



Implementation of Protection for Indonesian Migrant Workers in Malaysia in 2022-2023

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Abstract

Malaysia has long been a primary destination for Indonesian migrant workers (PMI); however, they frequently encounter issues such as violence and discrimination in the workplace. In response, the Indonesian government introduced a policy for the protection of PMI in Malaysia in 2022, aiming to enhance their welfare and security through a bilateral cooperation framework. This study employs Merilee S. Grindle's Policy Implementation Theory as an analytical framework to evaluate the effectiveness of this policy's implementation between 2022 and 2023. Using a qualitative research approach based on a literature review, this study identifies several challenges in the implementation of the policy. The findings indicate that the policy has not been optimally enforced due to violations by the Malaysian government, particularly concerning the continued use of the unregulated System Maid Online (SMO) recruitment system, which contradicts the bilateral agreement. Consequently, cases of labor rights violations persist. Additionally, limitations in financial and institutional resources, weak law enforcement, and diverging political interests between Indonesia and Malaysia further hinder the effectiveness of this policy. Although the policy introduced progressive measures such as the One Channel System (OCS), minimum wage regulations, and the prohibition of document confiscation, its implementation remains inconsistent. Therefore, strengthening bilateral cooperation, enhancing monitoring mechanisms, and enforcing stricter regulations are imperative to ensuring the effective protection of Indonesian migrant workers in Malaysia.

INTRODUCTION

Globalization has rapidly transformed the world, not only through advancements in information technology but also through the movement of people across borders. Migrant workers, defined by the International Organization for Migration (IOM) as individuals who migrate from one country to another for employment, represent one such phenomenon. In 2022, IOM estimated that 164 million people were working outside their home countries. The migration of Indonesian Migrant Workers (PMI) to Malaysia began during the British colonial period in the 1950s, facilitated by cultural and religious similarities between Indonesians and the native population of Malaysia. Over time, Indonesian workers have become a significant and enduring part of Malaysia's workforce due to their adaptability and high productivity.(IOM, 2023) Malaysia's strategic location and stable economic growth have made it a popular destination for foreign workers, including PMI. In 2019, a report by Bank Indonesia (BI) and the Indonesian Migrant Worker Protection Agency (BP2MI) recorded approximately 1.9 million PMI working in Malaysia. However, this number declined during the COVID-19 pandemic due to strict border policies and the return of many workers to Indonesia.

Table 1. Data of Indonesian Migrant Workers (PMI) by Origin of Regency/City in 2022-2023

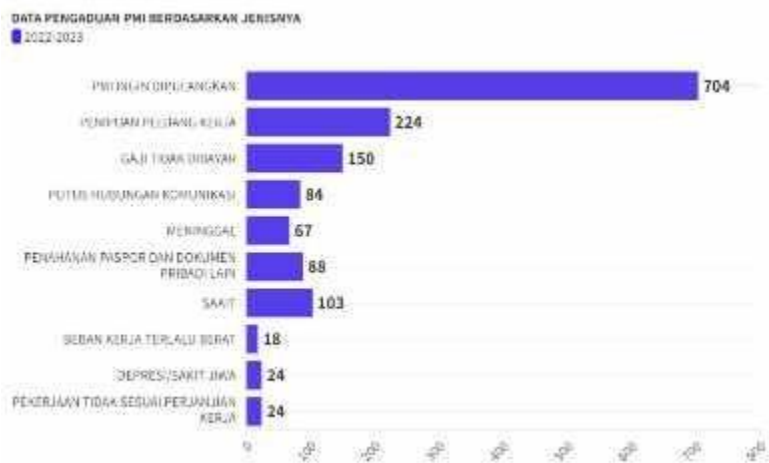
Kab/Kota	2022	2023	Total
Indramayu	12,459	18,940	31,399
Lombok	8,483	12,638	21,121
Timur Cilacap	8,395	11,197	19,592
Kab. Cirebon	7,328	10,361	17,689
Lombok Tengah	6,374	9,973	16,347
Total	43,039	63,109	106,148

Source: (BP2MI 2024)

The wave of PMI heading to Malaysia increased post-pandemic. In 2022, there were 1.29 million PMI, most of whom worked in the domestic sector as housemaids and care workers. Indramayu became the largest contributor to PMI, followed by East Lombok and Cilacap. Based on educational attainment, the majority of PMI held high school diplomas (SMA/SMK), but many had only completed elementary (SD) or junior high school (SMP), increasing their vulnerability due to their lack of knowledge about their entitlements and how to advocate for themselves when experiencing violations in their working arrangements (BP2MI, 2023). This increase significantly contributed to

Indonesia's economy, with remittances from PMI in Malaysia amounting to USD 638.35 million in the first quarter of 2022.

