, would be costly for the trade activities and heighten the risk of the businesses’ continuity. It was also claimed that it might generate broader impacts on the whole macroeconomic sector. Not only that the policy could harm the economy, but it might also generate a domino effect

and spark political instability as the ‘injured’ parties go against the government (Hufbauer et al., 2007, p. 47).

Malaysia is among the top five destination countries for Indonesia’s exports. Mineral fuels and oil as the top commodities account for up to 34 percent out of its total exports to Malaysia, worth US\$3.19 billion (Trading Economics, 2019b, 2019a). It could be seen that Malaysia relies on Indonesia’s supply of those commodities. But if it is being examined closely, US\$3.19 billion worth of trade is not a small amount to be sacrificed. On the other side, Indonesia does not rely that much on Malaysia for goods, as it ranked seventh among the countries Indonesia imports from (Trading Economics, 2019c).

Apart from harming Malaysia’s economy and disrupting its own economy at home, the imposed sanctions on Malaysia could be a boomerang to Indonesia related to its international relations (Doxey, 1980, p. 484). During *Konfrontasi*, Indonesia cut all the relations with Malaysia and brought economic sanctions to the extent of seizing Malaysian properties in Indonesia (Fisher, 2005, p. 23). The damaged relations resulted in the loss of Indonesia’s exports to Malaysia which accounts for nearly half of Indonesia’s total exports in that period. On top of that, Indonesia was also sanctioned by the international world for what it has done towards Malaysia. For example, the IMF and the United States stopped their economic assistance to Indonesia (Kupchan, 2010, p. 220).

Damaging relations with Malaysia would not be a wise move to be done today as it might not only attack its economy as intended but would spread to other aspects definitely. The fact that Indonesia and Malaysia are neighbors has put a lot of things at stake. Understanding the great risks inwards that could occur, it would be tricky to minimize the costs Indonesia has to bear if it still insists to maximize its political gain from the economic sanctions. It has become a trade-off for the sender state’s side. The reason is that if Indonesia chooses to minimize the costs, it means the sanction to be imposed supposed to be weaker. As a reaction, the weak sanction could be perceived ineffective by the target state, in this case, the Malaysian side. In the end, there is a possibility for Malaysia to simply prolong the matter further until the situation turns worse (Hufbauer et al., 2007, p. 108).

Furthermore, the harms done would then affect the settlement process of the matter itself as collaboration and cooperation between the two parties become inconvenient and complicated instead (Doxey, 1980, p. 486). In addition, imposing economic sanctions opens the possibility for Malaysia to retaliate instead of responding to the signal sent by Indonesia through the sanctions.

4.4.3.2 Economic Sanctions: The Benefits

Although Indonesia, as the sender party, would definitely calculate the costs and benefits before doing so, the possibility for Indonesia to be able to gain the benefits is not that high.

The main benefit that Indonesia as the sender country could obtain is that it provides a great amount of leverage to push Malaysia to settle the MDW issues through the necessary measures requested—concluding the agreement, provide a better and concrete protection for MDW, and most presumably domestic labor law reform regarding MDW if such a measure at the level of sanctions be the one conveying the message. However, the biggest goal remains difficult to achieve when harms have been done (Doxey, 1980, p. 485).

Despite the considerably low possibility for Indonesia to achieve its main goal, such a harsh measure and sacrifice would not only attract the Malaysian government's attention and its citizens but definitely the international world. Thus, the spotlight on Malaysia would be the gain for Indonesia as all eyes are on Malaysia and its offending policies. At the same time, Indonesia's firmness on its stance also shows the world how they uphold a certain principle, which in this context is the MDW's rights to be dignified and protected while working abroad (Doxey, 1980, p. 486).

