



Moral Sensitivity of Indonesian Migrant Workers in Malaysia

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Article Process

Submitted:
09-12-2024

Reviewed:
26-01-2025

Accepted:
03-02-2025

Published:
28-03-2025

Abstract

As neighbouring countries, Indonesia and Malaysia continue to compete in the economic field, competing to become developed countries. The number of Indonesian citizens who become Indonesian Migrant Workers as domestic assistants in Malaysia, gives a negative stigma to the image of the Indonesian State. This research is a descriptive qualitative research using an interactive analysis model. The conclusion that can be drawn in this study is that, Indonesian Migrant Workers have moral sensitivity formed from several dimensions, namely: moral awareness (awareness of his position, as an Indonesian migrant worker who adheres to the principles of justice, mutual cooperation, responsibility and respect for others), moral decisions (migrant workers always try to commit and keep promises or be trusted by employers / leaders and be respectful and loyal to new colleagues and families in Malaysia), Moral Intention (Indonesian migrant workers try to show their integrity and try to pursue their excellence), moral action (Indonesian migrant workers try to maintain honest behaviour and the good name of individuals and the country of Indonesia. Meanwhile, the main factors affecting the sensitivity of Indonesian migrant workers in Malaysia are that many Indonesian migrant workers are not old enough, Indonesian migrant workers have incomplete population administration, there are illiterate Indonesian migrant workers, Indonesian migrant workers have a history of illness and Indonesian migrant workers are pregnant. In addition, another factor that is thought to affect the moral sensitivity of Indonesian migrant workers in Malaysia is the cost of becoming a migrant worker which is quite expensive, thus encouraging migrant workers to take shortcuts by becoming illegal migrant workers.

Keywords: moral sensitivity, Indonesia migrant workers, malaysia

I. Introduction

Indonesia's economic growth, to date, has not been able to provide enough jobs for the people. The imbalance between the increase in the labour force and the increase in employment is obvious. This has encouraged Indonesians to start working abroad to improve their quality of life. In addition, people believe that working abroad earns a greater salary and currency value

than wages in Indonesia. The problem of migrant workers is not only related to Indonesians moving to other countries to find work. It also shows that the state is unable to fulfil the mandate of the basic law to provide employment opportunities for its people.¹

Indonesian migrant workers who are working abroad, have spread in various parts of the world. If ranked by country with the highest number of Indonesian Migrant Workers being the destination until 2023 are: Taiwan with 39,178 migrant workers, Malaysia with 38,478 migrant workers, followed by Hong Kong 33,639 with migrant workers, South Korea with 6,999 migrant workers, Japan 4,927 migrant workers, Singapore 2,572 migrant workers, Saudi Arabia 2,424 migrant workers, Turkey 1,632 migrant workers, Italy 1,535 migrant workers and Poland 807 migrant workers. The most common type of employment is as a domestic helper. Maintenance work, plantation workers, and ordinary labourers come next. In addition, there are around 5,000 migrant workers in production operations, construction workers and operators. Domestic workers, farmers, and spa therapists are also in positions 7-10 with around two thousand people.²

The Indonesian government should continue to work towards reducing the number of migrant workers in the informal sector like the examples above. Through education, skills training, placement facilitation, and placement outreach and coordination are part of the support provided through BP2MI. This is done as part of optimising BP2MI role in protecting migrant workers and stopping the illegal placement of workers abroad by repatriating migrant workers who do not follow procedures, because they are vulnerable to becoming victims of trafficking crimes.³

So far, basically the Indonesian government has given instructions to agencies that distribute workers abroad to provide adequate supplies starting from education, skills training, placement facilities, and socialization and placement coordination as well as ensuring that all the requirements for PMI departure are met. fulfilled formally and does not violate the law.⁴ However, this is often a factor that is put aside simply for the cliché reason of needing to depart quickly based on economic needs. Indonesian Migrant Workers promised by the agency that he does not need to pay a penny of administration fees at all, with a system that will be paid in installments if he has worked and received a salary.⁵ This problem shows the low morality and mentality of migrant workers who work in Malaysia.⁶ This condition showing that's the quality of migrant workers' resources is low and weak, so they are seen as lowly workers.⁷

This is what ultimately became the forerunner to the birth of the problem of moral sensitivity among Indonesian migrant workers.⁸ Moral sensitivity is a person's ability to understand ethical issues. This is important in determining an individual's perception of ethical issues. Ethical assessments are carried out when there is a perceived ethical problem. A person can behave or judge whether a decision or action is ethical or not if he or she has sensitivity to

¹ Asmaul Chusna, Triyono, and M. Ramli, "Profil Moralitas Anak Buruh Migran Indonesia," *Jurnal Pendidikan: Teori, Penelitian, Dan Pengembangan* 2, no. 3 (2017): 371-76.

