

Domestic stakeholders' aspirations for mou renewal on women migrant workers in Malaysia

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Abstract The research was focused on investigating the collaborative process between stakeholders and the differences in the two countries' interests. This qualitative research was a case study with content analysis and descriptive techniques. The data collection techniques used were in-depth interviews with relevant stakeholders and document collection. The study results indicate that all stages have been carried out in the collaboration process, starting from face-to-face, building trust, negotiation and discussion, and commitment. However, the differences in the two countries' interests are also clearly visible, such as the Government of Indonesia prioritising the placement and protection of migrant workers and prioritising the protection of users (employers) and International Domestic Migrant Workers (employees or Indonesian Domestic Migrant Workers) in Malaysia.

Keywords: women migrant workers; collaborative governance; governance; negotiation

INTRODUCTION

The increasingly rapid globalisation has brought many impacts to developing countries, one of which is workers from developing countries who now have more significant opportunities to work in other countries. Many Migrant Women Worker takes this opportunity (Aguirre, 2014; Dwiantini, 1995; Quinsa, 2016). Pacoma (2020) explains that migrant workers emphasise that poverty has forced them to work in other countries with the dream of providing for their families and improving their standard of living. Pacoma's statement is supported by Vargas *et al.* (2020). In the Philippines, domestic workers are regarded as modern

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heroes who help improve the country's economy and improve the financial status of their families (Aguila, 2009; Caguio & Lomboy, 2014). The 'modern hero' is a phrase used by Philippine president Corazon Aquino to denote a respected worker (Davies, 2020). Thus, migrant workers represent migrants who provide many benefits to the country. Furthermore, Pedregosa (2019) found that Overseas Filipino Workers (OFWs) must make sacrifices and honourable deeds to advance the welfare of local and national communities (Pacoma, 2020).

However, on the other hand, these heroes are related to the dominant identification for migrant workers, namely related to modern slavery. More recently, they have been associated with state proceedings against survivors of human trafficking and labour abuse. In host countries, migrant workers, especially domestic workers, are subjected to minor violence by their employers in order to maximise their work. At the same time, this situation strengthens the practice of disguised slavery (R. S. Parreñas et al., 2020). Unfortunately, governments and international organisations have limited reach to crack down on these violent abuses and practices because of their privatised conditions at home. Therefore, support and protection for migrant workers still depend on the host (Yeoh et al., 2020).

In addition, domestic workers also often receive discriminatory treatment (R. Parreñas, 2005). This distrust has the potential to lead to group-based hostility (Dirksmeier P, 2020). Similar groupings also occur in the church environment. The integrative potential of Christianity can be undermined or negated by the spatial exclusion of migrant communities in places of religious practice. For example, Singapore practices Integration by instilling a sense of belonging to certain ethnic communities collaborating with faith communities (Wood, 2020). Furthermore, host governments generally do not provide direct social protection to migrant workers and instead delegate responsibility to third parties. Worse yet, when migrant workers face natural disasters or pandemics, the repatriation process does not always run smoothly. The main problem lies in coordination with the host government and the post-arrival evacuation process, especially for repatriates who are susceptible to disease and require medical care (Liao, 2020).

Based on the International Labour Organization (ILO) data, in 2004, 50% of the total 86 million migrant workers worldwide were women (ILO, 2004:iv). Likewise, in Indonesia, based on data from Human Rights Watch (2005:10) in 2002, it was proven that Indonesian female workers accounted for about 76% of all migrant workers. Therefore, the problem of migrant workers is also dominated by Migrant Women Worker. Furthermore, until 2014, it was revealed that most of the problems of Indonesian Migrant Workers were still dominated by Indonesian Migrant Workers who worked as domestic workers or Migrant Women Worker. This condition is reflected in the phenomenon that occurred during the January-September 2014 period; of all problematic Indonesian workers at the Indonesian Embassy in Kuala Lumpur,

Malaysia, 93% consisted of female domestic helpers, and only about 7% affected male migrant workers. In the Philippines, there are about 500,000 migrant domestic workers. Economic difficulties within the Philippines and the increasing demand for migrant domestic workers in high-income countries drive Filipino women to become domestic workers abroad (Pacoma, 2020).

