

Historical Trace: The Indonesian Government's Legal Politics on Sending Indonesian Migrant Workers to Malaysia 1970-1989

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Abstract. The issue of labor in Indonesia has been the talk of social scientists and historians since the time of the Dutch colonial government through the discussion of Koeli Ordinantie or Wervings Ordinantie. During the Old Order government, labor activities received attention for the appointment of labor activist S.K. Trimurti as Minister of Labor (1947 – 1948). During the New Order government, the migration of workers abroad entered 1970 and received legalization through the Regulation of the Minister of Manpower No. 4 of 1970. In 1984, the Decree of the Minister of Manpower No. Kep. 408 / Men / 1984 concerning the Deployment and Delivery of Manpower to Malaysia was established, which began with the enactment of the Decree of the Minister of Manpower No. Kep. 184 / Men / 1984. The enactment of the Decree of the Minister of Manpower No. Kep. 408 / Men / 1984 through the concept of legal politics will reveal the background of the formation, enforcement process, and its impact on Indonesian Migrant Workers working in Malaysia (1970 – 1989). This research uses historical methods that begin with the process of Heuristics, Verification, Interpretation and Historiography. The results of the study proved that the determination of the Decree of the Minister of Manpower No. Kep. 408 / Men / 1984 was based on social, economic, and political conditions in Indonesia and Malaysia (1970 - 1984). The impact of the decree, in addition to protecting, there are also efforts by the government and the private sector to limit and seek benefits in the process of deploying and sending Indonesian Migrant Workers to Malaysia.

Keyword: History, Legal Politics, Indonesian Migrant Workers, Malaysia

INTRODUCTION

Labour problems in Indonesia in the era of entering its 77th independence year still face problems including the lack of qualifications of Indonesian workers, the provision of jobs in Indonesia that are not following the qualifications of workers, and the provision of employment in Indonesia that is not labour-intensive in the sense of being machine-based and technological. The problem of labour to the jobs available in Indonesia has become a trigger for the large migration of workers abroad, including to Malaysia. An article written by Nasirin¹ explained

¹ Anas Anwar Nasirin, "Profesionalisasi Buruh Migran Indonesia (BMI) Dalam Revolusi Industri 4.0," *Jurnal MSDA (Manajemen Sumber Daya Aparatur)* 8, no. 1 (2020): 39–50, <https://doi.org/10.33701/jmsda.v8i1.1174>.

data from the National Agency for the Placement and Protection of Indonesian Workers (BNP2TKI) published in 2019, that there were 283.640 people Indonesian workers employed in abroad. Their percentage is that 53% work in the informal field and 47% work in the formal sector. The informal work sector carried out by the Majority of Indonesian Workers (TKI) abroad is a field of work categorized as 3D (dirty, difficult, dangerous), the informal work sector is commonly found and carried out by workers from the third world, this kind of work sector is commonly found on the roadside as a place to sell, carried out in plantations, factories as labourers and in a house as a domestic servant. In contrast to the informal work sector, the formal employment sector is the one that requires higher education qualifications and is targeted by many workers who are characterized by the presence of this job in the government sector and large private companies such as Banks, Insurance Companies and Hospitals².

Labour issues involving Indonesian workers choosing to migrate to Malaysia and work in the informal sector are based on the analysis of the Needs theory initiated by Maslow³ based on the character of humans as intelligent and living beings in this world which always characterizes humans as fully integrated individuals; the characteristics of impulses (motivations) or needs that arise in humans cannot be allocated to one particular type of need; the motivation that arises in humans is part of the peak of human purpose; a theory of motivation that cannot be ignored about the subconscious life; the absolute and fundamental desires of man are not far from his daily life; desires that arise and are realized, are often the originators of hidden goals, and the motivation that grows in the individual human being is constant and never ends. Such human characteristics convinced Maslow in his study that there are always five needs to be met by a man in his life, including physical blindness; The need for a sense of security; The need for ownership and love; The need to be appreciated; and the need for self-actualization. Based on these five needs assumes that the human being is motivated by several basic needs of the same nature for the whole species, unchanging, and derived from genetic or instinctive sources and the needs become the core of living human nature.

The framework for discussing human needs is related to the theory initiated by Maslow in connection with the phenomenon of the problem of Indonesian Workers working in Malaysia. Research in the official historical review since Indonesia's independence on August 17, 1945, the regulation on sending Workers abroad began with the enactment of the Minister of Manpower Regulation No.4 of 1970 concerning the Deployment of Manpower, twelve years later the government followed up on the regulation in line with the high migration of Indonesian Workers abroad. In 1983 the government established the Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 128 / Minister of 1983 concerning the Use of Indonesian Manpower Identity Cards abroad. Still, in 1983, the government issued a Decree (SK) of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 129 / Minister / 1983 concerning Indonesian Manpower Collar Companies (PPTKI), the regulation explains the business licenses of Indonesian Manpower Collar Companies, company rights and obligations, as well as sanctions for violating companies. The high number of people working abroad and such is the target of the government which wants to hire as many migrant workers as possible abroad, in the Inter-Work Between Countries (AKAN) work program targeted in the fourth Five-Year Development Plan (Repelita) targeted at migrant workers who are employed abroad as many as 500,000 people, 225,000 of which began since the THIRD Repelita⁴, to make the program a success, the government issued a Decree of the Minister of Manpower and Transmigration Decree Number 149/Minister/1983 concerning Procedures for the Implementation of the Deployment of Indonesian Workers to Saudi Arabia.