² Shafina, Gamma. "Kabar Pekerja Migran Indonesia (PMI) Tahun 2023," *GoodStats* (Jakarta: GoodStats, 2023), <https://goodstats.id/article/kabar-pekerja-migran-indonesia-pmi-tahun-2023-Db6O1>.

³ Ibid.

⁴ Tatang Budie Utama Razak, *Pekerja Migran Dalam Pergumulan Perekonomian Indonesia (Proses Reformasi & Capaian BNP2TKI)*, ed. Rahmad Sahid (Jakarta: Expose, 2019).

⁵ Made Ngurah Demi Adyana, "Penyimpangan Kebijakan Pengiriman TKI Ke Luar Negeri," *Journal of Management* 9, no. 2 (2019): 251-60.

⁶ Mita Noveria, "Migrasi Berulang Tenaga Kerja Migran Internasional: Kasus Pekerja Migran Asal Desa Sukorejo Wetan, Kabupaten Tulungagung," *Jurnal Kependudukan Indonesia* 12, no. 1 (2017): 25, <https://doi.org/10.14203/jki.v12i1.255>;

⁷ Hennigusnia and Ardhian Kurniawati, "Strategi Dasar Dan Program Pemasaran Pekerja Migran Indonesia (PMI) 2021, 1 14," <https://journal.unpar.ac.id/index.php/ritektra/article/view/4757/3493>.

⁸ Grace Nevia and Arsenius Wisnu Aji Patria Perkasa, "Strategies For Preventing Exploitation of Non-Procedural Indonesian Migrant Workers (PMI) Based On Routine Activity Theory," *Journal of Law, Politic and Humanities* 4, no. 4 (2024): 625-34, <https://doi.org/10.38035/jlph.v4i4.411>.

ethics.⁹ This is how Indonesian Migrant Workers feel who work in a neighboring country, namely Malaysia.¹⁰

Migrant workers, whose position is only to work as domestic servants, always give a negative impression of the Indonesian state.¹¹ Basically, this is also part of the moral sensitivity of Indonesian citizens where this is an individual decision, not based on the interests of the state. From this, it can be seen that the factors that influence migrant workers' decisions to go to Malaysia related to moral sensitivity include demographic factors, introduction to moral dimensions and organisational commitment.¹²

The above opinion is supported by research findings conducted by Nevla & Perkasa which stated that quite a lot of Indonesian migrant workers abroad take non-procedural routes so they are at high risk of experiencing exploitation in the destination country. This exploitation is carried out without considering morals, the forms of which are providing inadequate housing, providing inadequate food, working overtime without rest and additional pay, working without wages and giving low wages, working with a salary deduction system under the pretext of paying for food accommodation.¹³

According to research conducted by Nevla & Perkasa, it states that quite a number of Indonesian migrant workers abroad take non-procedural channels so that they are at high risk of exploitation in the destination country. This exploitation is carried out without considering morals, in the form of providing inappropriate housing, providing inappropriate food, working overtime without rest and additional wages, working without wages and providing low wages, working with a salary cut system on the pretext of paying for food accommodation. In addition, according to Hutasoit et al, who explained that as a result of the weak morality of workers, the nation's self-esteem has fallen and all Indonesian Migrant Workers from Indonesia are considered unappreciated so that in the end many Indonesian migrant workers in Malaysia face poor working conditions, including low wages, long working hours, and lack of protection of workers' rights. This is often due to unequal negotiating power between migrant workers and employers due to moral sensitivity issues.¹⁴

On the other hand, a negative image of migrant workers always appears in the eyes of Malaysian society. This certainly has a strong relation to the subject of this research, namely moral sensitivity.¹⁵ Based on this description, there is a need for research on Indonesian migrant workers who analyse from the point of view of moral sensitivity, describe the moral sensitivity of Indonesian migrant workers in Malaysia and the dominant factors that influence the moral sensitivity of Indonesian migrant workers in Malaysia.

⁹ Ratna Dewi Wuryandari, "Perempuan Dan Penerapan Etika Feminis Dalam Tata Kelola Perlindungan Pekerja Migran Indonesia," *Jurnal Ketenagakerjaan* 17, no. 1 (2022): 1-10, <https://doi.org/10.47198/naker.v17i1.111>.