The large number of migrant workers dominated by Migrant Women Worker must be followed by a clear rule of law among the countries concerned (Pei et al., 2021). The absence of a clear law in the implementation of cooperation, especially in the case of Migrant Workers, has many negative consequences. One of the negative consequences is that migrant women are vulnerable to becoming victims of various forms of discrimination, violence, ill-treatment, and even severe human rights violations (ILO, 2004:iv). In addition, Migrant Workers face various risks such as discrimination, harassment, inhumane treatment (Li, 2020; Pacoma, 2020), abusive supervision by employers, rigid work rules, long working hours, inadequate rest periods and malnutrition, breaches of employment contracts, health-related problems such as physical illness (e.g., hypertension and chronic muscular pain), and mental health problems such as trauma, depression, and anxiety (R. S. Parreñas et al., 2020; Vargas et al., 2020).

Based on Mindarti's research (2017) regarding stakeholder participation, especially on the participation of the target group (Indonesian Migrant Workers – Women Migrant Workers), in the governance of Indonesian Migrant Workers during placement in destination countries, researchers found a very important problem, namely the expiration of the validity period of Indonesian Migrant Workers. Indonesian Workers and Female Workers during the Memorandum of Understanding (MoU) between Indonesia and Malaysia. In this situation, negotiation communication must be a solution for migrant workers regarding the renewal of the MoU. Furthermore, ethnic differences between Malaysian and Indonesian workers contribute to the possibility of conflict (Nashirudin et al., 2020). The distinctive expressions of each different ethnic group will appear if they cannot express themselves when interacting. Therefore, the MoU between Indonesia and Malaysia regarding Indonesian Migrant Workers must be renewed. Negotiation is a take and give process between conflicting parties. Therefore, to overcome this problem, a win-win solution is a priority, except in certain circumstances where there is a solid bargaining position or an agreement to win the conflict (Nawawi, 2009). In renewing the agreement, communication and negotiation are very important for the success of the overall process (Allmark & Wahyudi, 2016). However, the cultural differences between Indonesia and Malaysia also make the two countries need to adjust their negotiation and communication methods (Lee, 2020). Indeed, culture influences communication behaviour and the way things are interpreted. Therefore,

without cultural adaptation in negotiation and communication, the possibility of misunderstanding will be even greater (Allmark & Wahyudi, 2019).

Since the last few years, the Migrant Worker cooperation process between Indonesia and Malaysia is no longer based on a Memorandum of Understanding (MoU) because the validity period of the existing MOU between Indonesia and Malaysia has expired and has not been renewed. The absence of the current MoU renewal is basically 'very dangerous' for Indonesia as a supplying country for Indonesian Migrant Workers to Malaysia because if something happens to Indonesian Migrant Workers in Malaysia, Indonesia will find it difficult to protect Indonesian Migrant Workers currently working in Malaysia (Low, 2021). Given the important findings regarding the expiration of the MoU between Indonesia and Malaysia, further research is needed on the Aspirations of Domestic Stakeholders for Renewal of the MoU on the Placement of International Female Migrant Workers in the Perspective of Collaborative Governance. Collaborative governance is a governance arrangement in which one or more public institutions directly engage non-state stakeholders in a formal, consensus-oriented and deliberative collective decision-making process, aiming to make or implement public policies or manage public programs or assets (Ansell & Gash, 2008). Reilly (1998) describes collaborative governance as a problem-solving effort that involves government agencies (public institutions) and the community concerned. Collaborative governance focuses on evaluating the results of the collaboration process rather than policy or management outcomes (Chen, 2009; Saidah & Rusfian, 2020).