In 1983, the successive regulations set by the Ministry of Employment and Transmigration concerning the Deployment and Delivery of Indonesian Workers abroad were traced to the condition of Indonesia's economy at that time, especially since the 1970s, which was faced with the problem of a surge in the working-age population (productive) which was not balanced with the qualifications and available jobs. The Faculty of Economics, University of Indonesia noted that in the period from 1970 to 1976 a surge in the increase in the working-age population of an average of 1.8 million people⁵ Entering 1984 the Indonesian government established a relationship with the Malaysian government to anticipate the high surge in the population of job seekers in the country and the high population seeking work by kinship factor to Malaysia. On April 3 to 6, 1984 the government followed up on

² Yustina - Chrismardani and Bondan Satriawan, "Tenaga Kerja Sektor Formal Dan Informal Di Kabupaten Bangkalan," *Media Trend* 13, no. 1 (2018): 158, <https://doi.org/10.21107/mediatrend.v13i1.3665>.

³ Siti Muazaroh and Subaidi, "Dalam Pemikiran Abraham Maslow," *Al-Mahazib* 7, no. 1 (2019): 17–33.

⁴ Described in Repelita (Rencana Pembangunan Lima Tahun) ke- IV based on Residency Decree No. 21 Year 1984 (Repelita IV) 1984/1985 – 1988/1989

⁵ Koran Tempo, edisi 22 Juli tahun 1972 Halaman 8

the issue of cross-border labour migration through the ASEAN Manpower Workshop (Association of South East Asian Nations) in Jakarta which was attended by government representatives from Indonesia, Malaysia, Thailand, the Philippines and Singapore, the Indonesian government at that time represented by Sutopo Yuwono as Secretary General of the Ministry of Manpower. On May 12, 1984, a meeting was held between the Representative of the Government of Indonesia and the Representative of the Government of Malaysia in Medan, North Sumatra, in which the "Medan Agreement" was produced which discussed the supervision of the flow of Indonesian Workers' migration to Malaysia. On July 22, 1984, the Government of Indonesia established the Decree of the Minister of Manpower Number 184 / Minister / 1984 concerning the Granting of Authority to Issue Recommendation Letters addressed to the Head of the Regional Office of the Ministry of Manpower of East Kalimantan, East Nusa Tenggara and South Sulawesi. Five months later, on November 26, 1984, the Government of Indonesia issued a Decree of the Minister of Manpower Number 408/Minister/1984 concerning the Deployment and Delivery of Manpower to Malaysia.

LITERATURE REVIEW

The writing of this article, about the historical review of the arrangements for sending Indonesian Workers to Malaysia by the Indonesian government is reviewed based on research and similar writings in the following articles and research reports:

First, the book entitled "*Laporan Kajian Pekerja Indonesia di Bahagian Tawau, Sabah; Report on the Study of Indonesian Workers in the Tawau Section, Sabah*" was written by the State Family Population and Development Institute (LPPKN)⁶ and published by the Population Section of the State Family Development and Population Institute in Kuala Lumpur Malaysia in 2014. This book examines foreign workers who come to work in Malaysia, especially those from Indonesia. the assessment is able to describe the profile of employers who employ Indonesian workers; factors that encourage migrant workers to work in Malaysia; factors of employers who choose to hire migrant workers over locals (Malaysians); the perception of Indonesian workers against the provisions of Malaysian government regulations on the entry of foreign workers; and local community perceptions of the regulations governing Indonesian Manpower in Sabah, Malaysia.

Second, the book entitled "*Selusur Kebijakan (Minus) Perlindungan Migran Indonesia*" was written by Wahyu Susilo, Anis Hidayah, Mulyadi and Tim dari Migrant Care⁷, the first printing in 2013 and the second printing in 2015. This book explains the mastery and deployment of labor in Indonesia since the Dutch Colonial Government period through the establishment of the Koeli Ordonantie, Werving Ordonantie; The Japanese Occupation Period (March 1942 - August 1945) the existence of a "Romusha" work system; The Reign of the Old Order; New Order Reign; and Reformation. The discussion in this book presents the regulations of every era that affects the Tenga Kerja in Indonesia until the time of the existence of legal regulations that control the Deployment of Indonesian Workers Abroad; The role of the government and the private sector is the Company of Directing Indonesian Workers Abroad.

Third, an article titled "*Confined Mobilities: Following Indonesian Migrant Workers on Their Way Home*" written by Sanneke Kloppenbrug and Peter Peters⁸. This article discusses labor mobility as a goal to protect migrant workers who have just returned from abroad from all forms of extortion, but in reality it is used as a restrictive control and creates a view that distinguishes an Indonesian worker who has just returned from abroad from an ordinary tourist while at the airport. The conditions that distinguish between migrant workers and ordinary tourists since their arrival at Soekarno-Hatta International Airport create the view that a migrant worker as a lowly, on the way back from the airport to home there are often objects of neglect from travel parties and scalpers at the airport.

⁶ Lembaga Penduduk dan Pembangunan Keluarga Negara (LPPKN), *Laporan Kajian Pekerja Indonesia Di Bahagian Tawau, Sabah, Lembaga Penduduk Dan Pembangunan Keluarga Negara (LPPKN)*, 2014.