4.5 Best Outcome at the Least Cost: Proceed with the Negotiations on MDW Arrangements

Based on the findings from the recent development of the issue, it has been learned that Indonesia's current stance is to proceed with the negotiations on MDW arrangements as the best policy with the least cost. Before examining further

about the reason behind Indonesia's choice, the previously discussed costs and benefits of each policy alternatives are listed in the table provided below:

Table 4.1

The Costs and Benefits of Indonesia's Possible Policy Alternatives on the Settlement of MDW in Malaysia

Policy Alternatives	Costs	Benefits
Continued negotiations on MDW arrangements	<ul style="list-style-type: none"> ● Time constraints ● Safety and well-being of MDW ● Malaysia's higher bargaining power ● Logistics cost of MDW in the Indonesian missions' shelter 	<ul style="list-style-type: none"> ● Sustained bilateral relations ● Possibility to conclude a new agreement on MDW ● Future possibilities for cooperation in other sectors
Moratorium	<ul style="list-style-type: none"> ● No job opportunities for prospective MDW ● Decrease of remittance ● Increase of irregular MDW ● Higher possibility for Indonesia to bear the compound fee of irregular MDW ● Disrupted bilateral relations 	<ul style="list-style-type: none"> ● Leverage for the bilateral negotiation ● Strengthen Indonesia's stance on the issue
Economic sanctions	<ul style="list-style-type: none"> ● Harm bilateral relations and domestic stability ● Possibility of retaliatory measures by Malaysia or sanctions from other parties ● Possibility of conflict escalation ● Greater difficulties to cooperate and settle the matters 	<ul style="list-style-type: none"> ● Malaysia fulfills Indonesia's requests regarding the issue ● Attract international attention ● Showcase Indonesia's strong uphold of its protection of MDW's rights

Source: Author's interpretation

The decision made by Indonesia to proceed with negotiations also aligns with its current national interest aside from merely based on the costs and benefits derived out of each possible option. Indonesia, since its early days after independence, has been aspiring to preserve international peace through its independent and active principles of foreign policy. As discussed in the literature review, preserving good relations with its neighbors is part of the objectives. In addition, Indonesia also acknowledges the importance of peace and stability to support the economic development of the country (Hatta, 1953, p. 441). Most importantly, *Konfrontasi* has provided a great lesson for Indonesia not to repeat the same aggressiveness that resulted in devastation for the country and shifted the ground of the Southeast Asia region.

Indonesia's aspiration has been translated into the operational level of national interest through its current foreign policy direction. The Ministry of Foreign Affairs, as the main agent who implements it, clearly stated on its strategic map and goals that Indonesia aims to increase its international presence, participation, and influence. Also, Indonesia intends to enhance its leadership in the region, living up its *primus inter pares* status in ASEAN. From its cooperative stance, eventually, Indonesia will be able to maintain its good image internationally (Ministry of Foreign Affairs of the Republic of Indonesia, 2019b, 2019c). Furthermore, Indonesia has emphasized its principles in bilateral cooperation, that it would refrain from intervening the other party's domestic affairs, reject the use of coercive measures, and uphold consensus in decision-making (Ministry of Foreign Affairs of the Republic of Indonesia, 2019a). Therefore, based on those statements, this study argues that because imposing economic sanctions would not align with its national interests and instead becoming a boomerang to Indonesia through its costly harm, the most assertive measure Indonesia could take in this issue is limited to the level of the moratorium.

Another reason behind Indonesia's decision to proceed with the bilateral negotiation could be explained by the closer relationship between the two countries that have been shown across various occasions recently. Indonesia is the first Southeast Asian country that Malaysia Prime Minister Mahathir Mohammad visited after he got back into power. Such a visit from the PM himself provides a symbolic

statement despite the challenges that still lie between Indonesia and Malaysia. Mahathir has been generous with his remarks for the ‘blood brother’ by emphasizing Indonesia and Malaysia’s status as the “closest neighbor” and how close the kinship between the two countries is (Parameswaran, 2018). The growing closeness was asserted through President Joko Widodo’s visit to Malaysia (PresidenRI, 2019). It is then perceived as an opportunity for Indonesia to be maximized to push the agenda of concluding a new agreement of MDW. In addition, it is also affirmed by the statement from the interviewee that PM Mahathir has shown more willingness to settle the MDW issues and currently reviewing the common guideline for further steps. His initiative to invite various stakeholders and observers in the decision-making process is also greatly appreciated by Indonesia.²¹

The fact that Indonesia has been seen as a natural leader in the region and its clash with Malaysia in the past that became one of the reasons for ASEAN’s establishment could further risk the stability in the region itself if Indonesia ever chose to go the coercive way. It is also seen that after more than six decades of bilateral relations between Indonesia and Malaysia, both countries shall move on to the new level of interaction by attempting to suppress any kind of unnecessary sparks and make use of the closeness to gain benefit from it (Kartika & Sinatra, 2017).