Chart 1. Data of Migrant Worker Complaints by Type in 2022-2023



Source: (BP2MI 2023)

Despite their substantial contributions, PMI remains vulnerable due to their status as foreign workers. Indonesia has long protected Indonesian Migrant Workers (PMI) in Malaysia through various Memorandums of Understanding (MoUs), including the 2011 MoU addressing the protection of domestic sector. After expiring in 2016 without renewal, a new MoU was signed in April 2022 between Indonesia’s Minister of Manpower and Malaysia’s Minister of Human Resources. This MoU regulates the One Channel System (OCS), raises the minimum wage from RM 1,200 to RM 1,500, prohibits employers from confiscating passports, and ensures dual social security coverage through Badan Penyelenggara Jaminan Sosial or BPJS (Indonesian Social Security) and Pertubuhan Kesehatan Sosial, commandly called PERKESO - Malaysian Social Security (Theodora, 2022).

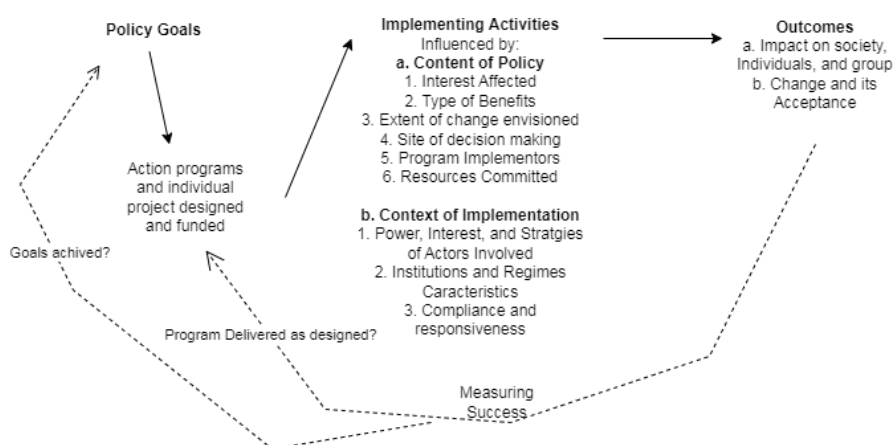
However, Malaysia violated the agreement by continuing to use the Sistem Maid Online (SMO) recruitment system, which hampered PMI data collection. As a result, Indonesia suspended the placement policy for PMI until the agreement was restored in August 2022 through a Joint Working Group meeting. The 2022 MoU reflects Indonesia's efforts to maximize the protection of PMI amid increasing migration numbers. Therefore, this study aims to analyze the implementation of the PMI protection policy in Malaysia from 2022 to 2023 using the Policy Implementation framework by Merilee S. Grindle, which emphasizes program planning and adequate funding as critical factors for successful policy implementation. This study is expected to contribute to a better understanding of the efforts to protect PMI and address challenges in safeguarding

the rights and welfare of Indonesian workers in Malaysia, given the persistent interest of PMI in making Malaysia their destination to secure their livelihoods.

METHODOLOGY

In the field of International Relations, the discussion of Policy Implementation has become one of the expanding topics. This theory was introduced by Merilee S. Grindle in her book *Politics and Policy Implementation in the Third World*. Policy implementation is an administrative process carried out by the government or private sector to achieve specific objectives. Grindle's model illustrates decision-making by various actors based on the programs that have been designed, taking into account political and administrative contexts (Grindle, 2017).

