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## RESEARCH ARTICLE

# Diplomatic Protection Efforts of the Consulate General of the Republic of Indonesia in Johor Bahru for Indonesian Migrant Workers as the Domestic Helpers (PLRT) in 2018-2019

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**Abstract:** The limitations of a country in providing employment opportunities for its citizens encourage migration activities to other countries. Citizens who migrate for work generally have the same expectations, which are to improve living standards and meet their needs. However, practically, labor migration also brings risks and challenges, particularly for Indonesian Migrant Workers as Domestic Helpers (*PMI PLRT*) who can be categorized as a vulnerable group. *PMI PLRT* is often faced with various problems, such as unfair treatment, acts of violence, exploitation, and violations of rights committed by employers. This research focuses on the diplomatic protection efforts of the Indonesian Consulate General in Johor Bahru as one of the representatives of the Republic of Indonesia in Malaysia, for *PMI PLRT*'s in their accredited areas of Negeri Johor, Melaka, Negeri Sembilan, and Pahang during 2018-2019. This research was conducted using a qualitative descriptive method and a diplomatic protection approach in the form of the perspective of international law. The results of the study show that the Indonesian Consulate General in Johor Bahru provides diplomatic protection to *PMI PLRT* by integrating two safeguards namely, preventive efforts, such as disseminating information to stakeholders in Indonesia, creating and informing work contracts, strengthening cooperation with Malaysian authorities, as well as repressive efforts by identifying problems in receiving *PMI PLRT* complaints, contacting relevant parties, providing shelters, facilitating the repatriation of *PMI PLRT* to Indonesia. The two diplomatic protection efforts that have been carried out by the Indonesian Consulate General in Johor Bahru are expected to provide a fairer and safer working environment for *PMI PLRT*.

**Keywords:** diplomatic protection, Indonesian migrant workers of PLRT, Consulate General in Johor Bahru.

## 1. Introduction

As an effort to meet basic needs and decent life, having a job with an adequate wage becomes crucial for individuals. However, practically, many countries have not been fully able to meet these basic needs. One example of a country facing this challenge is the Republic of Indonesia, with a large population, based on calculations from the Central Bureau of Statistics (*BPS*) of the Republic of Indonesia in 2018. This stated that the number of citizens who were successfully recorded had reached 265.000.000 people (Central Bureau of Statistics, 2020). With a population of hundreds of millions of people, the demand for jobs is even higher. However, the limited employment opportunities available and economic instability make the



country unable to absorb labor adequately. This condition has given rise to the desire of Indonesian people to go abroad, seeking better job opportunities to meet the needs of their families. Labor migration makes a significant contribution in the form of remittances sent back to Indonesia, which has an economic and social impact in helping to ease the burden of life and improve the welfare of families in the home country. These remittances also have an impact on the national economy as the money sent back by migrant workers helps to increase economic growth, reduce poverty rates, and support domestic consumption in Indonesia.

Large labor migrations can result in various challenges and problems faced by migrant workers, such as violations of human rights, extortion, exploitation, or inappropriate working conditions. Therefore, countries of origin put strong diplomatic representation in destination countries to ensure adequate protection for their migrant workers. The National Agency for Placement and Protection of Indonesian Migrant Workers (*BNP2TKI*) noted that the number of Indonesian Migrant Workers (*PMI*) placed in various countries in 2018 reached 283.640 workers. Regarding this condition, 47% of them work in the formal sector, and the other 53% work in the informal sector (*BNP2TKI*, 2019). Through these data, it can be seen that Malaysia is the main destination country for *PMI*, with 90.671 workers or almost a third of the total *PMI* abroad. One of Indonesia's diplomatic representatives in Malaysia is the Consulate General of the Republic of Indonesia Johor Bahru (*KJRI JB*), which is officially established on March 11, 1996, with Consulate-level status (K-3) and led by a Consul. This determination is also following the Decree of the Minister of Foreign Affairs of the Republic of Indonesia Number SK-102/OT/VII/95/01 July 6, 1995.

The Indonesian Consulate General in Johor Bahru is tasked with representing the interests of the Government of the Republic of Indonesia, protecting the interests of Indonesian citizens and Indonesian legal entities through the implementation of consular relations (*JDIH KEMLU*, 2022). The Indonesian Consulate General in Johor Bahru has a main focus on the areas included in its accreditation, namely Negeri Johor, Melaka, Negeri Sembilan, and Pahang (*KEMLU RI*, 2018). There is an organizational structure consisting of Consular Functions, Economic Functions, Information, Social and Cultural Functions, Immigration Technical Staff, and the Police which aim to perform their duties and functions. Specifically, the job of the Indonesian Consulate General in Johor Bahru, to protect *PMI*, is to carry out the Consular Function which handles; the complaints of problems faced by *PMI* with employers or the local government; identifying *PMI* problems by providing consulting services and information on consular matters; providing advice and legal assistance if disputes occur between service users and *PMI* in work areas; as well as administering or validating employment documents, such as cooperation contracts and employment contracts (*KJRI JB*, 2021).