4.6 Indonesian MDW Issues in Malaysia: Questioning Its Prioritization

Based on the interviews and the data collected, it has been repeatedly claimed that Indonesia always prioritizes MDW and their protection is the state’s responsibility.²² However, the fact on the field could not really provide the proof that Indonesia has been doing so. The continuous flow of criticism from scholars and

²¹ Interviews conducted with the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

²² Interviews conducted with the Consular officers at the Consulate General of the Republic of Indonesia in Penang, Malaysia on 25-26 July 2019 and the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

activists towards the Indonesian government on this issue partially explained. Thus, it is necessary to reexamine such a claim in order to evaluate the real priority for Indonesia's foreign policy.

The Indonesia Ministry of Foreign Affairs listed the excellent service and protection of Indonesian citizens and legal entities abroad as the fifth strategic goal it aims for in the period of 2015-2019. Its position on the list raised further questions about their priority on the protection of MDW which falls under the category. To provide a clearer understanding, the complete list is as follows, translated from the original version in Bahasa Indonesia (Ministry of Foreign Affairs of the Republic of Indonesia, 2019c):

1. Strong maritime and border diplomacy;
2. Indonesia's leadership in ASEAN;
3. Indonesia's increasing participation in international affairs;
4. Strong economic diplomacy;
5. Excellent service and protection of Indonesian citizens and legal entities abroad;
6. High-quality foreign policy;
7. Strong national support and commitments on foreign policy and international agreements;
8. Effective monitoring of diplomacy outcomes.

In the interviews conducted by the author, a number of interviewees emphasized that the Indonesian government has been prioritizing MDW protection, even to a certain extent where it is being 'overly pushed' by Jakarta.²³ The notion of MDW and how they belong to the 'vulnerable' group that requires the state's protection was brought up by one of the interviewees, which coincided with the argument proposed by Elias (2013, p. 393) that was previously discussed in the

²³ Interviews conducted with the Consular officers at the Consulate General of the Republic of Indonesia in Penang, Malaysia on 25-26 July 2019 and the Protocol and Consular officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 29 July 2019.

literature review. In light of the day-to-day protection of MDW in Malaysia, most of the interviewees said the daily operational obstacles are still manageable.²⁴ However, when it comes to the bilateral level, the public might question the prioritization as the evidence might not be that visible.

Indonesia inclines to show its strong stance on defending MDW when it comes to high-profile cases. Statements such as the planning of moratorium and President Joko Widodo's plan on stopping the sending of MDW to all destination countries are some of the examples. The president's plan arose from the bilateral meeting he had with Malaysia in 2015, stating that he is 'ashamed' seeing the situation—Indonesian MDW doing 'menial chores' in other countries which according to him, it hurts the dignity of the country (The Jakarta Post, 2015). However, President Joko Widodo's remarks on MDW in Hong Kong in the following year has sparked criticism regarding the protection of MDW in general. He was seen to be indifferent to his own people due to his 'advice' on not to create frictions over 'small things' (DW, 2017). The contrasting statement makes the prioritization of the issue becomes more unclear. Such actions displayed Indonesia's concern about its image and relations with other countries, which eventually determine their further cooperation, especially in the economic sector, rather than purely protecting the MDW.

President Joko Widodo has been seen to be keener in settling Indonesia's domestic affairs instead of international politics. The tendency seems to continue for his second term, emphasizing economic development (Sukma, 2019). The economy has been his main focus, including at the international level. The boost on Indonesia's economic diplomacy in order to invite more foreign direct investment (FDI) persists. One of the reasons behind it is to maximize Indonesia's potential to be the region's biggest economy (Bangkok Post, 2019; Bhaskara, 2019).

Such opportunities are maximized by Indonesia through its economic diplomacy, which seemed to have become its main national interest at the operational level. In fact, the bilateral economic cooperation has been 'promised' to

²⁴ *Ibid.*

be developed and strengthened further since 2017, as it marked the 60th anniversary of the bilateral relations between Indonesia and Malaysia (PresidenRI, 2017). After since, the two countries have been involved in intense cooperation in various sectors, such as palm oil, automotive, fisheries, and most recently labor market (Kontan, 2019b, 2019a; Lavinda, 2018; PresidenRI, 2017). The last-mentioned seems to be more contradicting with the current difficulties with MDW. As the issues prolonged, Indonesia's Ministry of Manpower took such risks instead. The trilateral cooperation which includes Thailand aims to provide an integrated information system on the labor market. The expected outcome is to enhance the labor mobilization in the so-called 'sub-region' (Kontan, 2019a).

