

ABSTRACT

The expired Memorandum of Understanding (MoU) regarding the employment of Indonesian Migrant Workers (TKI) in Malaysia between Indonesian and Malaysian government has been leading to the unapproachability for Indonesian government to improve the aspect of social protection toward Indonesian migrant workers in Malaysia. Illegal Indonesian migrations and employments in Malaysia are the consideration for both countries those causing the drawbacks on the negotiating process of the MoU's renewal. Using Network and Institutional theories, this research highlighted how the socio-legal factors have been contributing to the institutionalization of illegal employment channel. The dilemmatic circumstances emerge as a difficult choice has to be made by the Embassy of the Republic of Indonesia in Kuala Lumpur; yet both options are consequently might leads to equally undesirable results. Both options, moreover, do not necessarily guarantee the increasing bargaining power for The Embassy of the Republic of Indonesia in Kuala Lumpur to urge Malaysian government on the improvement of Indonesian migrant workers' social protection aspects in Malaysia.

Keywords: Indonesian Migrant Workers, Malaysia, Social Protection, Illegal Migration and Employment, Network and Institutional Theories, Socio-legal factors, The Embassy of the Republic of Indonesia in Kuala Lumpur, Dilemmatic circumstances, Bargaining power.

ABSTRAKSI

Memorandum of Understanding (MoU) tentang penempatan Tenaga Kerja Indonesia (TKI) di Malaysia antara pemerintah Indonesia dan Malaysia yang telah kadaluarsa membuat pemerintah Indonesia kesulitan dalam meningkatkan aspek-aspek perlindungan sosial terhadap tenaga kerja Indonesia di Malaysia. Migrasi dan perekrutan warga negara Indonesia secara ilegal menjadi pertimbangan bagi kedua negara yang menyebabkan hambatan dalam proses negosiasi pembaruan *MoU*. Dengan menggunakan teori-teori *Network* dan *Institutional*, penelitian ini menggarisbawahi bagaimana faktor-faktor *socio-legal* berkontribusi terhadap pelembagaan saluran perekrutan ilegal. Keadaan dilematis muncul ketika sebuah pilihan sulit harus ditentukan oleh Kedutaan Besar Republik Indonesia di Kuala Lumpur; namun kedua pilihan sama-sama memiliki konsekuensi kemungkinan hasil-hasil yang tidak diharapkan. Kedua pilihan tidak semata-mata menjamin bertambah kuatnya posisi tawar Kedutaan Besar Republik Indonesia di Kuala Lumpur untuk meminta pemerintah Malaysia meningkatkan aspek-aspek perlindungan sosial Tenaga Kerja Indonesia di Malaysia.

Kata Kunci: Tenaga Kerja Indonesia, Malaysia, Proteksi Sosial, Migrasi dan Perekrutan Ilegal, Teori *Network* dan *Institutional*, Faktor-faktor *Socio-legal*, Kedutaan Besar Republik Indonesia di Kuala Lumpur, Keadaan Dilematis, Posisi tawar.