Figure 1. Concept Map of Grindle's Policy Implementation



Source: *Politics and Policy Implementation in the Third World* (Grindle 1980)

This research uses only the Implementing Activities aspect of Grindle's model, which includes two main components: The content and context of policy are considered sufficiently relevant for analyzing policy implementation without becoming involved in complex administrative processes.

1. Content of Policy:

- **Interest Affected:** Policies involve various interests that affect their implementation.
- **Type of Benefits:** Policies must provide positive benefits to society.
- **Extent of Change Envisioned:** Measures how much change is expected from the policy.
- **Site of Decision Making:** The importance of making the right decisions and

oversight in policy implementation.

- **Program Implementer:** The actor or program implementer must be competent to achieve the policy's objectives.
- **Resources Committed:** The availability of resources is a crucial factor in policy implementation.

2. Context of Policy:

- **Power, Interest, and Strategy of Actor Involved:** Power, strong interests, and good strategies from the actors and stakeholders are needed.
- **Institution and Regime Characteristics:** The characteristics of the institutions and the governing regime can influence the success of the policy.
- **Compliance and Responsiveness:** The level of compliance and responsiveness from the implementers to the policies that have been applied.

This study employs a qualitative method emphasizing descriptive results to analyze the implementation of the protection policy for Indonesian migrant workers (PMI) in Malaysia during the 2022–2023 period. The subject of the research is Indonesia, with the object being the protection policy for PMI in Malaysia. Data is collected through a literature review from sources such as official government websites, journals, scholarly articles, and validated relevant reports. The research process involves collecting secondary data, reducing the data to obtain specific information, presenting it in a narrative format supported by graphs or tables if needed, and drawing preliminary conclusions that will be reinforced by additional supporting data.

RESULT AND DISCUSSION

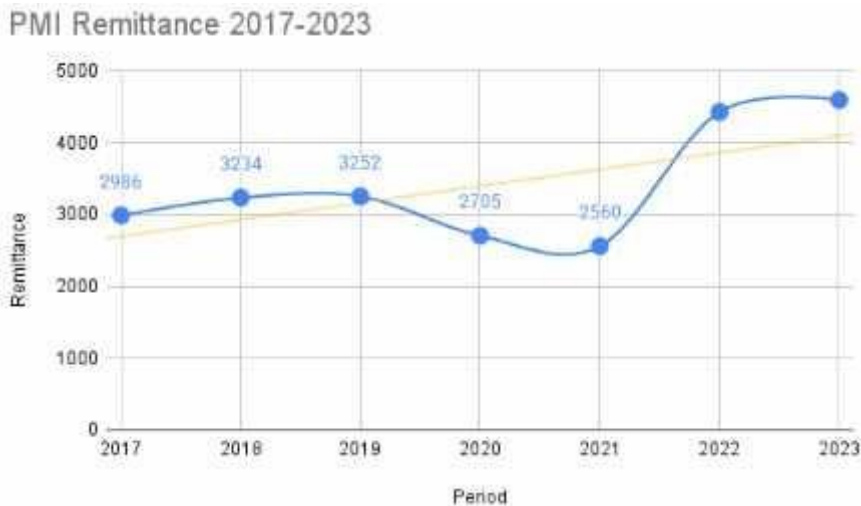
Previously, the authors explained the conditions of PMI in Malaysia during 2022–2023. This section will discuss the implementation of PMI protection policies in Malaysia during that period, using the Policy Implementation theory by Merilee S. Grindle.

Grindle stated that policy implementation often encounters obstacles caused by conflicts of interest, decision-making processes, and the distribution of benefits in society. This theory encompasses two main variables, namely Content of Policy and Context of Policy, each with sub-variables serving as benchmarks.

1. Content of Policy

1.1. Importance in Policy Implementation

1.2. Chart 2. PMI Remittance in Malaysia 2017-2023



Source: Indonesian Economic and Financial Statistics (Bank of Indonesia, 2025)

The interests influencing the implementation of policies for the protection of PMI in Malaysia involve various parties, including individuals, groups, and institutions. These interests arise because the formulated policies inevitably impact all stakeholders involved (Grindle, 2017). In the context of PMI protection, one primary interest is economic. Post- COVID-19 pandemic, which impacted Indonesia's economy, remittances from Indonesian Migrant Workers (PMI) abroad, particularly in Malaysia, became one of the largest sources of remittances and served as a crucial capital for national economic recovery (Annur, 2022).