Collaborative governance components include: 1) Face-to-face Dialogue: the core of the conflict resolution process within the organisation; 2) Trust Building: initial collaborative process, time-consuming and requires commitment in achieving collaborative results; 3) Commitment to Process: developing the belief that good faith bargaining for mutual benefit is the best way to achieve the desired outcome; 4) Shared understanding of what they can collectively achieve together; 5) Intermediate Outcomes occur when the collaborative process gets tangible benefits providing feedback in the collaborative process, encouraging a virtuous cycle to build trust and commitment. So, in general, communication science is needed to ensure the implementation of collaborative governance. The principals must have excellent knowledge and skills to communicate with partners in the collaboration process. In addition, actors must also communicate in our long-term collaboration. Communication science guides to achieve efficiency and effectiveness of negotiations.

This research focused more on efforts to examine the issues surrounding the aspirations of the main stakeholders regarding the primary substance of the MOU, both for stakeholders in the domestic sphere of the sending country (Indonesia) and the main stakeholders in the realm of destination (Malaysia), given the large number of

stakeholders involved in the process of drafting until the MoU approval. In addition, this research also sought to explore the interests that have developed among critical stakeholders in the domestic and destination countries.

METHODOLOGY

This research was a case study with a qualitative approach. This research aimed to describe and identify the aspirations of the stakeholders, particularly the target group of Indonesian Migrant Worker - Domestic Workers in the management of Indonesian Migrant Worker during their placement in the destination country. This research was conducted in two different places, Malaysia and Indonesia. However, the main research sites were in Indonesia, namely, The Manpower and Transmigration Department (Disnakertrans), National Institution for the Placement and Protection of Indonesian Migrant Worker (BNP2MI), and Migrants CARE.

The main focus of this research was the collaboration process among stakeholders between Indonesia and Malaysia through face-to-face dialogue, trust-building, commitment to the process, shared understanding, intermediate interests that have developed among the main stakeholders in the domestic sphere and destination country.

The research was conducted between April – November 2020. The data collection techniques used were in-depth interview and document. Interview techniques were carried out with two key informants as presented in table 1. The author also did a document study whose vendors are listed in table 2.

Table 1. List of the Research Informants

No	Informant	Date
1	Sukmo Yuwono, SH MH- The Head of Legal and Public Relations Bureau of BNP2MI	1 – 15 June 2020
2	Hanif Nur Widhiyanti, SH, M.Hum, PhD - legal expert, Universitas Brawijaya	15 – 30 June 2020

Source: Author's Data (2020)

Table 2 List of Document Vendor

No	Document Vendor
1	The Indonesian Legal Aid Foundation (YLBHI)
2	Indonesian Migrant Women Worker Monitoring Organization
3	Muhammad Iqbal Citizen Protection Agency and Legal Entity- Ministry of Foreign Affairs of the Republic of Indonesia
4	Wahyu Susilo- Executive Director of Migrant Care
5	Hermono – Main Secretary of BNP2TKI
6	Soes Hindharno – Division of Placement and Protection of Foreign Workers- The Ministry of Labour of the Republic of Indonesia

Source: Author Processing Data (2020)

Meanwhile, the data analysis techniques used in this study were content analysis techniques and descriptive analysis (Harwood & Garry, 2003; Lang & Rybnikova, 2016). researchers used qualitative data

analysis by Huberman & Saldana (2014), which starts from data collection, data reduction, data display, and data conclusion drawing or verification. The researchers also examined the data validity by conducting a credibility test. This data validity test is carried out to carry out the examination as well as possible so that the level of confidence in the findings can be achieved. The data validity checking was conducted by triangulation (Huberman & Saldana, 2014).