¹⁰ Theresia Joycelin Jasmine and Clara Susilawati, "Pengaruh Penalaran Moral Dan Sensitivitas Etika Terhadap Persepsi Etis Dengan Gender Sebagai Variabel Moderasi," *Jurnal Akuntansi Bisnis* 17, no. 1 (2019): 64, <https://doi.org/10.24167/jab.v17i1.2288>.

¹¹ Darwati, "Pelaksanaan Penempatan Pekerja Migran Indonesia Di Malaysia Berdasarkan UU No 18 Tahun 2017 Tentang Perlindungan Pekerja Migran Indonesia," *CONSTITUTUM Jurnal Ilmiah Hukum* 1, no. 1 (2022): 1-18.

¹² J J B Beliu and Y N Fina, "Evaluasi Kebijakan Perlindungan Pekerja Migran Indonesia Di Provinsi Nusa Tenggara Timur," *JIAPI: Jurnal Ilmu Administrasi Dan Pemerintahan ...* 4, no. 1 (2023), <http://www.jiapi.ut.ac.id/index.php/jiapi/article/view/127%0A>

¹³ Nevla and Perkasa, "Strategies For Preventing Exploitation of Non-Procedural Indonesian Migrant Workers (PMI) Based On Routine Activity Theory."

¹⁴ Abdi Fristho Hutasoit et al., "Kerja Sama Indonesia-Malaysia Dalam Perlindungan Tki Di Malaysia Tahun 2023-2024," *Jurnal Administrasi Negara* 1, no. 5 (2023): 292-300.

¹⁵ Ali Maksum and Surwandono Surwandono, "Nasionalisme Tenaga Kerja Indonesia (TKI) Di Malaysia Dalam Narasi Media Sosial," *Nation State: Journal of International Studies* 1, no. 2 (2018): 159-79, <https://doi.org/10.24076/nsjls.2018v1i2.124>; Eko Gatingsih dan Sutrisno, Kependudukan Dan Ketenagakerjaan, Modul Mata Kuliah, 2017, [http://eprints.ipdn.ac.id/2402/1/Buku GATI dan EKO Kependudukan LENGKAP.pdf](http://eprints.ipdn.ac.id/2402/1/Buku%20GATI%20dan%20EKO%20Kependudukan%20LENGKAP.pdf).

II. Research Problems

Based on the background description above, the author formulates the problem formulations to be discussed in this article are: the moral sensitivity of Indonesian migrant workers in Malaysia and the dominant factors that influence the moral sensitivity of Indonesian migrant workers in Malaysia.

III. Research Methods

Research uses a qualitative paradigm as an observation activity regarding the activity of interviewing a number of people, so that the ideas or desires behind the statements and research activities are revealed.¹⁶ As with the qualitative approach that has been used as the basis for previous research, this research tries to use an evaluative descriptive type. Referring to Creswell's explanation, the evaluative descriptive format adheres to phenomenological understanding, namely studying appearances or phenomena where phenomena and consciousness are isolated from each other and are always related dialectically.¹⁷ This research is a qualitative descriptive study using an interactive model of analysis referring to Miles and Huberman's study. According to, policies that are successful in achieving implementation and have an impact on the target are policies that from the start involve participants in discussions regarding the intent of the policy, the integration of the policy into existing implementation, and the implementation procedures.

IV. Results And discussion

A. Moral Sensitivity Teory

In principle, the theoretical domain of moral sensitivity is contained in the view of ethical sensitivity theory. Because discussions about ethics cannot be separated from discussions about morals.¹⁸ States that ethics is a field of critical and fundamental research on moral principles. However, Karl Barth stated that ethics (*ethos*) and morals (*mos*) are comparable, because both are philosophies about customs (*sitten*). In general, ethics or morals is a philosophy, science, or discipline regarding modes of human behavior or the constants of human behavior. Therefore, "sette" in German denotes mode and constancy of human behavior.¹⁹

Ethics is a thorough analysis of what is right and wrong. It is a more fundamental and critical understanding, rather than goodness, that he produces. Ethics is basically a commitment to do what is right and avoid what is not right, which impacts other people. So, ethics are beliefs about what is right and wrong, or what is good and bad, which have an impact on other people.²⁰ Ethics can differ from person to person in various situations and cultures, as they are based on social concepts and individual beliefs. Social standards, for example, tend to support a variety of beliefs. Individuals can create personal codes of ethics that incorporate a variety of attitudes and beliefs without violating common cultural norms.²¹

According to handayani there are 10 (ten) ethical principles that guide behavior, including the following: 1) Honesty, 2) Integrity, 3) Maintaining promises, 4) Loyalty, 5) Fairness/justice, 6) Likes to help other people, 7) Respect for others, 8) Responsible citizens, 9) Pursuing excellence 10) Being accountable.²²

¹⁶ J.W. Creswell, *Research Design: Quantitative and Qualitative Approach* (London: Sage Publishing, 2014).