Remittances from PMI serve as a critical support for Indonesia's foreign exchange reserves. In this context, the presence of PMI not only helps reduce unemployment within the country but also directly contributes to economic stability. Additionally, this policy is part of the mandate of Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers.⁷ However, some points in this law have not been fully implemented, such as eliminating placement fees for prospective PMI, which remain a burden for workers.

Criticism has also been directed at the dominance of economic perspectives in this policy. For instance, the rule requiring PMI to switch from private insurance to BPJS has been seen as burdensome, particularly since the protection schemes and types of benefits provided are not yet clearly regulated (Komisi IX, 2023). The interests of various parties— governments, labor protection agencies, and civil society organizations—interact and often create obstacles in implementing policies that genuinely protect PMI in Malaysia.

1.3. Policy Impact and Output

The impacts and outputs of the PMI protection policy in Malaysia can be assessed by the extent of its benefits to society. Based on Grindle's Policy Implementation theory, a policy with a significant positive impact demonstrates a high level of implementation success (Grindle, 2017). The Indonesia-Malaysia cooperation in 2022 produced six main points of PMI protection, including the use of the One Channel System (OCS) as a single recruitment system, a minimum wage regulation of RM 1,500, prohibitions on employers retaining PMI's personal documents, and granting communication access to families and Indonesian representatives in Malaysia.

While these points were appreciated by many parties, their implementation faced various challenges. One major issue was Malaysia's violation of the OCS by employing an alternative system, the System Maid Online (SMO). This system allows PMI to work using a tourist visa converted into a work visa, violating the terms of the Memorandum of Understanding (MoU). Consequently, data on PMI working in Malaysia through SMO is unrecorded by the Indonesian government, making oversight difficult. This also opens the door to illegal practices that harm PMI. On the other hand, the policy has had a significant positive impact. Indonesian civil society organizations, such as Migrant Care, have expressed appreciation for this protection policy, particularly regarding PMI rights, such as working hours, communication access, and salary standards. Members of the Indonesian House of Representatives (DPR RI) have also praised the government for these efforts, considering them a form of state responsibility towards its citizens. The policy has also helped reduce unemployment in Indonesia, with BP2MI (Indonesian Migrant Worker Protection Agency) reporting a 3.2% decrease in unemployment in 2022 due to PMI placements abroad (BP2MI, 2022). However, negative impacts cannot be ignored. BP2MI reported at least 451 complaints related to discrimination, passport confiscation, unilateral termination of employment, and other human rights violations against PMI in Malaysia (BP2MI, 2022). These cases indicate that although the policy has been well-formulated, its implementation on the ground remains far from perfect.

1.4. Scale of Change to Be Achieved

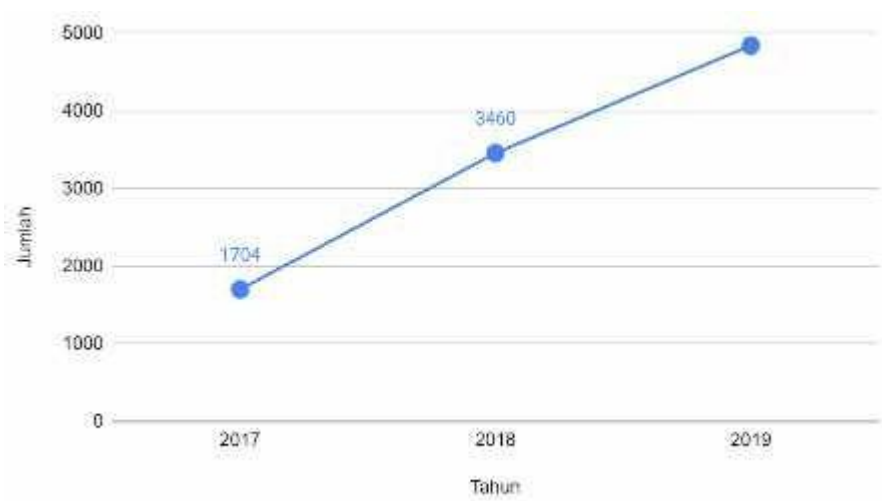
The scale of change in the PMI protection policy in Malaysia reflects the targets and achievements that Indonesia and Malaysia aim to accomplish. Essentially, every policy is formulated with specific objectives that serve as benchmarks for its success. In this context, Indonesia hopes that the PMI protection policy can reduce cases of violence against workers, particularly in the domestic sector, and improve oversight of PMI, from departure and placement to repatriation (Prihatin, 2021). One of the main goals of this policy is to minimize the presence of undocumented PMI in Malaysia. The significant number of undocumented PMI is a major concern for the Indonesian government, as this group is vulnerable to exploitation and lacks adequate legal protection. Therefore, cooperation with Malaysia includes enforcing the use of OCS to ensure that all PMI are officially recorded and protected by law.