When performing their duties, the Consular Function of the Indonesian Consulate General in Johor Bahru often encounters some problems from *PMI* in the informal sector. In Malaysia, this refers to domestic work or what is known as a household helper (*PLRT*). The *PMI PLRT* is a vulnerable group that often experiences unfair treatment, because the majority of them are women with the risks of exploitation and harassment, then low educational background also increases vulnerability to injustice in the workplace (*Penyusun Naskah RUU PPILN*, 2011). Complaints data from *PMI PLRT* at the Indonesian Consulate General in Johor Bahru during 2018-2019 shows that there were 355 cases of complaints with various cases, such as non-payment of wages, lack of work strength, no documents, fraud, illness, neglect, rape, trafficking, abuse, and immigration violations (*JB*, 2020). The number of cases experienced by *PMI PLRT* certainly has an impact on the country and the individuals themselves. These cases can trigger attention and response from the government regarding the protection of the rights of migrant workers. The researchers try to observe how the diplomatic protection efforts for *PMI PLRT* by the Indonesian Consulate General in Johor Bahru as the representative of the Indonesian state in Malaysia. This study aims to provide an overview of the *PMI PLRT* condition in the work accreditation area of the Indonesian Consulate General in Johor Bahru during 2018-2019, as well as the efforts of the Indonesian

Consulate in Johor Bahru to deal with problems and potential threats occurred. The results of this research are expected to provide practical and informative benefits, related to the efforts of the Indonesian Consulate General in Johor Bahru in protecting the interests of PMI PLRT as a form of state responsibility for the welfare of all its citizens.

### 1.1. *Limitations of the Research*

This research focused on how the efforts to protect the Indonesian Consulate General in Johor Bahru as the diplomatic representative of the Indonesian state in Malaysia towards Indonesian migrant workers in the informal sector of Domestic Helpers (PLRT) in the work accreditation areas of the Indonesian Consulate General in Johor Bahru which consisted of Negeri Johor, Melaka, Negeri Sembilan, and Pahang. This research was conducted in 2020, thus the discussion did not spread to become more convoluted. The researchers only limited the discussion to from 2018 to 2019 years.

## 2. Literature Review

### 2.1. *Theoretical Study*

Traditionally, Diplomatic Protection is assumed as an exclusive right of the state, which refers that a country carries out diplomatic protection on its rights due to a loss to citizens which is considered a loss for the country itself (Commission, 2006). This perspective is the basic principle of Diplomatic Protection, which is following the writings of Emer de Vattel, in his book "*The Law of Nations*" in 1758 which stated, "*Whoever ill-treats a citizen indirectly injures the State, which must protect that citizen*" (Vattel, 1758, p. 136). This is also supported by the case of the Mavrommatis Palestine Concession in 1924, when the Permanent Court of International Justice stated that a state which engages in diplomatic protection or international judicial processes for the benefit of its citizens when they suffer losses due to the actions of other countries, actually asserts their rights as subjects of international law. to ensure compliance with the rules of international law (Herrera, 2010).

The traditional explanation of Diplomatic Protection is based on the assumption that in early international law, individuals did not have rights under international law. However, with the development of the understanding of human rights, individuals are now recognized as subjects protected by many rules of international law, both from their governments and from foreign governments (Forcese, 2006). In its development, the International Law Commission as a UN international legal expert institution, through the 2006 Draft Articles on Diplomatic Protection with commentaries, explains that diplomatic protection is a legal action taken by a country to protect its citizens who experience losses or violations of rights in other countries. This includes human rights that are universally recognized in International Law, namely the right to life, liberty, security, and fair treatment. This action is carried out by the state to obtain recovery, compensation, and also justice for citizens. (Draft Articles on Diplomatic Protection, 2006, p. article 1). In diplomatic protection, there are two main requirements; first, exhaustion of local remedies requires individuals who are the victims of violations to try in resolving the problem through the domestic legal system of the country, where the violation occurred by carrying out diplomatic protection measures (pp. article 10, 15); the second requirement is Continuous Nationality, demanding individuals as legal victims violations are still citizens of the country that seeks to protect them both during the violation occurred as well as throughout the process of diplomatic protection (pp. article 7, 9).

The state carries out its responsibility to protect its citizens abroad through the implementation of diplomatic and consular functions. This task is regulated through the 1961 Vienna Convention on Diplomatic Relations Article 3 paragraph 1 (b) "*Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law*" (UN, 1961). As well as the 1963 Vienna Convention on Consular Relations Article 5 (a) "*protecting in the receiving State the interests of the sending State and of its nationals, both individuals and corporate bodies, within the limits permitted by international law*" (UN, 1963). These two conventions

are important international legal instruments in discussing diplomatic protection. Through the legal framework provided, the state has a clear basis for carrying out diplomatic and consular functions in ensuring the safety, rights, and protection of its citizens abroad.