RESULTS AND DISCUSSION

Face to Face Dialogue

When a person communicates with another person, he or she may notice the valence of the face or whether the person's actions are positive or negative. Face negotiation theory (FNT) provides a basis for predicting how people will do facework in different cultures, especially when managing conflict. Face refers to one's self-image in front of others, including feelings of respect, honour, status, connections, loyalty, and other similar values. In other words, the face means the image or identity that other people want in a person in certain social situations, and culture dramatically determines what identity is desired in a situation. Facework is a communication behaviour that people use to build and protect their own faces and to protect, build or threaten the faces of others. Faces are a universal concern, but how faces are defined and how facework is done varies significantly from person to person and culture to culture. Nevertheless, all cultures have a way of accomplishing preventive facework and restorative facework. Preventive facework involves communication designed to protect a person from feeling threatening personal or group faces. Meanwhile, restorative facework is designed to rebuild a person's face after a loss has occurred.

Faces are usually the problem in conflict situations. When a person has a conflict with another person, respect and honour are often compromised. Face threats can occur in situations characterised by: competition or a desire to win, feelings of anger or unconfirmed in some way, and conflicting values, opinions, or attitudes.

Face Negotiation Theory (FNT) tends to focus on the facial locus and how it mediates the influence of cultural and individual variables on specific conflict styles. Conflict style refers to a general approach to managing conflict. Ting-Toomey combined the dual attention model (self and others goals) to define five different conflict styles, namely: Competing, low concern for other goals and high concern for own goals; Avoidance, low attention to both types of goals; Accommodating, high concern for other goals and low concern for own goals; Compromise, moderate attention to both types of goals; and Collaboration, a high concern for self and other goals.

The face-to-face dialogue begins the process of building trust, mutual respect, mutual understanding, and commitment to the process. This is the initial process of collaboration. For example, in the MoU process between Indonesia and Malaysia, the face-to-face process was

carried out when the first collaboration was in 2004, in the MoU process regarding Indonesian Migrant Workers working in the formal sector. A face-to-face process was also conducted in 2006 in Bali, Indonesia, which resulted in the signing of an MoU for migrant workers in the informal sector.

A similar face-to-face dialogue process also took place in 2009 to resolve the issue of the protection of Indonesian migrant workers in Malaysia. In theory, face-to-face dialogue not only acts as a negotiating medium but also functions as a problem solver within the organisation. In 2010, although the process of resolving the issue of the protection of Indonesian migrant workers in Malaysia failed to reach an agreement, there was a face-to-face dialogue process to resolve the issue of vacation and passports for Indonesian workers. The dialogue resulted in an agreement that Indonesian Migrant Workers get one day off per week and carry their own passports.

Furthermore, the face-to-face dialogue after the conclusion of the MoU between Indonesia and Malaysia began with a meeting between the President of Indonesia, Joko Widodo and the Prime Minister of Malaysia, Abdullah Najib, in Kuala Lumpur and Jakarta. After the meeting, a face-to-face dialogue was held through a bilateral meeting between Indonesia and Malaysia at the Putrajaya International Convention Centre (PICC) Malaysia on 23 September 2016 with a discussion on the Letter of Intent (LoI) as a form of continuation and improvement of good relations, as well as the protection and safety of Indonesian Workers. Then, a bilateral meeting was also held at the Inter K/L Meeting on 30 June 2020. The meeting was a follow-up to the end of the MoU period for Indonesian Migrant Workers between Indonesia and Malaysia.

However, face-to-face dialogue between Indonesia and Malaysia also faces challenges. Indonesia and Malaysia have different cultural characteristics, and culture determines the individual character and influences the process of interacting with other people. Indeed, culture is a code or set of rules that are learned and shared. Therefore, communication needs to be learned and shared. On the other hand, communication requires codes and symbols to be easy to understand.

When interacting, every word that comes out of the communication participants contains verbal and nonverbal actions that also affect the conversation situation. When expressing something, humans also include non-verbal actions, such as hand gestures and facial expressions. This nonverbal action is clearly visible when communicating face to face. Thus, it can be concluded that facial expressions will vary depending on the individual's culture, background, and identity. Based on the above theory, it can be assumed that face-to-face dialogue between Indonesia and Malaysia allows conflict to occur because each has a different culture. So, to minimise conflicts and ease the implementation of the MoU negotiation, two strategies can be done. First, Face Restoration, a facework strategy used to maintain facial expressions when interacting and save faces from threats from other

faces for self-defence. Second, Face Give, namely attention to others, a strategy to maintain or support needs. This strategy arises when someone tries to defend an opinion or defend a position.