This collaboration also benefits both countries. Indonesia, which has a high unemployment rate post-pandemic, can utilize PMI placement as a solution to reduce unemployment. Meanwhile, Malaysia benefits from a labor supply for its domestic, plantation, and manufacturing sectors, which face a labor shortage. Thus, this policy not only provides a solution for Indonesia but also meets Malaysia's needs (Menpan, 2022). However, the implementation of this policy is not without challenges. One issue is Malaysia's violation of agreements, such as the use of SMO and the misuse of work visas. These actions temporarily hindered the policy's goals, although cooperation resumed after renegotiations between the two countries. This illustrates that achieving the desired scale of change requires strong commitment from both parties to ensure effective policy implementation.

1.5. Decision-Making Process in Protecting Indonesian Migrant Workers in Malaysia

The decision-making process in the policy to protect PMI in Malaysia involves numerous considerations and dynamics. The migration of PMI to Malaysia has been ongoing for a long time, driven by domestic issues such as high unemployment rates and limited job opportunities. Malaysia has become the primary migration destination due to its geographical proximity, shared language similarities, and better job opportunities (IOM, 2023).

Graph 3. PMI Complaints Data in Malaysia 2017-2019



Source: (BP2MI 2019)

Over time, the high number of complaints from PMI, such as violence and

harassment in the workplace, has prompted Indonesia to issue various protection policies. PMI protection policies have gone through several stages, from 2004 to 2022, adapting to evolving situations and needs. Additionally, Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers serves as the legal foundation for PMI protection, including in Malaysia. The decision-making process for this policy demonstrates the close relationship between the two countries, which rely on each other to address migrant worker issues.

1.6. The State as a Policy Implementer Actor

Policy implementer actors are crucial elements in the success of implementing PMI protection policies. The states, in this case, Indonesia and Malaysia, play critical roles. Cooperation between the two countries is essential as they share mutual interests in resolving issues related to PMI (Iranda, 2021). A concrete example of this cooperation is the signing of the Memorandum of Understanding (MoU) on April 1, 2022, in Jakarta, which regulates various aspects of PMI protection, such as the use of the One Channel System (OCS) recruitment system, minimum wage standards, freedom to communicate, and the prohibition of withholding personal documents. This MoU not only addresses technical matters but also signifies a joint agreement between the governments of Indonesia and Malaysia to tackle PMI protection issues. Following the MoU signing, it was accompanied by a Joint Statement and the establishment of a Joint Working Group (JWG) and a Joint Task Force (JTF), aimed at ensuring the effective implementation of the policy and conducting periodic evaluations to address issues arising concerning PMI (Putranto, 2022).