The tendency for President Joko Widodo to favor economic development over human rights, where the issues of MDW also belong to, continues to be asserted in his second term's inauguration speech just recently. The 10-page speech was criticized by human rights activists as he was deemed failed to bring up the important issues but only focused on the economy. Asfinawati, Director of Foundation of the Indonesian Legal Aid Institute (YLBHI), argues that such statements from the President himself have made 'the Indonesian people as nothing but a resource', concluding that the President could not comprehend the people's importance. The speech was seen contradicting the pledge he had made on the previous year, promising 'to respect and protect human rights (Pangestika, 2019).

At the same time, Indonesia secured its seat in the UN Human Rights Council for the fifth time after winning the highest vote, accounted for 174 out of 193 UN member countries (Muthiariny, 2019). While in fact, Human Rights Watch's report claimed that Indonesia under President Joko Widodo in 2018 'took small steps' in the protection of Indonesia's most vulnerable groups (Human Rights Watch, 2019). Indonesia's so-called 'achievement' in obtaining a seat in the UN Human Rights Council seemed to be more of irony as it could not manage to push through on MDW issues, apart from numerous human rights issues nationwide which also remain unsolved. Its accomplishment at the international level becomes a mere trophy to show off its role and 'attention' to the world while struggling with its own people.

Indonesia, with its belief that stability is the key to economic development, proceeds to set 'economy first' as one of its core national interests (Sukma, 2019). For that reason, it is unlikely for Indonesia to risk the relations with Malaysia regarding the settlement of MDW issues as any damage to the relations has a high possibility to cause turbulence to both domestic and regional stability. However, such a notion does not mean that the Indonesian government will quit the process. Indonesia will continue its efforts to achieve its goals. However, the efforts will be limited to a certain extent for the sake of the general bilateral relations between Indonesia and Malaysia which deemed to generate significant benefits from other sectors.



CHAPTER 5

CONCLUSION

The stagnancy of the bilateral negotiations on the settlement of MDW issues in Malaysia has raised questions on the real hindrance behind it, especially the question on Indonesia's hesitancy to take more assertive measures. In pursuing the goal of ensuring the dignity and safety of MDW during their employment abroad, three possible policy alternatives were selected: negotiations, second moratorium, and economic sanctions. Based on the assumption that a state carries out its decision based on a rational calculation of costs and benefits of the possible options, this thesis concludes several findings.

First, choosing the option of bilateral negotiations come costly in terms of time as the G2G process tends to take a long time. In such circumstances, Malaysia has a stronger bargaining power due to its sovereignty on the domestic settlement of the MDW issues. The prolonged process then affects the increasing number of MDW whose cases need to be settled since the problems remain. Thus, the continuous flow of MDW staying at the missions' shelters requires a large amount of money for their logistics and repatriations.

However, the sacrifices could come in handy as there is a high opportunity for the bilateral to be sustained. From that point, further cooperation in other sectors could emerge and the existing ones are strengthened. The benefit of the sustained relations has been proven through the case of Siti Aisyah, the Indonesian who was involved in the murder case of North Korea's Kim Jong Nam in Malaysia in 2017, to be freed from any charges while Doan Thi Huong, the Vietnamese defendant, could not receive the same 'treatment'.

Second, choosing the option of the second moratorium could cost Indonesia the job opportunity loss for prospective MDW who mostly originated from poor regions. If the moratorium makes them choose the irregular lane, Indonesia would have to bear the possible worst scenarios due to the MDW status which would make them become more vulnerable. In addition, the possibility of remittance

loss could also harm Indonesia which has been depending on MDW's contribution. The cost would then be more significant if Indonesia follows the planned moratorium which includes the formal workers alongside MDW as mentioned by one of the interviewees. On top of those all, the implementation of a moratorium would generate turbulence to the relations.