The diplomatic protection used in this study can be categorized as a concept or principle in international law which refers to the efforts of states in protecting their citizens who experience violations of their rights abroad. The researchers explained how the protection efforts carried out by the Indonesian Consulate General in Johor Bahru as a consular function representing the Republic of Indonesia in Malaysia, during performing diplomatic protection for *PMI PLRT* as citizens who are vulnerable to experiencing violations of their rights in other countries. In this case, *PMI PLRT* is individuals who have been recognized as subjects in international law, and their basic rights must be protected from all forms of violations. The efforts made by the Indonesian Consulate General in Johor Bahru are divided into two parts, namely preventive efforts and repressive efforts which are ratified by Indonesia through Law Number 1 of 1982.

## 2.2. Previous Research

The descriptions of previous studies are presented below:

The first study was conducted by Ervin Riandy from Atma Jaya University Yogyakarta (Riandy, 2016) entitled **The Role of Indonesian Diplomatic Representatives in Turkey in Providing Protection to Indonesian Citizens Detained by Turkish Authorities**. The study model was carried out using normative descriptive methods and secondary data types through books, journals, theses, articles, and tertiary data from Indonesian and English legal dictionaries. This study discussed the role of the Indonesian Diplomatic Representative, namely the Indonesian Embassy in Ankara in Turkey to protect Indonesian citizens detained by the Turkish authorities. There are four students, named Dwi Puspa, Yunelda, Syaiful Iman, and Handika Lintang Saputra who were arrested on suspicion of being involved in the Hizmet or Fethullah Gulen movement. It is believed to be the party behind the military coup attempt against the Turkish government led by President Recep Tayyip Erdogan. This study emphasized the function of the Indonesian Embassy in Ankara as a diplomatic representative based on national and international legal instruments. This research found that the Indonesian Embassy in Ankara carried out two functions, namely *protecting* by requesting consular access to Turkish authorities to accompany Indonesian citizens during the legal process, as well as *negotiating* by submitting notes to the Turkish Ministry of Foreign Affairs to demand an explanation of the basis for the arrest and approaching the Attorney General's Office and the local police.

The second study was conducted by Dewi Sekartaji from the University of Muhammadiyah Malang (Sekartaji, 2019) entitled **The Indonesian Embassy in Bandar Seri Begawan's Efforts to Protect Indonesian Migrant Workers in Brunei Darussalam**. This study was conducted using a qualitative descriptive method and the use of primary data through interviews and secondary data through literature studies of books, journals, and the internet. This study discusses the development of diplomatic relations between Indonesia and Brunei Darussalam which existed from 1984 to 2018 and was considered to be the most stable relationship compared to other ASEAN countries. There was no significant problem found related to violations on Indonesian Migrant Workers there. Brunei Darussalam ranks 6th as a destination country for *PMIs*, with the highest level of interest in service users. This happened because there is an assumption that the expertise possessed by *PMI* is far better than that of local workers. The results of this study indicate the high interest in using *PMI* services to encourage the Indonesian Embassy in Bandar Seri Begawan to strengthen its diplomatic protection following the guidelines in the 1961 Vienna Convention. The efforts made were completing a Memorandum of Understanding (MoU), signing the Compulsory Consular Notification and Consular MCN, fighting for a minimum wage *PMI* at the Manpower Office as well as providing consular services outside the Indonesian Embassy in

Bandar Seri Begawan such as providing health services for Indonesian citizens/*PMI* held at the Brunei Shell Recreational Club (BSRC).

The third study was conducted by Aprilia Restuning Tunggal from the University of Darussalam Gontor Ponorogo (Tunggal, 2017) entitled **Protection of Indonesian Migrant Workers in Qatar: An Overview of the Government's Role in Protecting Migrant Workers in Qatar**. This study used a qualitative descriptive method by collecting data obtained indirectly through books, journals, websites, articles, and news from the internet. This study explained the role of the Indonesian government in protecting Indonesian workers in Qatar through its diplomatic representative, the Indonesian Embassy in Doha. This research also used the concept of Diplomatic Protection as a mechanism for fulfilling state responsibilities toward its citizens in foreign countries. In September 2017, Indonesian Workers (*TKI*) in Qatar reached 43.000 people spread across various work sectors. The attractiveness of Qatar, as a rich Arab Gulf country because of its oil and natural gas resources becomes the driving factor for the large number of Indonesian migrant workers who want to work to raise their standard of living there. The results of this study found that the high number of arrivals of Indonesian migrant workers in Qatar indicates the occurrence of friction with the local population caused by language barriers and cultural differences. As an effort to strengthen the protection function of the Indonesian Embassy in Doha, it applied a Citizen Service System (Citizen Service), visiting the location of the distribution of Indonesian citizens in AL Khor, Dukhan, AL Rayyan, and also providing a 24-hour complaint reception service through the hotline number.