1.7. Resources in the Commitment to Protect Indonesian Migrant Workers in Malaysia

The successful implementation of a policy is, among other factors, determined by the available resources. These resources may include expertise, budget, facilities, infrastructure, as well as the characteristics of human and natural resources. If program implementers possess the necessary capabilities and support required by the policy, the likelihood of success will also be high. Conversely, if human and natural resources are insufficient and supporting facilities are inadequate, these factors often become the primary causes of policy failure (Grindle, 2017). BP2MI receives an annual budget for the protection of Indonesian migrant workers (PMI) from the State Budget (APBN), amounting to IDR 300 billion per year for PMI protection worldwide, including those in Malaysia. However, BP2MI considers this amount to be significantly insufficient, as their calculations indicate that they should receive approximately IDR 900 billion annually—about three times the current budget allocation (Kamalina, 2022). Additionally, BP2MI, as a non-ministerial institution overseeing the implementation of the PMI protection policy, operates in coordination with regional counterparts known as the Balai Pelayanan Perlindungan Pekerja Migran Indonesia (BP3MI). These

institutions work in synergy to implement the policy. However, despite the presence of these regional bodies, their operations in certain areas, particularly in border regions, remain constrained by inadequate security measures and facilities.

A significant number of PMI from Indonesia's border areas continue to migrate to Malaysia without following proper procedures. Many depart without the necessary administrative documents, relying on illegal agents. This practice is further exacerbated by intermediaries or brokers at border checkpoints and within relevant institutions who facilitate the unauthorized departure of PMI. This situation highlights the weak enforcement of laws and policies at the frontline, which should ideally be anticipated by the authorities, such as the police. The limited number of law enforcement officers is often cited as a key reason why the police, as security enforcers, have been unable to curb this issue effectively (Nur, 2020). Additionally, the low level of awareness and limited financial capacity among Indonesians who choose to work as PMI in Malaysia further hinder the implementation of this policy at the community level. The issue is not one of reluctance but rather the financial constraints they face in completing the extensive documentation and placement requirements.

On the other hand, human resource-related challenges also persist in Malaysia. Employers often perceive workers in the 3D (dirty, dangerous, and demeaning) sectors as belonging to the lowest social strata. Such discrimination has long been ingrained in Malaysia, leading to unfavorable treatment of PMI. This deeply rooted bias has also contributed to the prevalence of violence against PMI, making such cases a common and tangible reality for Indonesian migrant workers in Malaysia. The success of PMI protection policies heavily depends on available resources, including expertise, budgets, facilities, and human resource characteristics (Mohammad, 2021). BP2MI receives an annual budget of approximately IDR 300 billion, which is considered insufficient compared to the existing needs. BP2MI has regional branches, known as BP3MI, but these branches are not yet supported with adequate facilities (Kamalina, 2022).

Illegal PMI deployment practices still occur, particularly in border areas, due to weak law enforcement and inadequate facilities. On the other hand, in Malaysia, discrimination against PMI often happens, especially for workers in the 3D (Dirty, Dangerous, and Demeaning) sectors. This discrimination leads to poor treatment of PMI, including physical violence and sexual harassment. These challenges highlight that despite protection policies, issues related to resources and law enforcement remain significant obstacles to the effective implementation of these policies.

2. Context of Policy

2.1. Power, Interests, and Strategies of Policy Makers

The success of policy implementation heavily relies on the management of power, interests, and strategies of the actors involved in its formulation. These three factors must be carefully considered, as they significantly impact the achievement of the desired policy goals. If these factors are not properly accounted for, the likelihood of successful policy implementation decreases. Conversely, well-planned policies are

more effective and have a higher chance of achieving their established objectives (Grindle, 2017). In the context of Indonesia-Malaysia relations, the power and national interests of both countries greatly influence decision-making related to labor migration. Since the British colonial era, Indonesia has sent workers to Malaysia, and after independence, the migration flow continued to increase Malaysia's domestic, manufacturing, and plantation sectors rely heavily on Indonesian workers. However, during the COVID-19 pandemic, Malaysia experienced a significant labor shortage, particularly in the 3D sectors. The Indonesian government then proposed protection policies for PMI, aiming to ensure the safety and rights of Indonesian migrant workers in Malaysia (Umuludin, 2019). These policies were also intended to address Malaysia's labor market conditions, which faced shortages due to the pandemic. Therefore, these policies are seen as a strategy to protect Indonesian workers while simultaneously meeting Malaysia's labor needs, helping to restore its post-pandemic economy (Mada, 2023).