The face can be interpreted in two ways: caring for the face and the need for a face. Face Concern, which is related to one's face and the face of others, has an element of self-interest and the interests of others. Apparently, when we meet people from different cultures, we try to maintain an image and be polite not to offend others.

Trust Building

Collaboration is not just a negotiation process but also a place to build trust among stakeholders. Collaboration cannot be said to be a separate negotiation phase. Collaboration and negotiation are intertwined and go hand in hand. In fact, trust is inherent in the face-to-face function of the dialogue itself. Trust cannot be built in a short time but requires a long-term commitment to achieve results in the negotiation process. Lack of trust is often the main reason for failure in cooperation. On the other hand, disappointment that occurs between actors in cooperation will decrease the level of trust.

The process of building trust in the cases of Indonesia and Malaysia took place for the first time in 2006 when there was an MoU, one of which contained articles about migrant workers' passports and official documents held by employers. Indonesia also carries out building trust by continuing to carry out negotiations and discussions. However, since Malaysia has not ratified the migrants' convention, it is implied that the protection status of migrant workers could be threatened. So, Indonesia is still waiting for Malaysia to ratify the conference. Therefore, in this process, the main weakness is the absence of specific Malaysian regulations regarding non-formal migrant workers working in the domestic sector.

However, from a historical perspective, negotiations between Indonesia and Malaysia are not without challenges. In 2009, the position of placing Indonesian Migrant Workers in the domestic sector was a moratorium or temporary suspension of services. The position was taken to force the Malaysian government to negotiate and sign the MoU immediately. So far, both parties have continued to make efforts to improve the mechanism for placing and protecting Indonesian Migrant Workers in Malaysia. If necessary, the Indonesian government can implement a moratorium (suspension) on sending Indonesian Migrant Workers, especially those who work as domestic helpers in Malaysia. This action is part of the political diplomacy carried out by the Indonesian government as a response as well as pressure if the Malaysian government refuses to agree to the MOU.

The dynamics of cooperation in the placement and protection of Indonesian Migrant Workers in Malaysia from time to time are influenced by national interests related to each country's labour historical context. Neither Malaysia nor Indonesia has ratified the Migrant Workers

Convention. Malaysia also does not have specific legal rules governing Indonesian Migrant Workers who work as domestic workers due to the informal nature of their work. Malaysia also opposes the concept of legally binding and standards to protect illegal migrant workers based on human rights. Barriers to talks in both countries about migrant domestic helpers occur in employment policies. Malaysia has not ratified the migrant convention, so the effort to ratify it is considered futile because it will not affect the protection of domestic helpers in the country of placement. In this case, Indonesia's strategy is to wait for Malaysia's position to ratify the migrant worker convention first. Malaysia does not have specific legal rules governing Indonesian Migrant Workers who work as domestic workers because of its informal nature and not legally regulated in Malaysia's labour regulations. These jobs do not recognise a minimum wage, making it difficult for Malaysia to accept Indonesia's proposal for the minimum wage to be included in the revised MoU on domestic workers. The Malaysian government believes that the cost structure issue should be discussed further to reach an agreement on how much Indonesian Migrant Workers must pay to become domestic workers in Malaysia. Malaysia also opposes the concept of legally binding and standards to protect illegal migrant workers based on human rights. The two countries, for example, have yet to reach an agreement on basic salaries, fee structures (recruitment fees that migrant workers have to pay to become domestic workers in Malaysia), holidays and contracts.

Problems also occurred again in 2016 when the cooperation agreement between the two countries expired. In 2016, the MoU, which is a form of Indonesia-Malaysia bilateral cooperation regarding Indonesian Migrant Workers, had ended, and until 2018 there has been no new agreement. Therefore, in establishing bilateral cooperation, Indonesia and Malaysia face obstacles that affect the optimisation of the implementation of existing bilateral cooperation.