⁷ Mulyadi Anis Hidayah, Wahyu Susilo, *Selusur Kebijakan (Minus) Perlindungan Buruh Migran Indonesia* (Jakarta, Indonesia: Migrant Care, 2015).

⁸ Sanneke Kloppenbrug and Peter Peters, "Confined Mobilities: Following Indonesian Migrant Workers on Their Way Home," *Tijdschrift Voor Economische En Sociale Geografie* 103, no. 5 (2012): 530–41, <https://doi.org/10.1111/j.1467-9663.2012.00743.x>.

METHOD, DATA, AND ANALYSIS

History can objectively be interpreted as an event that happened in the past. A historical event to be studied and provide wisdom to human life today requires scientific reconstruction efforts so that a historical story is produced. The reconstruction in writing this article combines the method of historical research with the Concept of Legal Politics from Bagir Manan. History is a science that examines human life in the past which is viewed from the aspect of changing the pattern of life in the dynamics of time and space. Historical research presents the stages of Research starting from the Heuristic process; Verification; Interpretation and Historiography⁹.

The heuristic process or the process of searching and collecting historical sources after previously establishing the topic to be studied in this article, namely a review of the Indonesian government regulation on the controls of the deployment and delivery of Indonesian Workers to Malaysia. The author carries out the heuristic process starting from secondary sources in the category of historical science, namely from articles in Scientific journals, then the search for primary sources from books published by Government institutions or written by actors involved in the process of establishing regulations on the Sending and Deployment of Migrant Workers to Malaysia, and corroboration from news sources in newspapers from the period 1970 to 1980 which are categorized as historical sources contemporaries, Entering the second stage, the author verifies including criticism externally and internally to ensure the credibility of the source referenced by the author, so the author ensures the validity of the source content that it is a source, not an imitation and not a copy following the rules of historical science. In the third stage, the author enters the stage of interpretation or interpretation which is carried out through a synthesis process until a general concept is produced, namely Indonesian labour research which is reviewed from the perspective of government regulation through a series of regulations that influence the migration of migrant workers to Malaysia from 1970 to 1980 which is elaborated through the concept of legal politics. In the last stage, a series of historical excerpts was produced that the author wrote (historiography) into an article entitled, "Historical Trace: The Indonesian Government's Legal Politics on Sending Indonesian Migrant Workers to Malaysia 1970-1989."

The analysis in writing this article reviews the concept of legal politics from Bagir Manan in a research report entitled "The legal politics of Indonesian Citizenship¹⁰." The research report, explains that the concept of legal politics is the wisdom of the government which is used as the basis for establishing the direction of national legal development to achieve the goals of the Indonesian state, which includes the legal structure, and legal substance and legal culture. Legal politics is divided into fixed legal politics and temporary legal politics, in the continuation, the two legal political traits have two scopes, namely the politics of law formation and the politics of law enforcement. The next discussion related to legal politics when viewed from the scope of its formation and its enforcement in the dynamics of life in Indonesia from 1970-1989 which encouraged the issuance of regulations that regulate the sending of Indonesian workers abroad, especially in Malaysia. Within the framework of historical review and legal political conception, what factors prompted the Indonesian government to establish Minister of Manpower Regulation No.4 of 1970 concerning The Deployment of Manpower Abroad? how is the dynamic development of the Deployment of Indonesian Workers Abroad, until the establishment of cooperation between the Indonesian government and the Government of Malaysia which was then addressed by the Indonesian government through the enactment of the Decree of the Minister of Manpower Number 408 / Minister / 1984 concerning the Deployment and Delivery of Manpower to Malaysia? How does the Minister of Manpower Decree Number 408/ Minister/1984 affect Indonesian Workers working in Malaysia?

RESULT AND DISCUSSION

History is a study of the science of time and all aspects of life-related to humans in the past. Its study and writing are needed as an educational basis for current and future generations of the Nation; as the basis of inspiration

⁹ Anas Anwar Nasirin And Dade Mahzuni, "The Existence Of Bojongmenje Temple : The Collapse Of Tarumanegara Kingdom And The Establishment Of Sundanese Kingdoms (Viii-X Century) Eksistensi Candi Bojongmenje : Runtuhnya Kerajaan Tarumanegara Dan Berdirinya Kerajaan Sunda (Abad Viii-X M) In The" 19, No. 1 (2021): 11–22.

¹⁰ Susi Dwi Harijanti, Rahayu Presetianingsih, Bilal Dewansyah "Politik Hukum Kewarganegaraan Indonesian," *Fakultas Hukum Universitas Padjadjaran* (Bandung, Indonesia, 2007), [http://digilib.unila.ac.id/11478/16/16_BAB II.pdf](http://digilib.unila.ac.id/11478/16/16_BAB%20II.pdf).

as wisdom that reflects that there is always glory and defeat from the meaning of every historical event so that the direction of memory to become better as wisdom (inspiration) from studying history; as a warning of making historical studies as policy givers and signposts that realize the need for improvement in a system or the existence of a system that is not good at this time so that a solution is needed from historical review, the basis of events has the same roots in today's life, hoping for bad conditions to be good. The study of legal politics in Bagir Manan's¹¹ view is viewed from its two scopes then: *First*, in the political concept of law the scope of legal formation is considered to be wisdom related to the creation, renewal, and development of law which includes the wisdom of the formation of legislation, the wisdom of the formation of jurisprudence laws or judges' decisions, and the prosecutor's policy towards other unwritten regulations; *Secondly*; Legal politics in the law enforcement process is wisdom that concerns the field of justice and wisdom in the field of legal services. In conclusion, the scope of law formation and law enforcement in the concept of legal politics is interrelated, meaning that a law will be successful if it is accompanied by good enforcement, then, decisions in the context of enforcement are a control mechanism for the provisions and constraints of the law.