¹⁷ John W. Creswell and J. David Creswell, *Mixed Methods Procedures, Research Defign: Qualitative, Quantitative, and Mixed Methods Approaches*, 2018.

¹⁸ Jagger, Suzy. "Ethical Sensitivity: A Foundation for Moral Judgment." *Journal of Business Ethics Education* 8 8, no. 1 (2011): 1-18. <https://doi.org/10.5840/jbee2011813>.

¹⁹ Izak Yohan Matriks Lattu, "CHRISTIAN-MUSLIM MORALITY AND FUNDAMENTALISM: The Ethical Perspectives of Karl Barth, and Hasan Al-Banna," *Jurnal THEOLOGIA* 29, no. 2 (2018): 219-42, <https://doi.org/10.21580/teo.2018.29.2.3275>.

²⁰ Muhammad Qorib and Mohammad Zaini, *Integrasi Etika Dan Moral: Spirit Dan Kedudukannya Dalam Pendidikan Islam*, ed. Akrim and Gunawan, 1st ed. (Yogy: Bildung, 2020).

²¹ Valerie Alexandra, "The Role of Social Worldviews and Self-Control in Moral Disengagement," *Personality and Individual Differences* 143, no. February (2019): 74-79, <https://doi.org/10.1016/j.paid.2019.02.012>.

²² Handayani, Happy Nur Fitri. "Pedoman Perilaku Dalam Etika Bisnis Di PT. KF." *Dinasti Review* 1, no. 2 (2019): 115-121. <https://doi.org/10.31933/JEMSI>.

In this day and age, ethics is increasingly important. There are at least four reasons for this. First, we live in an increasingly pluralistic society, including in terms of morality. Second, we live in a time of unprecedented societal transformation. Third, it is not surprising that certain groups are using the social, cultural, and moral changes we are experiencing to seek advantage in unstable situations. Fourth, religious people also need ethics because they find the basis of their beliefs in their faith.²³

Ethics is usually defined as the systematic study of content (action) that is based on principles of moral development, reflects decisions and serves as a standard of what is right and wrong.²⁴ Ethical sensitivity is a person's ability to distinguish the moral aspects of a particular situation. It is clear that some people do unethical things even though they know that their behavior is unethical. However, some people make unethical decisions not because they choose to behave unethically, but because they cannot recognize that certain situations have elements of an ethical nature.²⁵

Ethical sensitivity is an important component of fair decision making, which is influenced by the environment in which decisions are made, not personal variables. Ethical sensitivity is part of the moral decision-making process, which includes:²⁶

- a. Moral Awareness. Regarding the moral nature of the existing situation.
- b. Moral Decisions. Make a decision that is morally correct under the circumstances.
- c. Moral Intent. Deciding to place one value in a moral norm rather than another norm.
- d. Moral Action. Engage in moral behavior.

B. Moral Sensitivity of Indonesian Migrant Workers in Malaysia

1. Indonesian Migrant Workers and The Problems

The term Indonesian Migrant Worker (PMI) is now used formally to replace the previously more popular terms Indonesian Migrant Worker (BMI), Indonesian Migrant Worker (TKI) or Female Migrant Worker (TKW). The definition of PMI, BMI, TKI and TKW is the same, namely Indonesian citizens who work abroad. Linguistically, a worker is someone who receives wages for their work.²⁷ Migrant means a person who migrates (moves) from one place to another. In the context of migrant workers, migrant means people who move from Indonesia to work abroad. Thus, the definition of migrant workers is "people who work abroad or outside their country". Formally, Indonesian citizens who work in other countries are called Indonesian Migrant Workers (PMI), in accordance with the name of Law Number 18 of 2017 on the Protection of Indonesian Migrant Workers.²⁸

In Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, it is emphasized that Indonesian Migrant Workers are every Indonesian citizen who will, is currently, or has done work and received wages outside the territory of the Republic of Indonesia. In Chapter II Article 4 it is explained that Indonesian Migrant Workers include:²⁹

- a. Indonesian Migrant Workers who work for legal entity users;
- b. Indonesian Migrant Workers who work for individual or household users;
- c. Ship crew sailors and fisheries sailors.

²³ Serlika Aprita, *Etika Profesi Hukum* (Bandung: PT. Revika Aditama, 2019).