This historical record shows that every actor has a record of disappointment during collaborative works. This disappointment has undoubtedly reduced the trust of the two countries, which impacts the process of cooperation between the two countries.

Commitment to Process

The level of stakeholder commitment in the collaboration process is an important variable that can explain the success or failure of collaboration. Commitment is closely related to motivation to participate in collaborative governance. Commitment to the process means developing a belief that mutual benefit is the best way to achieve the desired outcome (Burger et al., 2001). The two countries' commitment to the process is quite good, as indicated by the situation that occurred at the end of the MoU period. The two countries held a meeting attended by Indonesian President Joko Widodo and Malaysian Prime Minister Abdullah Najib in Kuala Lumpur and Jakarta to maintain cooperation between Indonesia and Malaysia.

Following up on the meeting, a Letter of Intent (LOI) was signed as a form of continuation and improvement of good relations as well as the protection and safety of Indonesian Migrant Workers. The LOI was signed by the Indonesian Minister of Manpower and the Malaysian Minister of Human Resources on 23 September 2016. The Letter of Intent (LoI) contains two things that were agreed upon, namely implementing the concept of 'one channel,' which both parties approved and the two Heads of State and agreed to the deadline for the completion of the MoU discussion is before the end of 2016. The Indonesian government is also committed to negotiating and discussing with Malaysia while waiting for Malaysia's attitude to ratify the migrant convention. However, in terms of commitment to the MoU process, the Malaysian government is still lacking, as evidenced by Malaysia's slow response to the MoU draft proposed by Indonesia.

Shared Understanding

At some point during the collaboration process, stakeholders must have a shared understanding of what they want to achieve (Tett et al., 2003). Shared understanding can be defined as agreement on relevant knowledge in solving problems. The common understanding can be seen at the national meeting at the Inter K/L Meeting on 30 June 2020, where in general, there are still many pros and cons between Indonesia and Malaysia. There are 28 points of discussion that have been agreed upon and accepted by both parties or countries. However, on the other hand, there are still 29 points that are still being debated by both parties or countries.

This result indicates that there is still a polemic between the Indonesian government and the Malaysian government. Moreover, the Malaysian government has questioned the use of the word 'migrant', which is actually more in line with Article 1 of Law 18/2017. Mutual understanding also occurred regarding the MoU and bilateral agreements until finally, it was still in the form of an MoU without any attempts to change it in the form of a bilateral agreement. However, the main name of the MoU is still the subject of debate between both parties or countries.

Intermediate Outcomes

Intermediate results occur when the collaboration process gets tangible benefits called 'small wins.' Small wins provide feedback in the collaborative process, fostering a virtuous cycle of building trust and commitment (Rogers et al., 1993). Small wins will increase the expectations of each stakeholder in the collaboration, thereby increasing trust and commitment. For example, there were intermediate outcomes from the previous processes from the latest draft MoU, where there were no clear, firm and specific provisions governing the issue of days, hours of work and rest, and the minimum wage for Indonesian Migrant Workers who became domestic workers.

The latest draft MoU in article 10, paragraph 2 has accepted and agreed that service users must pay the monthly wages of Indonesian workers through a bank account. The Government of Indonesia has realised this by conducting bilateral cooperation between Indonesia and Malaysia through the MoU signing. Other than MoU, cooperation is also carried out in a Letter of Intent (LOI) form. However, these efforts have not been effective in preventing cases where Indonesian migrant workers are victims. Furthermore, Indonesia will not reach a bargaining position if there is no awareness from Indonesia and Malaysia regarding the procedures for recruiting Indonesian migrant workers. This means that preventive factors involve mechanisms, procedures, and awareness processes (socialisation) to be an essential part as a preventive aspect to reduce incidents or problems of migrant workers. These factors can improve Indonesia's bargaining position in the formulation of the MoU between Indonesia and Malaysia.