A historical assessment elaborated on the concept of legal politics about the role of the government in controlling the activities of Indonesian Workers in Malaysia will be studied through a framework that explains the background that led to the emergence of legal political aspirations, enforcement processes, tactics behind the process of deploying and sending Indonesian Workers abroad and their impact on those who choose to work to Malaysia. A legal political analysis was carried out on the historical facts of the establishment of the Regulation of the Minister of Manpower No.4 of 1970 concerning the Deployment of Labor Abroad; Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 128 / Minister of 1983 concerning the Use of Indonesian Manpower Identity Cards abroad; Decree (SK) of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 129 / Minister / 1983 concerning Indonesian Manpower Collar Companies (PPTKI); Decree of the Minister of Manpower Number 184 / Minister / 1984 concerning the Granting of Authority to Issue Recommendation Letters addressed to the Head of the Regional Office of the Ministry of Manpower of East Kalimantan, East Nusa Tenggara and South Sulawesi; and, Decree of the Minister of Manpower Number 408/Minister/1984 concerning the Deployment and Delivery of Manpower to Malaysia which is elaborated with other historical sources, both primary and secondary.

The First Step in establishing government regulations to control the deployment of Indonesian workers abroad in 1970

The establishment of a government decision in the political conception of law is based on the conditions of society, socio-culture and politics at that time that occurred in an area, in this case, it was in Indonesia. Entering 1970 was a period of recovery of statehood in all fields. This condition was a result of state dependents during the previous government, the Old Order led by Soekarno. Being the main discussion in the historical narrative, the issuance of the Warrant of March 11, 1966, in the history of Indonesian politics witnessed the transfer of power from Soekarno to Suharto or from the old Order Government to the New Order Government. Back in 1970, before one year of the New Order Government, to be precise in 1967 Indonesia was faced with inflation close to 630%, this condition has occurred since 1965. At that time, according to Mas'ood¹², the New Order government was unable to restore the condition of the state only relying on the State Budget (State Budget), so it needed income from the state sourced from foreign countries. One of these efforts was achieved through the legal politics of foreign investment in Indonesia. In 1967, the government enacted Law Number 1 of 1967 concerning the basic provisions of Forestry; Law Number 11 of 1967 concerning Basic Mining Provisions. Two years later, precisely in 1969, the government's legal political direction from the confusion of Natural Resources (SDA) began to control Indonesia's Human Resources (HR) to welcome foreign parties investing in Indonesia, the government enacted Law Number 14 of 1969 concerning Basic Provisions of Manpower, the purpose of this Law is to ensure controlled and managed labour by the State.

The urgency of the New Order government in a strategy to restore the country's economy, towards 1970 news of the migration of workers abroad broke in the community with destination countries to Malaysia and New

¹¹ *ibid*

¹² Anis Hidayah, Wahyu Susilo, *Seluruh Kebijakan (Minus) Perlindungan Buruh Migran Indonesia*.

Caledonia. The low wages of the workers who work in Indonesia, many workers who returned from New Caledonia told their experiences, they worked in New Caledonia as contract labourers, and every month they could send money to Indonesia Rp. 75,000. For many people who are interested in wanting to work abroad, the government urges them to be especially careful before leaving to work abroad to meet the work requirements authorized by the Ministry of Manpower. Not all people who have an interest in working abroad can obey the advice of the government. The year 1970 was the beginning of the regulation on the conflict of Workers from Indonesia who would work abroad was established, the determination was based on the Regulation of the Minister of Manpower No.4 of 1970 concerning the Deployment of Manpower. Through this regulation in section 1, the government provides the limitations referred to by labour, namely, *"Any acts carried out with the aim that people enter into employment agreements to be employed both at home and abroad, in various fields of economic activity or as artists/ sports or scientific personnel."* Furthermore, in article 2 paragraph 1 it is explained that, "the deployment of labour is prohibited when there is no written permission from the minister of labour or his appointed officials", from this statement the main purpose of establishing this regulation is to regulate the controlled deployment of labour and by the current mission of economic development of the country. In one of the descriptions of this regulation, there is an authority from the government to place or transfer labour from excess labour to areas that lack labour. Furthermore, article 4 it is stated that anyone who violates the regulations set by the government will get a criminal witness, a maximum penalty of 3 months or a fine of Rp. 100,000.