²⁴ Qomarul Huda, "INDIVIDUALISME GLOBAL DI INDONESIA (Studi Tentang Gaya Hidup Individualis Masyarakat Indonesia Di Era Global)," 2015, 1-230.

²⁵ Kiki Apriyana and Lisa Martiah Nila Puspita, "Sensitivitas Etis dan Pertimbangan Moral Mahasiswa Akuntansi Terhadap Dilema Bisnis," *Jurnal Akuntansi* 8, no. 1 (2019): 26-40, <https://doi.org/10.33369/j.akuntansi.8.1.26-40>.

²⁶ Ruth Novita Dani Kusuma and A.Totok Budisantosa, "Analisis Pengaruh Equity Sensitivity Dan Ethical Sensitivity Terhadap Perilaku Etis Auditor," *Modus* 29, no. 1 (2017): 105-17.

²⁷ Ricky Johanes Sepang, Butje Tampi, and Marthin Doodoh, "Perlindungan Hukum Terhadap Pekerja Migran Dalam Tindak Pidana Kekerasan Ditinjau Dari UU No.18 Tahun 2017," *Lex Administratum* IX, no. 2 (2021): 230-40.

²⁸ Muwahid and Syafa'at Abdul, "Perlindungan Terhadap Tenaga Kerja Wanita Illegal Di Malaysia," *AL-Jinayah : Jurnal Hukum Pidana Islam* 4 (2018): 339-59.

²⁹ Berkat Anugerah Kurnia Situmorang, Marzuki, and Ibnu Affan, "Perlindungan Hukum Terhadap Pekerja Migran Indonesia Informal Menurut Undang-Undang No 18 Tahun 2017 Tentang Perlindungan Pekerja Migran," *Jurnal Ilmiah Metadata* 3, no. 18 (2021): 669-93.

Indonesian citizens who are sent or employed by international agencies or by countries outside their territory to carry out official duties, students and trainees abroad, Indonesian refugees or asylum seekers, and investors or investors are not included as Indonesian Migrant Workers. Likewise, state civil servants or local employees, staff who work at the Republic of Indonesia Representative Office, Indonesian citizens who work in institutions funded by the APBN, and Indonesian citizens who have independent businesses abroad are not included in the category of Indonesian Migrant Workers.³⁰

Placing Indonesian workers abroad is a national program in an effort to improve the welfare of workers and their families as well as developing the quality of human resources. The placement of workers abroad can be done by taking advantage of the international job market by improving the quality of workforce competency accompanied by optimal protection from before departure, while working abroad until arriving back in Indonesia. (Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia number KEP-MA/MEN/2002).

According to article 1 of Law no. 13 of 2003 concerning employment, what is meant by workforce is every person who is able to carry out work to produce goods and/or services to meet their own needs and those of the community. Every worker has the right to work and income that is suitable for humanity. It is further explained in article 4 that the government realizes equal employment opportunities and provides labor in accordance with national and regional development needs. The government regulates the supply of labor in adequate quality and quantity, and regulates the distribution of labor in such a way as to provide encouragement towards efficient and effective deployment of labor. The government also regulates the full and productive use of labor to achieve the greatest benefit by using the principle of the right workforce at the right job.

To earn income in order to fulfill their living needs, workers often migrate to places that are considered to provide work opportunities or in other words migrate to places that provide employment opportunities, therefore these workers are known as migrant workers. What is meant by migrant workers are people who migrate from their place of birth to another place and then work in that new place for a relatively permanent period of time. Basically there are two groups of factors that cause someone to migrate, namely push factors and pull factors. Push factors include:

- a. The decreasing number of sources of life, such as decreasing environmental carrying capacity, decreasing demand for certain goods whose raw materials are increasingly difficult to obtain, such as mining products, wood or agricultural materials.
- b. Narrowing job opportunities in the place of origin (for example, land for agriculture in rural areas is increasingly narrowing).
- c. There are pressures such as politics, religion and ethnicity which disrupt the human rights of residents in their areas of origin.
- d. Reasons for education, work and marriage.
- e. Natural disasters such as floods, fires, earthquakes, tsunamis, long dry seasons.

Pull factors include:

- a. There is hope that they will get the opportunity to improve their standard of living.
- b. There is an opportunity to obtain a better education.
- c. Environmental conditions and pleasant living conditions, for example climate, housing, schools and other public facilities.