Based on the three previous studies that the researchers found, all of them are consistent in conveying the role of Indonesian diplomatic representatives, such as the Indonesian Embassy in Turkey, Brunei Darussalam, and Qatar, which provide the responsibility to protect Indonesian citizens/*PMIs* who lived in those countries. The various concrete efforts made are diplomatic protection mechanisms based on international law. The difference with the study that researchers conducted included location. In this case, the focus of researchers was on the work accreditation area of the Indonesian Consulate General in Johor Bahru. Then, the researchers limited *PMI PLRT* (Household Management) as a subject of protection from all forms of rights violations causing losses, as well as focusing on the discussion of the efforts made by the Indonesian Consulate in Johor Bahru to fulfill this protection responsibility.

### 3. Research Methods and Materials

Research on the Diplomatic Protection Efforts of the Indonesian Consulate General in Johor Bahru for Indonesian Migrant Workers as Domestic Helpers (*PLRT*) during 2018-2019 used a qualitative descriptive research method to provide an overview of the preventive and repressive efforts carried out by the Indonesian Consulate General in Johor Bahru in a Diplomatic Protection mechanism in maintain and protect the interests of citizens abroad.

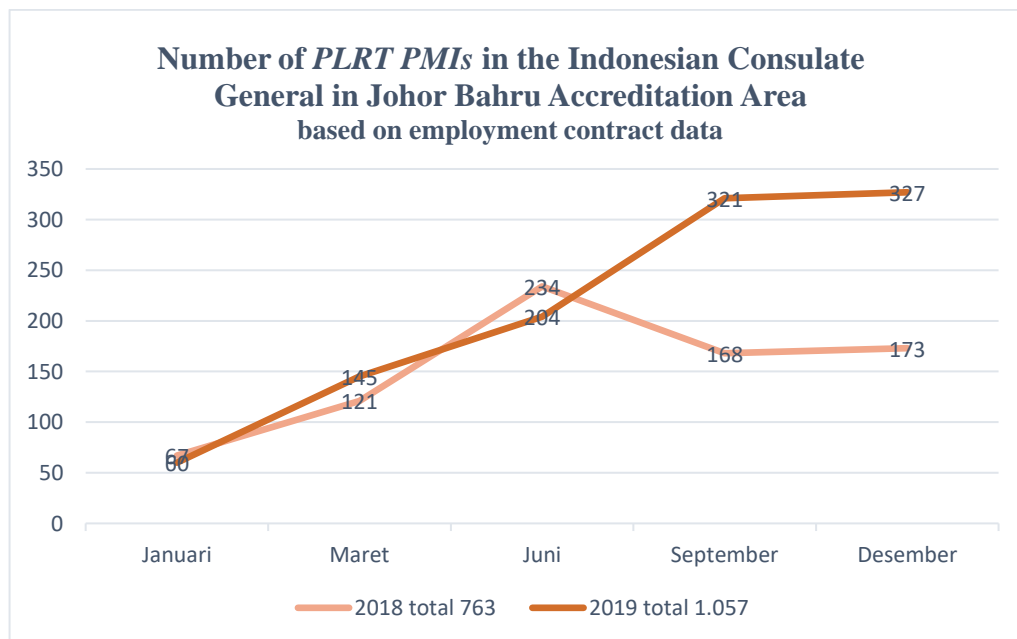
This research was sourced based on two types of data, namely primary and secondary. In obtaining primary data, the researchers conducted open interviews with competent informants who provided reliable information, namely Mrs. Iim Rohimah as Secretary II for Consular Functions, while the documents were obtained during her internship at the Indonesian Consulate in Johor Bahru. To help complete this research, the researchers added secondary data obtained indirectly through journals, books, websites, and draft articles from the internet.

### 4. Results and Discussion

#### 4.1. Conditions of *PLRT PMI* in the Indonesian Consulate General's Accreditation Area in Johor Bahru

Indonesian Migrant Workers refer to Indonesian citizens who are currently, will, or have done work outside the territory of the Republic of Indonesia and receive wages as compensation. There are two types of Indonesian Migrant Workers (*PMI*), namely formal

*PMI* who work for various companies or organizations with legal entities, and informal *PMI* or domestic workers who work abroad for individual users ( Law No. 18 of 2017, 2017). In the accredited area of the Indonesian Consulate General in Johor Bahru, which consists of Negeri Johor, Melaka, Negeri Sembilan, and Pahang, the informal *PMIs* who work in the domestic sector are given the term Domestic Helpers (*PLRT*), whose duties are to assist all types of work in the household providing work, such as cleaning the house, caring for the elderly, caring for children, cooking, washing clothes, and also taking care of the yard. Various factors are causing *PMI* to work in this region, including Malaysia's dependence on foreign workers in the manufacturing, plantation, construction, and service sectors. The relatively high economic growth rate is due to the Iskandar economic corridor program, thus providing new jobs. A strategic area and easy access, where the distance between Batam - Johor can be reached by Ferry for 2 hours and the costs are only around Rp. 200.000-500.000. In the accredited area of the Indonesian Consulate General in Johor Bahru, the provinces of West Nusa Tenggara, East Nusa Tenggara, East Java, and Central Java are the provinces that contribute the most to *PMI*.