2.2. Characteristics of the Regime and Environment in Policy Implementation

In every policy implementation, conflicts often arise between groups with differing interests. The resolution of these conflicts influences the course of the policy and determines who benefits from it. Therefore, the characteristics of the regime implementing the policy, including the nature of its leadership and its alignment, will significantly determine the policy's effectiveness (Khusufmawati, 2021). During the 2022–2023 period, Indonesia was led by President Joko Widodo (Jokowi) from the PDI-P party, which held substantial political power in parliament, especially after the party's victory in the 2019 election. Regarding PMI protection policies, Jokowi and PDI-P sought to ensure the safety of Indonesian migrant workers, aligning with their ideology focusing on the welfare of the working class. However, this policy faced challenges, including the government's tendency to be reactive rather than preventive in addressing issues on the ground. This was highlighted by critics who felt the government was insufficiently firm in ensuring the policy's implementation (Farisa, 2019).

In Malaysia, leadership changes in 2022 impacted the implementation of this policy. Prime Minister Ismail Sabri Yaakob, from the UMNO party, approved the policy to address the labor shortage caused by the pandemic and accelerate Malaysia's economic recovery. Bilateral cooperation between Indonesia and Malaysia reflects their close relationship, despite occasional differences or conflicts. This underscores the importance of strong diplomatic ties to achieve mutually beneficial agreements, as seen in the PMI protection policy case (Evandio, 2023).

2.3. Compliance of Actors and Responses to Policy Implementation

Compliance with established policies is crucial for ensuring smooth implementation and achieving their objectives. The actors involved in the policy must demonstrate a high level of commitment and consistency in adhering to the agreed-upon

rules. Without proper compliance, policies are likely to fail, even if they receive widespread approval (Grindle, 2017). Initially, Indonesia's proposed PMI protection policy received a slow response from Malaysia, with negotiations stretching over several years. However, following the labor shortages caused by the COVID-19 pandemic, Malaysia finally approved the policy in 2022. Malaysia accepted this policy as part of its efforts to address labor shortages, particularly in the 3D sectors.

Despite the positive reception of the policy, its implementation faced significant challenges. Malaysia violated several key aspects of the policy, including the use of the SMO system, which allowed migrant workers to enter with a tourist visa and later convert it into a work visa. This system made it difficult for Indonesia to obtain accurate data on migrant workers departing to Malaysia and opened opportunities for potential exploitation by employers (Pramudyani, 2022). Ultimately, Indonesia suspended the policy in July 2022 in response to these violations. However, after further discussions, Indonesia resumed the policy in August 2022 (Theodora, 2022). Despite its resumption, reports of rights violations against migrant workers continued to emerge, including discrimination, wage deductions, and inhumane working hours. BP2MI recorded several complaints regarding these issues throughout 2022–2023, highlighting that the PMI protection policy has yet to be fully effective in safeguarding Indonesian migrant workers in Malaysia (BP2MI, 2023).

CONCLUSION

The implementation of Indonesia's migrant worker protection policy in Malaysia is driven by economic interests and the enforcement of Law No. 18 of 2017. Post-pandemic, the demand for Indonesian migrant workers (PMI) increased, ensuring stable remittances. While the policy has received support from the Indonesian Parliament and NGOs like Migrant Care, its impact remains inadequate as many PMIs still face poor working conditions, though it has contributed to a 3.2% reduction in Indonesia's unemployment rate in 2022. Both countries have committed to reducing violence against PMI and improving monitoring, formalizing their cooperation through the Joint Working Group (JWG), Joint Task Force (JTF), and a Memorandum of Understanding (MoU) on April 1, 2022. However, challenges persist due to limited resources, as Indonesia's annual allocation of 300 billion rupiahs falls short of the planned 900 billion, while inadequate facilities and human resources further hinder protection efforts. Malaysia's historical reliance on Indonesian labor continues, yet policy violations, including breaches of the SMO system agreement, persist. In response, Indonesia temporarily suspended PMI dispatches but later lifted the ban. Despite ongoing efforts, discrimination remains widespread, with 832 complaints recorded in 2022-2023, underscoring the need for stronger enforcement and enhanced bilateral cooperation to ensure the safety and rights of Indonesian migrant workers in Malaysia.

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