These regulations the government stipulated, in addition to the problem of development that was not optimal also because of the proliferation of labour organizations at that time that could threaten the existence of the New Order Government, so their existence was obliged to be put so that they were merged into labour organizations controlled by the government. It was reported that Tempo¹³ Entering 1972 there were an estimated 240 workers who were suspected of being affiliated with political parties, especially as sympathizers of the Old Order Government, in this case, the Central All-Indonesian Labor Organization (SOBSI) was considered to have relations with the PKI (Indonesian Communist Party). The living conditions of labourers at that time did not impose, many workers were scrambling for work with low wages, the workers who worked at PT Caltex in the Riau Islands, for example, there were the 30s of unemployed workers, they could be unemployed because of the labour system controlled by sub-contractors when there were jobs for example from PT. Caltex, they can only work and but when the work is done they have to wait until there is another job, even then they have to go through by making new requirements that often those who can get a job are those who used to pay the base money. Because of the difficulty of finding a job, for the contractors at that time, it was very easy to gather the labourers, within 2 to 3 hours the contractors were able to gather up to 500 labourers. The wage payment system is based on (calculation of the number of wages X the number of working days), the government's provision on the payment of wages of the workers is Rp 345, but because of the consideration of contractors and sub-contractors the wages to be paid to the workers is reduced to Rp 302, at the lower level comes the reason why the contractor who gathers the workers feels responsible for the work at the risk of profit and loss, finally, the wages paid to the workers were only Rp 288. The debate ensued, the workers felt that the wages they received were not by the amount of labour expended, they demanded from the sub-contractor, and the sub-contractor threw the matter to the contractor, by the statement that the workers worked only 7 hours a day while the government rules obliged them to work 8 hours per day.

The problems faced by workers in addition to working in the mining sector also occur to workers who work in factories and plantations¹⁴. Based on the testimony of Agus Sudono, the general chairman of Gasbiindo (Gabungan Persatuan Buruh Islam Indonesia), in 1972 many plantation companies that harmed the workers, their menial workers only got a wage of Rp. 1,300 while the leader was Rp. 40,000 – 200,000; the workers who work in the factory are also unprofitable, for example, the workers who work at one of the cigarette companies in Kudus must be strong in working from 7.30 WIB to 16.00 WIB, their daily job target is to be able to roll 1000 cigarettes with a wage of only Rp. 75. The problem at that time was that many workers complained that the wages they could get were insufficient to meet household needs, especially for families who had more than five children and had dependent children who were still in school. As a result of this condition, many children who eventually dropped out of school aged 10 to 14 years, chose to become labourers in cigarette factories, it was reported that the number of children working in cigarette factories in Kudus dumped 1/4 of the total 100 thousand cigarette workers. A system of work that harms the workers, factors their low education and dare not charge the right to superiors often that is said of them *"better to work than to be idle."* And so when one of the workers questioned his right to the employer,

¹³ Koran Tempo tanggal 22 Juli 1972 halaman 5 -7

¹⁴ ibid

"if you want to be able to work!" the dishonesty of the employers in fulfilling their obligations and thus the supervision of the government was limited to the formalities, burdensome and unfair conditions towards the fulfilment of the rights of the workers in April 1972 triggered a strike at the Bata shoe factory carried out by agreement of several Trade unions. The workers' strike triggered a response from figures, one of whom was Adolf Rahman, chairman of the Kongkarbu (National Concentration of the Workers' Work Movement) Golkar, *"for the government the event was not only a form of the recklessness of the trade unions in the process of Reviewing legislation with the government and employers but could be classified as a form of an act of confinement between workers and employers in a liberal ideology."* The goal was that the workers of the movement could be controlled by the government and not endanger the goals of the government at that time, in June 1972 the Indonesian Labor Consultative Assembly (MPBI) was formed, chaired by Thaherransjah Karim under the coordination of the Ministry of Manpower.

National Development Mission; Indonesia-Malaysia Cooperation Legalization and State Control of the Deployment of Indonesian Workers to Malaysia in 1984

The national development goals during the New Order government have been packaged in the Repelita (Five-Year Development Plan). Repelita is not much different from the national development goal package during the Old Order Government, namely the Universal Development Plan (Rencana Pembangunan Semesta¹⁵). The formulation of Repelita by the New Order government was recorded in the history of Indonesian politics until Repelita VI: Repelita I (1969/1970 – 1973/ 1974); Repelita II (1974/1975-1978/1979); Repelita III (1979/1980-1983/1984); Repelita IV (1984/1985 -1988/1989); Repelita V(1989/1990-1993/1994); and, Repelita VI (1994/1995 – 1998/1999). The preparation of the Repelita is based on the Decree of the Resident of the Republic of Indonesia Number 319 of 1968 to improve the degree of the Indonesian people achieved through gradual development. Tracing the National Development Mission is closely related to the legalization of regulations for the deployment of workers abroad to the establishment of cooperation and the establishment of decisions that directly regulate the flow of migrant workers' deployment and delivery to Malaysia. Reviewed on the temporal aspect since 1970 in the Category of Repelita I, the purpose of development refers to the fields of agriculture and irrigation; mining and electric power industries; transportation and tourism; religion; education and labour; health and family planning; housing and social welfare; orderly law and illumination; transmigration and cooperatives, national defence and security; and statistical research and development¹⁶.