**Figure 1.** Report on job order data for 2018 and 2019 on the official website of the Indonesian Consulate General in JB

The *PMI PLRT* who were successfully recorded in the Indonesian Consulate General in Johor Bahru's protection system in 2018 amounted to 763 people and 1.057 people in 2019. Based on this data, all *PMIs* who work as domestic workers (*PLRT*) are female and aged under 40 years. Many of them have low educational backgrounds, graduating only from elementary school or junior high school. These two things then become one of the indications why *PMI PLRT* can be categorized as a group that is very vulnerable to discriminatory treatment, rights violations, and injustice when working abroad. In the accreditation area of the Indonesian Consulate General in Johor Bahru, it is often found that the low level of education affects the ability of *PMI PLRTs*, especially communication limitations when employers use foreign languages, such as English or Mandarin. *PMI PLRT* also has difficulty in understanding the work contract which regulates the rights and obligations of both parties. As a result, *PMI PLRTs* experience unfair treatment, for example, long working hours, no permission to rest, many work assignments outside of the work contract, working in a place other than the employer's home (business place), being prohibited from communicating with families in Indonesia, no permission to take time off from work during religious holidays, do not provide salary, even sexual harassment or rape. When *PMI PLRTs* make mistakes at work, employers do not hesitate to punish them by

committing violence, not giving them food, and forcing them to sleep in inappropriate places (warehouses or house terraces).

#### 4.2. Diplomatic Protection Efforts by the Indonesian Consulate General in Johor Bahru

The Consulate General of the Republic of Indonesia Johor Bahru (*KJRI JB*) as part of the Indonesian representative in Malaysia plays an important role in providing diplomatic protection for Indonesian citizens. Diplomats and staff from the Indonesian Consulate General in JB have the duty and responsibility to provide assistance and protection to Indonesian citizens who are facing problems, accidents, legal conflicts, or other emergencies in their accredited areas. In this case, the Indonesian Consulate General in Johor Bahru is also committed to protecting and fighting for the rights of *PMI PLRTs* who are a vulnerable group to rights violations and unfair treatment when working abroad. In carrying out diplomatic protection, the Indonesian Consulate General in Johor Bahru integrates two efforts, the first is by carrying out preventive measures or an act of social control to prevent a problem occurred, which consists of:

- 1) Dissemination of information to stakeholders in Indonesia, regarding problems that occur when *PMI PLRTs* have arrived in the placement country, such as the Public Awareness Campaign carried out by representatives, local governments, central government, Indonesian Agency for Placement and Protection of Workers (*BP3TKI*), and National Agency for Placement and Protection of Indonesian Workers (*BNP2TKI*).
- 2) Create Job Orders or Work Contracts between workers and also employers, which are required to renew every 5 years. The employment contract stipulates several rights and obligations which include:
  - Name and residence of employer and worker
  - Type/form of work and place of work
  - Length of contract
  - Working time
  - Total salary, leave, and benefits
  - Facilities provided include health insurance
  - Rights and obligations of both parties
  - Contract termination and dispute problem settlement
  - A copy of the Work Contract should be requested and kept by *PMI* so that it can be used as a basis for action if necessary
  - The Malaysian government has also implemented a standard salary for *PMI PLRT* of RM1.268 since the first of work

This work contract is created to regulate the rights and obligations of both parties and also to protect on a legal basis for *PMI PLRT* who work for individual employers. If the worker wants to extend the work permission (work permit), or the Indonesian passport, both the worker and the employer usually are required to renew the work contract. Every year, the contract also stipulates that the employer is required to increase the salary or wages for workers by RM100/year. The requirements for creating a work contract are also enforced by the Indonesian Consulate General in Johor Bahru, such workers are required to bring a photocopy of their ID card or family card, a photocopy of their passport, and work permission, and are required to come with the employer whose name is written on the work permit. If it must be represented, they are required to make a representative letter that has been signed by the employer and his/her future representative. Furthermore, both workers and employers will be recorded into the consular function task force system, and are required to fill out a self-report page on the Ministry of Foreign Affairs Cares for Indonesian Citizens portal.

- 3) Notification of basic matters, such as the rights and obligations of *PMI PLRT*, steps that can be taken when they feel that they have received inhumane actions, explaining the

contents of the work contract that has been created with the employer when it comes to renewing the work contract by the Consular Function of the Consulate General of the Republic of Indonesia Johor Bahru.