Related to the international migrant workers, through studies of international relations and the theory of the workings of law, it is explained that basically the problem regarding cases that often occur with Indonesian migrant workers is related to negligence in acting between institutions implementing sanctions and role holders due to overlapping regulations and worker categorization. existing migrants, whether considered domestic migrant workers or international migrant workers. The legal rules made by regulatory institutions basically contain components

³⁰ Muwahid and Abdul, "Perlindungan Terhadap Tenaga Kerja Wanita Illegal Di Malaysia."

in the form of protection and fulfillment of the rights of Indonesian migrant workers, both the rights obtained, the responsibilities of institutions and parties, up to the criminal sanctions that are determined, but the follow-up is ongoing has not been discussed concretely.³¹

The problems that occur regarding sending migrant workers abroad are mainly about discrepancies between what was agreed to and reality, as well as arbitrariness on the part of employers in employing migrant workers. Apart from that, there are often arrests and punishments of migrant workers due to incomplete work documents (illegal migrant workers). These matters create tension between the government and the destination countries for the migrant workers and if left unchecked will disrupt bilateral relations between the two countries.

Not only are the problems caused by factors from the recipient countries which often violate the rights of migrant workers, but the problems of migrant workers are also caused by factors from the prospective migrant workers themselves. One example is the lack of awareness that being an illegal migrant worker has no legal protection. This problem causes many crimes against migrant workers such as human rights violations, rape, and salary deductions by employers. In this case, the government is obliged to protect PMI from these problems as stated in the Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia where the government is obliged to provide protection to PMI before departure until returning to Indonesia.

The problem with Indonesian Migrant Workers is mostly because the Indonesian Migrant Workers do not have complete documents and many Indonesian workers also use fake documents. These things are the reasons for the emergence of various cases that have occurred recently, such as human rights violations, torture of PMI and also human trafficking. With incomplete documents or fake documents, Indonesian Migrant Workers who work abroad have no legal protection because their status is as illegal Indonesian Migrant Workers. Here's the data below:

Table 1. Sweeping Results-PMI Problems (2021)

No	PMI Problems	Quantity
1.	Unfit	76
2.	Illiterate	38
3.	Documents are Incomplete	352
4.	Under Age	70
5.	Pregnant	1
6.	Fake Documents	153
Amount		690

Source : Ministry of Manpower and Transmigration of The Republic of Indonesia (2021)

2. Indonesia – Malaysia Cooperation in Relation to Indonesian Migrant Workers

On the southeast Asian continent, Indonesia is an archipelagic country. The continents of Asia and Australia are flanked by the Pacific Ocean and the Indian Ocean. Indonesia has many different religions, tribes, races, ethnicities and cultures. The fact that Indonesia is one of the developing countries is shown by the high unemployment rate. As a result, many Indonesians are leaving their country to look for work abroad, one of which is Malaysia.³²

Malaysia is a country in Southeast Asia that neighbors Indonesia. The two countries cooperate in several fields, including labor, even though Malaysia is a developing country with a lower unemployment rate than Indonesia. Due to a shortage of workers in its own country,

³¹ Henny Natasha Rosalina and Lazarus Tri Setyawanta, "Perlindungan Hukum Terhadap Pekerja Migran Sektor Informal Dalam Perspektif Teori Bekerjanya Hukum Di Masyarakat," *Jurnal Pembangunan Hukum Indonesia* 2, no. 2 (2020): 174-87, <https://doi.org/10.14710/jphi.v2i2.174-187>.

³² Situmorang, Marzuki, and Affan, "Perlindungan Hukum Terhadap Pekerja Migran Indonesia Informal Menurut Undang-Undang No 18 Tahun 2017 Tentang Perlindungan Pekerja Migran."

Malaysia needs foreign workers to work. As a result, Malaysia has become one of the countries targeted by foreign workers in Southeast Asia along with Indonesia.³³

Indonesia and Malaysia have officially worked together since Malaysia's independence on 31 August 1957. One of the fourteen countries that first recognized Malaysia's independence was Indonesia. Before these countries gained independence, there was actually a relationship between the two countries. Close relations and kinship between residents during the Srivijaya Kingdom from the 7th century until the glory of the Samudera Pasai Kingdom in the 17th century, as well as during colonialism.³⁴

In 2004, Indonesia and Malaysia entered into a cooperation agreement regarding the placement of Indonesian workers to help manage workers in Malaysia. As a result, the Indonesian Embassy in Kuala Lumpur was established in Malaysia to help workers obtain legal protection. In 2006, the two countries signed an MoU in the field of labor.³⁵