Entering the year 1980-1989 temporally time and officially the establishment of regulations directly monitoring migrant workers working in Malaysia. In Repelita III and Repelita IV, the government focused on the direction of national development, one of the main objectives on expanding employment opportunities and job protection including improving wages, working conditions, working conditions, labour relations, employment guarantees, work harmony, and improving overall labour conditions. This effort was facilitated by the Regulation of the Minister of Manpower Number 4 of 1970 concerning the Deployment of Manpower, in article 3 for example, the requirements for labour recruitment in addition to obtaining permission from officials in the Ministry of Manpower must also meet the conditions: *"the amount of labour to be deployed, the way of deployment, shelters, the cost of deployment and transportation (return), wages, working hours and overtime, leave, housing, exams and health care, termination of employment, ensuring labour against various circumstances, manner of making employment agreements, benefits for abandoned families, arrangements in the event of death."* Both are related to the deployment of labour between regions and between countries. The development of work qualifications in addition to the deploying party, the subject deployed, namely labour, is a concern for the government, explained in the Regulation of the Minister of Manpower and Transmigration No. 128 / Minister / 83 concerning the Use of Identity Cards of Indonesian Workers Working Abroad which was established on March 18, 1983, the content of the regulation is mainly the government to easily foster and supervise migrant workers working abroad, the identity card was also used as a condition for obtaining a certificate of employment abroad. the next regulations many

¹⁵ from <https://majalah.tempo.co/read/158556/lahir-di-orde-lama-ajek-di-orde-baru> 12/12/2019, the development of the universe is the formulation of the results of the session conducted by the National Design Council (Which is the forerunner of Bappenas). The construction of the universe lasted for eight years from 1961-1969 which was later designated as the Outlines of the National Development Pattern of the Universe Planning. The first stage was determined based on tap MPRS Number II / MPRS / 1960 on December 3, 1960

¹⁶ Decree of the Resident of the Republic of Indonesia No. 319 of 1968

governments set, including the establishment of cooperation with the government of the country of placement destination and issuing regulations specifically related to the purpose of the country. On May 30, on the decision of Sudomo, the Minister of Manpower at that time, a Decree of the Minister of Manpower of the Republic of Indonesia Number 149 / Minister / 1983 concerning Procedures for the Implementation of Sending Indonesian Workers to Saudi Arabia was established. The regulation contains rules for PPTKI, Prospective Employers and Migrant Workers such as the provisions for job orders to be carried out by migrant workers, PPTKI appointment letters to foreign countries acting and on behalf of companies or individuals in Saudi Arabia, and provisions for remittances by migrant workers from Saudi Arabia.

The policies set by the government at that time were reasonable because in the field of employment and demographics Indonesia was faced with a growth in the number of Indonesians reaching 2% per year which was the cause of the excess labour force. The age of the working people at that time was more than 50%, their age was under 24 years old. The government reasoned that the enactment of the set of regulations was to expand employment and labour protection. The condition in Indonesia that is overworked is also a problem of their ability and qualifications that are not qualified, in some sectors of work many are still carried out by Foreign Workers (TKA), in 1972, for example, there were almost 15% of foreign workers in Indonesia from the total number of domestic workers¹⁷. In 1983, it became a historical fact for the Ministry of Manpower, at that time precisely the change from the original name of the Ministry of Manpower and Transmigration to the Ministry of Manpower, when the leadership of the institution changed from Harun Zain to Sudomo. However, does the change of the name of the institution until the leadership reflects the goal of protecting and supervising migrant workers working abroad? in a statement in the regulations, it appears that the business of sending workers abroad is an insistence that indicates the country needs income. The policy toward PPTKI in the process of registering with the Directorate General of Development and Use of Indonesian Manpower is required to have offices, employees, and the target of deploying migrant workers abroad every year is as many as 500 people. It is explained in the Guidelines for the Implementation of The Granting of Business Licenses for Companies to Remit Indonesian Workers Abroad through the Directorate General of Manpower Development and Placement issued on March 5, 1984, that the labour collar is no longer a person, but must be in the form of a legal entity, namely a Limited Liability Company (PT) or Cooperative, one of the requirements of companies that can get a business license is the availability of a certain amount of capital at a Government Bank at least IDR 25,000,000.

Considering the conditions in Indonesia that are problematic in labour and demographic issues, on the other hand, the high migration of migrant workers in addition to Saudi Arabia is to Malaysia. The migration of Indonesian workers to Malaysia is very high due to geographical proximity factors that can be reached by sea, rivers armed with ordinary boats, and even by land. Malaysian regions such as Sabah and Sarawak for some communities in some parts of Indonesia such as South Sulawesi, East Nusa Tenggara, Riau Islands, West Sumatra, and Madura are familiar because they have a strong network of kinship and culture that was already established in the flow of migratory traffic long before Indonesia became independent. The government's desire to foster and control the flow of migrant workers' migration to Malaysia is a difficult process because people's knowledge of the process of returning to the area has been passed down for generations. The steps were taken by the government at that time, the holding of labour regulation through a meeting between representatives of the governments of ASEAN countries at the ASEAN Manpower Workshop which was followed by the 3rd session of the ASEAN Trade Union Council /A-TUC (*Asean Trade Union Council*) led by Sudomo, Minister of Manpower of the Republic of Indonesia on April 5, 1984. The discussion at the workshop sought solutions to socio-cultural problems that are directly related to ASEAN countries that have affected the socioeconomic and working conditions for workers in ASEAN Countries. The participants consisted of representatives from Indonesia, Malaysia, Thailand, the Philippines and Singapore. Brunei at that time did not send its representatives because it did not yet have a trade union. The workshop at that time seemed to be an introduction between the Indonesian government and the Malaysian Government to unify the vision of controlling the flow of Labor migration from Indonesia to Malaysia. The Malaysian government at the time was in the interest of employing cheap and controlled Foreign Workers (TKA); the issue of employment in Malaysia in regulating TKA has not been resolved since its independence on August 31, 1957; from 1970 to the 1980s Malaysia did not have a specific Law regulating Foreign Workers; The condition of rubber and palm oil cultivation or the timber deck industry left over from the *North Borneo Chartered Company (NBCC)* or *British North Borneo Company (NBCC)* program requires a large number of workers¹⁸. The joint commitment between the