- 4) Strengthen cooperation and efforts to protect Indonesian citizens/*PMI* with Malaysian authorities through working visits and official meetings by the Indonesian Consul General in Johor Bahru. For example, there was a meeting between representatives of the Indonesian Consulate General in Johor Bahru and the Malaysian Migration Office (*JIM*) for the State of Melaka on March 26, 2019. The Consul General Sunarko, together with the Consular Function Andrea S. Dasuki, Immigration Consul Dodi Gunawan, and Police Consul Taufik Hidayat coordinated with the Assistant Director of the Melaka State Migration Office, Vishnutharan Kalimuthu, and his staff, in this meeting, the Indonesian Consulate General in Johor Bahru submitted a request for convenience in carrying out fast services of processing a Check Out Memo (COM) at *JIM* Melaka without *STO* for Indonesian citizens who are vulnerable groups who need assistance returning home. Furthermore, a meeting was held by the Indonesian Consulate General in Johor Bahru with the Head of the Negeri Sembilan Police, DCP Dato' Mohamad Bin Mat Yusop on July 21, 2019. Through this meeting, Consul General Sunarko expressed his appreciation to the Negeri Sembilan police for closely coordinating with the security and safety of Indonesian citizens/*PMI* in Negeri Sembilan, as well as for assisting in handling legal cases involving Indonesian citizens/*PMI* there. Finally, there was a visit with the Head of the Pahang State Police, YDH CP Dato' Sri Abd Jalil Bin Hassan, on September 10, 2019. Consul General Sunarko, accompanied by Police Consul Taufik Hidayat and Immigration Consul I Gusti Bagus M. Ibrahim, expressed his appreciation for the assistance of the Pahang State Police in providing escort and convenience for the Indonesian Consulate General in Johor Bahru when carrying out the Reach Out program to provide travel document processing services for Indonesian citizens/*PMI* in the country Pahang.



**Figure 2.** Documentation of the Indonesian Consulate General's Work Visit in Johor Bahru  
Source: Screenshots on Social Media Account in JB of the Indonesian Consulate General

The steps in this preventive effort were carried out before problems or violations on *PMI PLRT* occurred. The Indonesian Consulate General in Johor Bahru, in carrying out its diplomatic representative functions, uses preventive efforts to reduce the risk or possibility of a problem arising, which can lead to rights violations and unfair treatment for *PMI PLRTs* at work. Meanwhile, when indications of a problem have occurred, the Indonesian Consulate General in Johor Bahru has implemented protective measures through the use of repressive efforts, which consist of:

- 1) Identifying the problem when receiving a complaint from *PMI PLRT*. Then, an interview will be conducted to obtain information related to the chronology concerned from the time they came and worked until the problem finally occurred. In practice, this effort is carried out by the Consular Function, where Indonesian citizens/*PMI* will

come directly to the Indonesian Consulate General in Johor Bahru to ask for assistance. To provide more efficient services and wider accessibility, the Indonesian Consulate General in Johor Bahru also provides a 24-hour hotline service with the number 016-770-0378. There are various types of problems daily reported to the Consular Function at the Indonesian Consulate in Johor Bahru, such as:

**Table 1.** Complaints Data on *PMI PLRT* Cases Received by the Indonesian Consulate General in Johor Bahru for 2018 – 2019

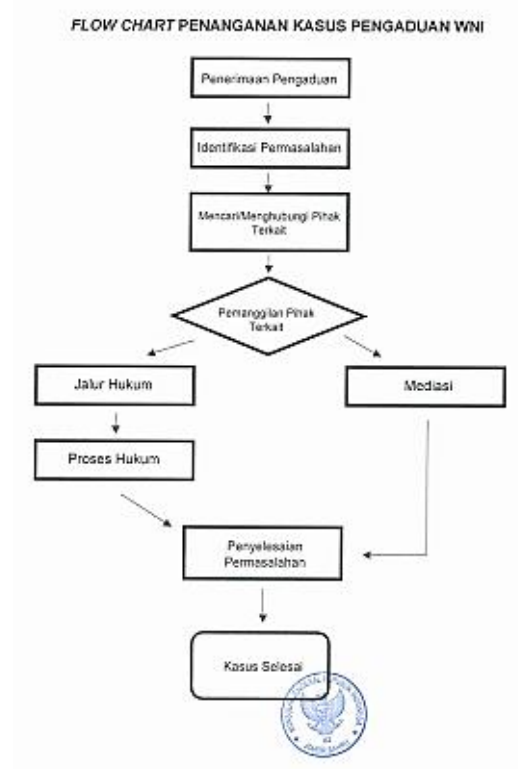
No.	Types of Cases Reported in Consular Functions	Amount	
		2018	2019
1.	Unpaid salary	73	81
2.	Unable to work	47	31
3.	No documents	26	11
4.	Fraud	4	4
5.	Sick	18	6
6.	Displaced/Abandoned	32	7
7.	Rape	5	3
8.	Trafficking	1	-
9.	Abuse	2	2
10.	Immigration Violations	2	-

Source: Data of *PMI PLRT* complaints on Consular Functions of the Indonesian Consulate General in JB 2018-2019