However, a moratorium is intended to provide leverage for the stagnant negotiation process. It was proven by the first moratorium on the sending of MDW by Indonesia in 2009. Due to the moratorium, Malaysia shifted to Cambodia to supply its demand for MDW, but the same incidents occurred and lead to an additional moratorium implemented by Cambodia. Thus, on the second moratorium threat by Indonesia in 2018, Malaysia signaled Indonesia that the issues could be settled through intensive negotiations instead of another moratorium.

Third, choosing the option of economic sanctions would direct more towards a lose-lose situation instead, especially when the economic ties between the involved parties are considerably strong. It would not only harm the state level but immediately disrupt the financial flows which could be costly for the trade activities and heighten the risk of the businesses' continuity. Also, a domino effect might occur in the form of political instability as the 'injured' parties go against the government. It is almost unlikely for Indonesia, the exporter of US\$3.19 billion worth of mineral fuels and oil to Malaysia, to sacrifice such potential profit. Instead of sending a harsh signal to Malaysia, economic sanctions might provoke a retaliation. On top of that, the bilateral relations would be damaged. According to history, such a decision is also possible to result in backlash from other concerned parties.

After all the costs Indonesia would have to bear, in fact, the possibility for Indonesia to achieve its goals is not that high due to the harm that has been done. However, if things go accordingly, such measures could generate intensive pressures on Malaysia to settle the MDW issues through the necessary measures as requested—concluding the agreement, provide better and concrete protection for MDW, and most presumably domestic labor law reform regarding MDW. Despite its low possibility, such harsh measures would not only attract the Malaysian government and its citizen's attention but definitely the international world towards

Malaysia and its offending policies. At the same time, Indonesia's firmness on its stance would be able to enhance its image as it insists to uphold a certain principle, which in this context is the MDW's rights to be dignified and well-protected during their employment abroad.

In conclusion, the close relations between Indonesia and Malaysia in recent years have become one of the reasons why Indonesia decided to proceed with the diplomatic way in settling this matter despite the lengthy process and the continuous flow of MDW who are being abused and mistreated. Indonesia has learned from its history, particularly from *Konfrontasi*, that assertive measures could not only harm both sides and damage their bilateral relations but also generate a domino effect on the stability of the Southeast Asia region in general. The instability would then be disadvantageous to Indonesia's economy as the country has been prioritizing its economy first although, at the same time, it claimed to be prioritizing MDW protection. Thus, Indonesia would not risk the stability that is essential for its economy by taking assertive measures on settling the MDW issues in Malaysia.

However, there is more than national interests that matter. Based on this study and the author's past experiences on this issue, it is almost impossible to solve the problem and make the number of cases becomes zero despite the measures taken. Frankly, the migration flow could not be stopped although Indonesia decided to impose a moratorium, either temporarily or permanently. It is undeniable that the freedom of movement and the advancement of transport modes have eased the process for the prospective MDW to migrate in whichever way they choose. Moreover, for the case between Indonesia and Malaysia, the 30-day tourist visa granted for ASEAN member countries has made it even easier to move, which has become one of the loopholes in this matter.

The issue of MDW, especially in Malaysia, has been floating around for more than a decade. Cases continuously occur although Indonesia had tried imposing a moratorium and amending the agreement. Once again, it demonstrates that no matter what measure the state has taken, people would still migrate for their betterment. The prolonged issue has also continuously made the Indonesian missions deal with the protection procedures on a daily basis, which often takes their

time beyond working hours due to the heavy load of cases that need to be settled. Based on these notions, the author views that this issue has somehow formed a regularity, that protecting MDW is just another daily procedure they have to do. In other words, somehow it has shifted the urgency of the issue to become 'normal and common'. Without any intention to discredit the efforts put by the Indonesian missions, the root itself apparently goes back to the first basic notion that this issue is almost impossible to be completely settled. Instead of intensifying the concern on the issue, the limited 'space' for them to work on makes it more complicated since the MoU, which already unclear since the beginning, has expired and the domestic law does not help either.