However, in fact, there are still many problems affecting migrant workers, one of which is the interference of brokers in sending migrant workers abroad. Therefore, the government should recognize the existence of brokers in the process of sending and placing migrant workers abroad. It would be better if the system and process for placing TKI were simplified. The global economic crisis in 2009 affected the Indonesian and Malaysian economies as well as employment cooperation. On June 26 2009, Indonesia issued a moratorium policy, which was detrimental to Malaysia. The rules of the MoU between Malaysia and Indonesia were clearly violated because they were decided unilaterally, but the moratorium was terminated ten months later.³⁶

3. Moral Sensitivity of Indonesian Migrant Workers in Malaysia

Moral sensitivity is the sensitivity to conclude that an event has moral values, whatever the event and circumstances. The morality of Indonesian migrant workers in Malaysia is clearly visible in the initial process when they want to register to become Indonesian Migrant Workers. If prospective Indonesian Migrant Workers have good morals, then from the start the prospective migrant worker will prepare themselves well starting from fulfilling documentation procedures, physical health and a series of mechanisms that have been established. This means that there will be no intention on the part of prospective migrant workers not to fulfill the requirements, so that they become illegal Indonesian Migrant Workers in Malaysia.

However, the facts on the ground show different conditions. There are still quite a lot of Indonesian Migrant Workers who do not meet legal requirements. Based on data obtained from Kompas.com, there are approximately 4.5 million illegal migrant workers, and the number of legal migrant workers will reach 4,686,190 people in 2023.³⁷ In fact, this has been going on for a long time, because these migrant workers have been in Malaysia for a long time, some even returned to their homeland and then left for Malaysia again in the same way, namely through illegal procedures. Regarding The length of time these illegal migrant workers have been in Malaysia is reflected in the following interview excerpt:

Table 2. Interview Results of Informants Who Work in Malaysia

Informan	Interview Results	
	Legth of time	Return to Indonesia
1	8 years	2
2	12 years	-

³³ Made Ngurah Demi Adyana, "Penyimpangan Kebijakan Pengiriman TKI Ke Luar Negeri," *Journal of Management* 9, no. 2 (2019): 251-60;

³⁴ Darwati, "Pelaksanaan Penempatan Pekerja Migran Indonesia Di Malaysia Berdasarkan Undang-Undang Nomor 18 Tahun 2017 Tentang Perlindungan Pekerja Migran Indonesia."

³⁵ Situmorang Et al, Loc. Cit.

³⁶ Ibid.

³⁷ Hadi Maulana and Reni Susanti, "4,5 Juta TKI Bekerja Ilegal Di Luar Negeri, Mayoritas Perempuan Dan Anak-Anak," KOMPAS.Com, 2023, <https://regional.kompas.com/read/2023/04/06/184939178/45-juta-tki-bekerja-ilegal-di-luar-negeri-mayoritas-perempuan-dan-anak-anak>.

3	12 years	-
4	19 years	-
5	19 years	-
6	19 years	-
7	19 years	-
8	19 years	-

Source: author interview data (23th february 2024)

Based on the interview excerpt above, a common thread can be drawn that Indonesian Migrant Workers while in Malaysia are not the typical workers who are temporary or easily feel at home. When in Malaysia they found a suitable employer and because of pressing needs in Indonesia there were also desires that had not been achieved, plus the age of the workers had not yet passed the retirement age limit as migrant workers.

Most of the workers interviewed worked as Household Assistants, and the second most worked in the building project sector and the minority worked as factory workers. This is reflected in the following interview results:

Table 3. Interview Result of Informan's Job Listing

Informan	Job Listing
1	The Indonesian Migrant Workers can be :
2	1. Caregiver for the elderly
3	2. Cook
4	3. House Cleaner
5	4. Household assistant in general
6	The Indonesian Migrant Workers work as construction workers,
7	changing companies depending on the project.
8	The Indonesian Migrant Workers, works in a factory with a contract system that must be renewed or extended visa documents, passports and is formal and strict.

Source: author interview data (23th february 2024)

Based on the explanation above, it shows that one of the research informants has shown that he has good morals and is fully aware of taking care of administrative formalities, so that it does not rule out the possibility that other informants are in the same condition. However, when researchers interviewed informants who worked as household assistants and construction project workers, there were still those who said their permits had expired, but they had not yet applied for them again. This is reflected in the following interview excerpt:

Table 4. Interview Result of Informan's Job Listing

Informan	Permit Status	The Reason	The Steps Taken
1	My license status has been delayed several times, including the last one, which has not yet been taken care of.	The reason is because the money is still being used for family needs.	Rarely leave the workplace to keep safe
2			
6	My license expired 1 (one) year ago.	The reason is because there is not enough money, they still have to fulfill their needs.	If there is an inspection, hide in the culvert, move from work and come to the work project secretly.
7			

Source: author interview data (23th february 2024)

Based on the interview excerpt above, it shows that the morality of Indonesian migrant workers in Malaysia is not always consistent. Even those who previously had good morals, because of the circumstances they experienced, could turn into workers who had bad morals. One example is not fulfilling the requirements for a work permit as an Indonesian migrant worker.

