

**REGULATION OF THE PLACEMENT AND PROTECTION OF
INDONESIAN MIGRANT WORKERS IN THE DOMESTIC SECTOR IN
MALAYSIA ACCORDING TO INTERNATIONAL LAW AND THE
MEMORANDUM OF UNDERSTANDING BETWEEN INDONESIA AND
MALAYSIA YEAR 2022**

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ABSTRACT

Domestic Migrant Workers (PMD) are migrant workers who handle household tasks such as washing, cooking, and cleaning. According to Law Number 18 of 2017, Indonesian migrant workers include those who work for legal entities as well as individuals. Migrant workers are placed in both formal and informal or domestic sectors. However, in practice, domestic migrant workers often face issues such as unpaid wages, violence, harassment, and poor working conditions. These legal protection issues make them vulnerable to exploitation. To address this, Indonesia and Malaysia have agreed to a Memorandum of Understanding regarding the placement and protection of Indonesian domestic migrant workers in Malaysia for the year 2022 to protect the rights of Indonesian migrant workers.

This research aims to examine the regulations and analyze the implementation of the MoU. The research method used is normative juridical with descriptive analysis and secondary data sources, collected through literature and presented in narrative text with qualitative normative analysis. The results of the study show that regulations regarding the placement and protection of domestic migrant workers are governed by ILO Convention No. 97 of 1949, ILO Convention No. 143 of 1975, the MoU on the Placement and Protection of Indonesian Domestic Migrant Workers in Malaysia for the Year 2022, Law No. 18 of 2017, and Laws of Malaysia Act A1651 Employment (Amendment) Act 2022. The implementation of the placement and protection of migrant workers is carried out with the One Channel System policy, training and preparation for the candidates, supervision, assistance, and the *Desmigratif* program. However, Malaysia violated the MoU by implementing the System Maid Online, which led to a moratorium on Indonesian migrant workers that was later revoked on August 1, 2022.

Keywords: domestic sector, legal protection, Memorandum of Understanding, migrant worker

**REGULASI PENEMPATAN DAN PERLINDUNGAN PEKERJA MIGRAN
INDONESIA SEKTOR DOMESTIK DI MALAYSIA MENURUT HUKUM
INTERNASIONAL DAN MEMORANDUM OF UNDERSTANDING
ANTARA INDONESIA DAN MALAYSIA TAHUN 2022**

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ABSTRAK

Pekerja Migran Domestik (PMD) adalah pekerja migran yang menangani tugas-tugas rumah tangga seperti mencuci, memasak, dan membersihkan. Menurut Undang-Undang Nomor 18 Tahun 2017, pekerja migran Indonesia mencakup mereka yang bekerja pada pemberi kerja berbadan hukum maupun perseorangan. Pekerja migran ditempatkan di sektor formal dan informal atau domestik. Namun, dalam praktiknya, pekerja migran sektor domestik sering menghadapi masalah seperti gaji yang tidak dibayar, kekerasan, pelecehan, dan kondisi kerja yang buruk. Masalah perlindungan hukum ini membuat mereka rentan terhadap eksploitasi. Untuk mengatasi hal ini, Indonesia dan Malaysia menyetujui Memorandum of Understanding mengenai penempatan dan perlindungan pekerja migran Indonesia sektor domestik di Malaysia Tahun 2022 untuk melindungi hak-hak pekerja migran Indonesia.

Penelitian ini bertujuan untuk mengetahui regulasi mengenai penempatan dan perlindungan pekerja migran Indonesia serta menganalisis implementasi Memorandum of Understanding tentang penempatan dan perlindungan pekerja migran Indonesia sektor domestik di Malaysia tahun 2022. Metode penelitian yang digunakan adalah yuridis normatif dengan analisis deskriptif dan sumber data sekunder, dikumpulkan melalui kepustakaan dan disajikan dalam teks naratif dengan analisis normatif kualitatif. Hasil penelitian menunjukkan bahwa regulasi terhadap penempatan dan perlindungan pekerja migran sektor domestik diatur dalam Konvensi ILO No. 97 Tahun 1949, Konvensi ILO No. 143 Tahun 1975, MoU tentang Penempatan dan Perlindungan Pekerja Migran Domestik Indonesia di Malaysia Tahun 2022, Undang-Undang No. 18 Tahun 2017, dan Laws of Malaysia Act A1651 Employment (Amendment) Act 2022. Implementasi penempatan dan perlindungan pekerja migran dilaksanakan dengan kebijakan One Channel System, pembinaan dan persiapan calon pekerja migran Indonesia, pengawasan, pendampingan, dan program Desmigratif. Namun, Malaysia melanggar MoU dengan menerapkan System Maid Online, yang menyebabkan moratorium pekerja migran Indonesia yang kemudian dicabut pada 1 Agustus 2022.

Kata Kunci: Memorandum of Understanding, pekerja migran, perlindungan hukum, sektor domestik