On this matter, the MDW tends to be seen as the victim while the employer is seen as the offender. This deep-rooted stereotype grabs the public's attention without knowing the other side of the story in some cases. Based on the interviews and the author's experiences, there are several MDW who take the Indonesian missions' responsibility for granted. Since their pre-departure phase, the idea has been planted in their mind that if any kind of incident occurs, they can just report to a nearby mission to ask for help. Such an idea sometimes becomes the pushing factor for the MDW to choose the irregular way as the Indonesian government 'will always save them'. Moreover, it is often misinterpreted by the MDW—who are staying in the shelter due to their ongoing cases—as a justification to be intrusive towards the officers as if they do not carry out their tasks. While in fact, the delay of the settlement most of the time is caused by the uncooperative employers and agents apart from the limited legal framework.

In addition, there is another loophole that could not be contained, which is the geographical situation of Indonesia and Malaysia. With a lot of border points between the two countries, illegal practices and corruption are common, providing an option for MDW to take an irregular way. Also, knowing that such practices have been going for decades since Indonesian migrant workers began to migrate to Malaysia has widened the scope of the settlement itself, that this issue indeed requires Indonesia's domestic reform on this certain part.

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APPENDICES

APPENDIX A
INTERVIEWS

Date	Location	Department
25 July 2019	The Consulate General of the Republic of Indonesia in Penang, Malaysia	Consular Function
26 July 2019		
29 July 2019	The Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia	Protocol and Consular Functions
31 July 2019		Employment Sector



APPENDIX B

INTERVIEW QUESTIONS

The interviews conducted are semi-structured. The questions were adjusted according to the position and the capacity of the officer interviewed in each session. Thus, these questions listed below were only utilized as a guideline.

1. How is the progress on the MDW arrangement post-2011 amendment?
 - Have there been further negotiations?
 - What is the current status?
 - Is there any future plan regarding this issue?
2. What are the obstacles during the process?
 - Has any side caused delays in the process? Who and how?
 - What mainly influences the pace?
3. What is the biggest goal that your side aim in this issue?
 - Who defined this goal out of the stakeholders involved in this issue?
4. Could you please explain about the continuity of the progress?
 - Has progress continuously being made from time to time?
 - Does the agenda tend to be prioritized when there is a case happened?
5. How does it usually be conducted? Does one side tend to initiate something new or continuing the ongoing talks?
6. From your perspective as someone who is experienced in this issue, what are the main problems in this issue?
7. Who are the domestic actors involved in this issue?
8. What are the challenges in dealing with those actors?
9. As the Indonesian mission in Malaysia, what are your challenges?
10. How prioritized is this issue in Indonesian foreign policy?
 - Has there been a shift?
 - If so, why? Could you explain the reason behind the shift?

11. According to your experience, how significant is the influence of the president's/government's perception of this issue?
12. Has the prioritization changed after a new government entered the office/major parliamentary elections?
13. How does Indonesia perceive Malaysian actions on this issue?
14. When an incident happened, what is the biggest challenge?
15. As the front liner for this issue, have you ever questioned/disagreed with the analysis/perceptions of this issue by MOFA back in Jakarta when anything happened?
 - What are the consequences?
 - How do you deal with that?
16. Did Jakarta set a certain timeframe or targets for the Indonesian mission to deal with this issue?
17. How do the rotations of the officers every few years affect the settlement of this issue?

APPENDIX C

INDONESIAN ACTIVE FOREIGN WORKERS STATISTICS PER 30 JUNE 2019

SECTOR	MEN	WOMEN	SUBTOTAL
Manufacturing	34,954	104,209	139,163
Construction	141,170	12,300	153,470
Plantation	170,066	30,984	201,050
Service	24,944	18,082	43,026
Agriculture	55,075	19,986	75,061
Domestic Workers	439	91,966	92,405
TOTAL	426,648	277,527	704,175

Source: Immigration Department of Malaysia, 2019*

*Obtained during the interview with the Employment Sector officers at the Embassy of the Republic of Indonesia in Kuala Lumpur, Malaysia on 31 July 2019.

BIOGRAPHY

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Educational Attainment	Academic Year 2019: Master of Arts (Asia-Pacific Studies) Thammasat Institute of Area Studies, Thammasat University, Thailand Academic Year 2017: Bachelor of Political Science, Department of International Relations, Universitas Katolik Parahyangan, Indonesia
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Publications	Pithaloka, A. K. (2017). <i>Analisis Relasi Kuasa antara Majikan dan Buruh Migran Domestik Perempuan dalam Sistem Kafala di Uni Emirat Arab</i> . Universitas Katolik Parahyangan.