¹⁷ ibid

¹⁸ Ramli Dollah And Kamarulnizam Abdullah, "Wacana Hegemonik Dan Dasar Pekerja Asing Di Malaysia : Kajian Kes," No. May 2019 (2017).

two countries was followed up with the Decree of the Minister¹⁹ of Manpower Number 184 / Minister / 1984 concerning the Granting of Authority to Issue Recommendation Letters addressed to the Head of the Regional Office of the Ministry of Manpower of East Kalimantan, East Nusa Tenggara and South Sulawesi, and decree of the Minister of Manpower Number Decree 408 / Minister / 1984 concerning the Deployment and Delivery of Manpower to Malaysia.

The Legal Politics of the Indonesian Government, The Impact on Indonesian Workers Working in Malaysia

The study of history by deconstructionism has become a concern for many historians who position the writing of history narratively but can be dwarfed, elaborated and unearthed from a word or language that there is another meaning in it. So that through this process the study of history can be expanded by treating the past as a text that stores meaning that must be examined and the assumption of modern history that supposes the existence of a correlation between 'proof of reality and interpretation that must be questioned again. Political legal analysis on the historical study of the role of the government in controlling the deployment and delivery of manpower to Malaysia through the Decree of the Minister of Manpower Number 408 / Minister / 1984 concerning the Deployment and Delivery of Indonesian Workers. Legal politics in the process of its scope includes the formation and enforcement of laws, as the assumption of legal politics is presented as a medium through the law, the political goals of that time can be realized. The journey of setting the rules for controlling migrant workers in Malaysia has flowed all the benefits to the state. At that time, the minister of manpower felt how successful the program was to deploy and send migrant workers abroad, especially to Malaysia. Sudomo's statement planned orders in Repelita IV targeted the number of migrant workers dispatched abroad as many as 300,000 people. This figure has been predicted by Sudomo²⁰, so the number of migrant workers who are dispatched abroad every year will generate foreign exchange for the country by at least 2.5%. A total of 90,935 migrant workers who have worked abroad have succeeded in bringing in foreign exchange for the country of US\$ 15 million. In his joke before the members of the House of Representatives Commission VI, *"This amount of money can be used to buy palapa satellites."* The amount of foreign exchange income does not include remittances sent illegally.

Indonesian Workers have a big role to play in Malaysia's economic progress. Of course, it will be very difficult for Malaysia to succeed in the 3rd Malaysian Development Plan (3MP) program, one of which is with a succession of oil palm plantations covering an area of 2.1 million hectares. The arrival of foreign workers in Malaysia, especially those from Indonesia, has made Malaysia in the 1970s addition to palm oil exporters as well as the world's largest rubber exporter. The realization of the deployment and delivery of migrant workers to Malaysia showed an increase, in Repelita I (1969/1970-1974/1975) the number of migrant workers recorded was sent to Malaysia as many as 12 people. In Repelita II (1974/1975-1978/1979) it increased to 536 people. Entering 1984 to be precise in Rpelita II (1978/1979-1983/1984) the shipment of migrant workers to Malaysia increased rapidly to 11,441 people, which is the second highest number after Saudi Arabia as many as 55. 976 people out of a total of 96. 410 migrant workers were dispatched to various destination countries in the world. More recent data shows the number of migrant worker shipments abroad throughout Pelita III (1979/1980 – 1983/1984) based on circumstances from April 1, 1983, to March 31, 1984, on the calculation that had been sent in 1983/1984 as many as 30,790 people, plus the remaining permits that were in the process of departure as many as 23,244 people. A total of 30,790 people have been included in the number of 96,410 migrant workers who have been sent abroad throughout (1983/1984), if added with several 23,244 people who are in the process of departure, the number of migrant workers sent abroad during Repelita III (1979/1980 – 1983/1984) is as many as 199,659 people the number recorded is only a small fraction of the number of migrant workers who worked abroad illegally in the period 1970 to 1980s²¹.