- 2) Search and contact relevant parties, such as the agent responsible for the departure and placement of the person concerned, as well as the employer. The Consular Function will cross-check the data in the self-report system, after finding the data, summoning will be conducted to facilitate interviews with the parties involved in the *PLRT PMI* problem. From the results of the interview, the Consular Function will decide to mediate or legal channels, which is determined based on the results of problem identification.
- 3) As long as the problem-solving process is carried out either through mediation or following the flow set by the court, the Indonesian Consulate General in Johor Bahru provides a shelter (temporary safe house) for *PMI PLRTs* with problems. The Indonesian Consulate General in Johor Bahru ensures that their basic needs are fulfilled, starting from food, toiletries, and clothing. Often *PMI PLRTs* have problems running away from their employer's houses without taking anything with them. They are also given communication access to contact their families in Indonesia. To fill in their daily activities, the Indonesian Consulate General in Johor Bahru involves the shelter residents in various activities. There is an activity to watch a documentary film together with the Dharma Wanita Association of the Indonesian Consulate General in Johor Bahru every Wednesday, then gymnastics is held together with all staff every Thursday and also helping to clean, beautify, and tidiness the environment of the Indonesian Consulate General in Johor Bahru. *PMI PLRTs* are also given guidance on motivational material so that they want to continue their working period if they still feel capable and by the provisions of the applicable Malaysian employment regulations.
- 4) If the solution to the problem involves the repatriation of *PMI PLRT* back to Indonesia, the Indonesian Consulate General in Johor Bahru will facilitate starting from the need for immigration documents, health documents, and travel tickets, to coordinating with related parties, such as Malaysian Immigration, Malaysian Police and Hospitals (*PMI PLRT* involved in legal cases or medical attention), Indonesian Migrant Worker Protection Agency (*BP2MI*), Service Post for Placement and Protection of Indonesian Migrant Workers (*P4TKI*), Trauma Center Protection (*RPTC*), and the Ministry of Social Affairs related to their arrival at their respective home regions.

Generally, the repatriation of Indonesian citizens/PMIs is by sea from Stulang Laut Port or Pasir Gudang Johor Port to Batam Center Port.

The Indonesian Consulate General in Johor Bahru defines repressive measures as an act of social control that is carried out after a problem has occurred with Indonesian citizens/PMIs in their accredited area. The repressive efforts carried out by the Indonesian Consulate General in Johor Bahru in practice also encountered various challenges, such as uncooperative behavior from PMI PLRT employers or agencies responsible for placement, differences in legal systems, no official documents (illegal PMI PLRT), health problems for PMI PLRT themselves. The implementation of repressive efforts by the Consular Function is by the SOP for Handling Indonesian Citizen Complaints FORM (Flowchart).



**Figure 3.** The SOP for Handling Indonesian Citizen Complaints FORM

Source: Submission of the annual work report on the Consular Function of the Indonesian Consulate General in JB

### 4.3. Analysis

The high interest of the Indonesian people to come and work abroad has various positive impacts on the country. PMIs, including those in the PLRT sector, are often referred to as heroes of the country's foreign exchange because of their contribution to increasing economic growth by remitting funds to and from the country. They also help reduce the existing unemployment rate. However, these benefits are also directly proportional to the risks faced by PMI abroad and will have a negative impact on both individuals and countries. This is evidenced by the various cases reported by PMI PLRT to the Consular Function of the Indonesian Consulate General in Johor Bahru, some of which can be categorized as violations of the rights of PMI. For example, the case of non-payment of wages is the most common type of complaint for PMI PLRT. During the work, they do not receive payment according to the agreed work contract or are paid below the applicable wage standard of RM1.268. Followed by fraud cases, where they were tricked by employers regarding the amount of salary and benefits. The type of work performed, for example, PMI PLRT was contracted as a babysitter or child caregiver. However, during their employment, they are

often asked to do many things such as housework, taking care of parents/elderly, and even managing the employer's business premises.

*PMI PLRT* who received unfair treatment, by working continuously without rest and doing work beyond their responsibilities, ask to go back to Indonesia because they were unable to cope with the existing workload or experienced abuse at work. When they feel that their rights have been violated by their employer, they often take action to run away from their employer's house which results in them being stranded on the street. In some cases, they are usually found by local people and then brought to the police so they can coordinate with the Indonesian Consulate General in Johor Bahru. Some of them also deliberately approached the community to ask for help to go back to the Indonesian Consulate General in Johor Bahru to get protection. Cases of sick *PMI PLRT* are also often reported, this condition is commonly experienced by *PMI PLRT* who are over 30 years old. The work contract stipulates the right of *PMI PLRT* to receive health care through insurance which must be registered and paid for by the employer. However, *PMI PLRT* admits that they are not provided with access to health facilities. Several *PMI PLRTs* also experienced complaints of sexual harassment cases at the employer's home, where overall the *PMI PLRT* recorded in the job order system of the Indonesian Consulate General in Johor Bahru were female, at least five cases were found in 2018, and three cases in 2019.