Interest Difference that Developed Among Main Stakeholders in the Domestic Affairs (country of origin) and Main Stakeholders in the Destination Country

Although the two countries collaborate, each country still has its own interests. On the one hand, Indonesia prioritises the mandate of the placement and protection of Indonesian Migrant Workers services carried out by the Central Government and Regional Governments in a coordinated and integrated manner through the one-stop integrated service (LSTA) with the central aim of increasing the effectiveness, efficiency and transparency of document management, and accelerating the improvement of the quality of the placement and protection of Indonesian Migrant Workers in accordance with the mandate of the Constitution Number 18 of 2017.

Comprehensive services for Indonesian Migrant Workers (pre, during and after placement) carried out by the Central and Regional Governments are more coordinated and integrated through the One-Stop Integrated Service (LTSA) in various regions based on information technology. In addition, the Indonesian government encourages protection for users (employers) and International Domestic Migrant Workers in Malaysia by strengthening existing work mechanisms and workers.

Meanwhile, Malaysia prioritises Indonesian Migrant Workers as an object and not a subject and is nothing more than a money-printing machine for the state or companies that recruit workers. Malaysia views migrant workers as more of an 'economic entity' than a 'social being' with families and internationally recognised rights. Malaysia's Manpower Act does not recognise domestic workers as workers. Malaysia only recognises domestic helpers as domestic helpers and is exempt from many provisions of the Manpower Act. In addition, Malaysia still wants to cross out the word Migrant on Indonesian Domestic Migrant Workers and replace it with only Indonesian Migrant Workers.

The latest MoU draft does not have clear, firm, and specific provisions governing the fundamental rights of Indonesian Migrant Workers. Although some basic rights of migrant workers have been strengthened, the existing arrangements have put workers in a weak position, both juridically and ideologically. It is difficult for Malaysia to accept the minimum wage stated in the MoU points regarding non-formal sector migrant workers. Therefore, discussions regarding wages continue to be carried out in order to reach a mutual agreement. Malaysia also opposes the legally binding and standardised protection of illegal migrant workers based on human rights because the protected Indonesian Migrant Workers are legal.

Without a fundamental change in the basic politics of placement and legal protection for Indonesian Migrant Workers, such as Malaysia's reluctance to respect international law, the contents of the new MoU may stagnate, even decline, compared to previous similar MoUs.

CONCLUSION

The process of collaboration between stakeholders between Indonesia and Malaysia, which was carried out through face-to-face dialogue to build trust, commitment to the process, and mutual understanding, has been carried out well. However, although there are intermediate outcomes in the process, such as the latest draft of the MoU, there are no clear, firm and specific provisions governing the issue of days, hours of work and rest, as well as the minimum wage for Indonesian Migrant Workers who become domestic workers. In addition, Article 10, paragraph 2 of the latest draft MoU mentions accepting and agreeing that service users are obliged to pay the monthly wages of Indonesian workers through a bank account.

Regarding the differences in the interests of the two countries, Indonesia prioritises the mandate of the placement and protection of migrant workers. In addition, the Indonesian government promotes protection for both users and international, domestic migrant workers (Indonesian Domestic Migrant Workers) in Malaysia. On the other hand, Malaysia views Indonesian Migrant Workers as an entity, not a subject. In fact, Malaysia's Manpower Act does not consider domestic workers as workers but domestic helpers and excludes them from specific provisions of the Manpower Act. Furthermore, the Malaysian government continues to try to replace the Indonesian Domestic Migrant Workers idiom with Indonesian Migrant Workers only.

Based on the existing situation, the researcher recommends that the MoUs between countries be prepared based on foreign policy. The document must be prepared and supported by both countries and compiled and enforced through international cooperation forums. It is also necessary to consider re-electing a planned and systematic moratorium on sending Indonesian Migrant Workers so that the phenomenon of illegal Indonesian Migrant Workers will no longer occur.

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