The presence of the benefits obtained also leaves a lot of losses that occur to migrant workers who work in Malaysia. It is a troublesome reality for some migrant workers after the enactment of the Decree of the Minister of Manpower No. Kep.408 /Men/1984 concerning the Deployment and Delivery of Manpower to Malaysia. The migrant workers were no longer free to work in Malaysia. Supervision is getting stricter and more difficult for migrant workers to be able to go to Malaysia as usual after the decree of the Minister of Manpower Number 184/ Minister / 1984 concerning the Granting of Authority to Issue Recommendation Letters addressed to the Head of the Regional Office of the Ministry of Manpower of East Kalimantan, East Nusa Tenggara and South Sulawesi. These areas are the home of many migrant workers who already have a cultural and kinship network that was

¹⁹ Koran Pelita Harapan, 3 April 1984

²⁰ Koran Pelita Harapan 5 April 1985

²¹ ibid

originally able to freely commute to Malaysia. Both of these regulations have created an identity for migrant workers when they arrive in Malaysia. Migrant workers who leave for Malaysia through official channels that meet the requirements as determined by the Indonesian government are referred to as official migrant workers while migrant workers who come to Malaysia outside the route are categorized as illegal migrant workers. Migrant workers who come to Malaysia illegally in Malay are referred to as illegitimate (*haram*) migrants or PATI (Unlicensed Foreign Migrants). The existence of this cataphrasing of identity on its way does not solve the problem, in one case illegal migrant workers arriving in Malaysia often become the hunt of the local police, they work cheaply and some are not paid at all. Later, people realized that the government's call to go to work for Malaysia met the requirements and left legally, but because the majority of these prospective migrant workers were from villages and had never even taken formal education, there was finally no choice for them, due to the insistence on the necessities of life to work in Malaysia illegally. Migrant workers who go to Malaysia legally are not always beautiful and run smoothly because on the way there are many levies carried out by the government, systemically profit through the levy of fees for handling documents, work visas and taxes (levy), one of which is reflected in Article 10 paragraphs 1 and 2 of the Decree of the Minister of Manpower No. Kep. 408 / Men / 1984 mentioned, "*each labourer shall send to the family at least 50% of the wages received through the Government Bank; for workers who are not married or have no family, they must keep the money at least 50% in a government bank.*"

CONCLUSION

. The issue of employment has become very relevant to solve its problems in the current dynamization of the era that is globalizing with the limitations of labour migration between countries increasingly no barriers, considering that at this time entering the Industrial Revolution 4.0 and society 5.0. Tracing government arrangements through the study of historical science and legal political analysis, that government policy is always faced with the benefits obtained and the need to anticipate the possibility of losses that occur, currently Indonesia is within the framework of the growth of the Demographic Bonus until 2030. We hope that the government and the private sector will be more concerned about paying attention to labour issues with mutually beneficial solutions for various parties. Strengthening abilities, improving educational qualifications, and literacy campaigns are the keys needed for prospective Indonesian Workers who will work abroad. the content of labour and all its problems through this article is a solution in the context of providing legal and political advocacy for migrant workers who humanize the process of eradication, work process, and upon returning from abroad to Indonesia.

REFERENCES

1. Anis Hidayah, Wahyu Susilo, Mulyadi. *Seluruh Kebijakan (Minus) Perlindungan Buruh Migran Indonesia*. Jakarta, Indonesia: Migrant Care, 2015.
2. Chrismardani, Yustina -, and Bondan Satriawan. "Tenaga Kerja Sektor Formal Dan Informal Di Kabupaten Bangkalan." *Media Trend* 13, no. 1 (2018): 158. <https://doi.org/10.21107/mediatrend.v13i1.3665>.
3. Dollah, Ramli, and Kamarulnizam Abdullah. "WACANA HEGEMONIK DAN DASAR PEKERJA ASING DI MALAYSIA : Kajian Kes," no. May 2019 (2017).
4. Kloppenburg, Sanneke, and Peter Peters. "Confined Mobilities: Following Indonesian Migrant Workers on Their Way Home." *Tijdschrift Voor Economische En Sociale Geografie* 103, no. 5 (2012): 530–41. <https://doi.org/10.1111/j.1467-9663.2012.00743.x>.
5. Koran Pelita Harapan, 3- 5 April 1984
6. Koran Tempo, 22 Juli 1972: 5-7
7. Lembaga Penduduk dan Pembangunan Keluarga Negara (LPPKN). *Laporan Kajian Pekerja Indonesia Di Bahagian Tawau, Sabah. Lembaga Penduduk Dan Pembangunan Keluarga Negara (LPPKN)*, 2014.
8. Mas'oe'd, M. *Ekonomi dan Struktur Politik Orde Baru 1866-1971*. Jakarta: LP3S. 1989.

9. Muazaroh, Siti, and Subaidi. "Dalam Pemikiran Abraham Maslow." *Al-Mahazib* 7, no. 1 (2019): 17–33.
10. Nasirin, Anas Anwar. "Profesionalisasi Buruh Migran Indonesia (BMI) Dalam Revolusi Industri 4.0." *Jurnal MSDA (Manajemen Sumber Daya Aparatur)* 8, no. 1 (2020): 39–50. <https://doi.org/10.33701/jmsda.v8i1.1174>.
11. _____ "The Existence Of Bojongmenje Temple : The Collapse Of Tarumanegara Kingdom And The Establishment Of Sundanese Kingdoms (Viii-X Century) Eksistensi Candi Bojongmenje : Runtuhnya Kerajaan Tarumanegara Dan Berdirinya Kerajaan Sunda (Abad Viii-X M) In The" 19, no. 1 (2021): 11–22.
12. Susi Dwi Harijanti, Rahayu Presetianingsih, Bilal Dewansyah. "Politik Hukum Kewarganegaraan Indonesian." *Fakultas Hukum Universitas Padjadjaran*. Bandung, Indonesia, 2007. <http://digilib.unila.ac.id/11478/16/16>. BAB II.pdf.