Explanation of the various types of cases received by the Consular Function of the Indonesian Consulate General in Johor Bahru shows clear indications of violations of rights and serious security threats by employers on *PMI PLRT*. As Indonesia's representative overseas, the Indonesian Consulate General in Johor Bahru has the important task of guaranteeing protection for *PMI PLRTs* in their working area. In ensuring adequate protection, it is expected that the benefits for the country and the welfare of *PMI PLRT* can go hand in hand and support each other. This is in accordance with the basic principle of diplomatic protection which believes that any loss to citizens will be considered as a loss to the country itself. Through a diplomatic protection approach, the Indonesian Consulate General in Johor Bahru tries to carry out the state's responsibility to protect and fight for the rights of foreign exchange heroes, and guarantee their protection under international law regulated through the 1961 Vienna Convention Article 3 paragraph 1 (b) "Protecting in the receiving State the interest of the sending State and of its nationals, within the limits permitted by international law" and also in the 1963 Vienna Convention Article 5 (a) "Protecting in the receiving State the interests of the sending State and of its nationals, both individuals and corporate bodies, within the limits permitted by international law".

The diplomatic protection approach includes various actions taken by the state through its representatives abroad to protect its citizens who are in foreign territories. By integrating the preventive efforts of the Indonesian Consulate General in Johor Bahru, they are trying to prevent rights violations and unfair treatment of *PMI PLRT*. The Indonesian Consulate General in Johor Bahru carries out information dissemination to stakeholders in Indonesia through a public awareness campaign, draws up work contracts, informs the basic rights and obligations of *PMI PLRT* and employers, and strengthens cooperative relations with Malaysian authorities. Meanwhile, the repressive efforts carried out by the Indonesian Consulate General in Johor Bahru include identifying problems in receiving *PMI PLRT* complaints, seeking and contacting relevant parties, providing shelter, and facilitating the return of *PMI PLRT* to Indonesia. Both efforts created by the Indonesian Consulate General in Johor Bahru are concrete forms of diplomatic protection to obtain recovery, compensation, and justice for *PMI PLRT* who have experienced losses and violations of their rights by employers. To protect foreign exchange heroes abroad, the state shows a commitment to the protection of human rights that are universally recognized, namely the right to life, freedom, security, and fair treatment. In addition, this step can also strengthen bilateral relations between the country of origin and the country where *PMI PLRT* works, promote public trust in the government, and improve the country's international image.

As an illustration regarding the results of the protection efforts carried out by the Indonesian Consulate General in Johor Bahru for *PMI PLRTs* who have experienced the complaint procedure at the Consular Function. It can be seen from the success of solving most cases that were complained of by *PMI PLRT*, namely the type of case of unpaid wages, there were 73 cases recorded in 2018. After an effort to resolve the problem, the Indonesian Consulate General in Johor Bahru managed to return the *PMI PLRT's* salary of RM497.103,11. Meanwhile, out of 81 complaints related to unpaid salaries, the Indonesian Consulate General in Johor Bahru also managed to return the previously unpaid salary of RM608,587.83 (KJRI JB, 2021) in 2019. Overall, the percentage of *PMI* cases that were resolved by the Indonesian Consulate General in Johor Bahru, is evidenced through data on temporary shelters for shelters. In 2018, *PMI* accommodated 209 people, and finally, 189 people were sent home, with a case completion percentage of 90,04%. In 2019, there were 167 people housed in shelters, of which 129 of them were sent home. The percentage of cases resolved by the Indonesian Consulate General in Johor Bahru this year is 77,25% (KJRI JB, 2021).

## 5. Conclusion

Based on observations and some supporting data from the Indonesian Consulate General in Johor Bahru which has been described earlier, it can be concluded that there are still many cases of violations of rights that cause harm to *PMI PLRT* by employers. In Malaysia itself, *PMI PLRT* is considered the most vulnerable group due to lack of ignorance and limited access to information, relatively low level of education and the majority of *PMI PLRT* are women. With the various problems encountered, the Indonesian Consulate General in Johor Bahru as the representative of the Republic of Indonesia is responsible for carrying out the task of protecting troubled *PMI PLRTs* who are in their accreditation areas, namely Negeri Johor, Melaka, Negeri Sembilan, and Pahang. Through a diplomatic protection approach, the Indonesian Consulate General in Johor Bahru seeks to carry out its function to protect the interests and rights of *PMI PLRT*, by integrating two protective measures, namely preventive effort and repressive effort to guarantee protection when a violation has occurred. These efforts are a real form of diplomatic protection carried out by the state based on international law in the 1961 Vienna Convention Article 3 paragraph 1 (b) and the 1963 Vienna Convention Article 5 (a). By pursuing diplomatic protection for *PMI PLRT*, the Indonesian Consulate General in Johor Bahru is expected to be able to create a safer and fairer work environment recovery. Consequently, the positive impact provided by *PMI PLRT* for the country's economy through remittances can align with the protection provided.

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