Basically, the view and treatment of Indonesian Migrant Workers in Malaysia depends on each individual. When Indonesian citizens submit to all forms of correct legal procedures, their employers or co-workers will also treat them well and as professional workers should. Even if there are those who treat them badly, then this is certainly a very small minority and can be processed legally with the protection of the Indonesian embassy in Malaysia. However, if PMI chooses to be illegal, then how can the state provide protection, because ethically and morally they also do not respect the countries of Indonesia and Malaysia. This opinion is reflected in the interview excerpt below:

Table 5. Interview Result of Informan's

Informan	Interview excerpt		
	Treatment to PMI	PMI Response	PMI Reasons
1	Sometimes employers use harsh language, scold and cuss.	PMI considers it normal, and is used to it.	Because PMI realized that her job was that of a maid, the act did not amount to physical violence.
2			
3			
4			
5	PMI working as construction laborers, being told what to do at the whim of the boss.	PMI feels normal, doesn't care about what people say, thinks whatever, I just think it's a joke.	PMI has the motivation to only focus on making money.
6			
7	PMI coworkers in Malaysia are very kind and professional.	PMI feel that they are better off in Malaysia than in Indonesia.	One of the reasons is about rewards, in Malaysia it is quite good and extraordinary when it comes to rewards.
5			
6			
7			
8			

Source: author interview data (23 februari 2024)

Based on the interview excerpt above, it can be interpreted that the situation of Indonesian Migrant Workers in Malaysia is that the working environment there is quite conducive. Even if there is unethical treatment of Indonesian Migrant Workers in Malaysia, it is only a small matter due to certain problems. This means, as is the philosophy in Indonesia, as long as a person shows good morals and attitude, that is the treatment they will receive. This is reflected in the following interview excerpt:

Table 6. Interview Result of Informan's

Informan	Interview excerpt		
	Unethical Treatment	PMI Response	PMI Reasons
1	Called babu machete	Feeling miserable at first, but keeping quiet and letting it go	Being overseas and not being able to understand the employer's wishes
2			
3			
4			
5			
6		If the foreman is rude, the PMI will fight back,	

7	Sometimes the fierce foreman is rude	but if he is kind, the PMI will return the favour.	only have one time experienced
8	Never have	-	Malaysians behave well to PMI

Source: author interview data (23 februari 2024)

The absence of unethical or even discriminatory treatment as is widely displayed on social media or the screen has made Indonesia's previously good relations become somewhat heated. In fact, this competition is generally based only on the fanaticism of football supporters. However, it actually spread everywhere, including in the world of work and international relations between the two countries. This means that the lives of Indonesian migrant workers in Malaysia, as long as they are not triggered by subjective provocation, have never experienced significant problems.

Indonesian migrant workers, especially those who work in the field of household assistants, generally receive sharp attention because to become a household member they have to migrate to another country. Then there are also those who squint, that ART is a job that has no value or it could be said that it is just a lowly job with a low salary. However, those who give this opinion forget that it is those who work as household members or Indonesian migrant workers in Malaysia who are one of the biggest foreign exchange contributors to Indonesia.

This means that the existence of Indonesian migrant workers in Malaysia is not a disgusting disgrace, but rather something that needs to be managed and protected by the state. In Indonesia, job opportunities are wide open and with sufficient salaries on offer, of course Indonesian citizens prefer to work in their own country. However, what can I do. The economic situation in Indonesia is not yet fully able to cover the accelerating population rate and provide extensive employment opportunities.

Because of this, many Indonesian citizens flock to Malaysia to become migrant workers. Malaysian citizens or entrepreneurs themselves prefer Indonesian workers to be needed because the workers' abilities, skills, work ethic and fighting spirit are slightly superior compared to local Malaysian workers, this is reflected in the interview excerpt as follows:

Table 7. Interview Result of Informan's

Informan	Interview Excerpt	
	Employers' Preference	The Reasons
1		
2	Malaysian people themselves prefer to hire Indonesian workers	Because PMIs are more diligent and tend to be obedient, even though their work skills are the same as Malaysians. PMI are also more enthusiastic and total in their work.
3		
4		
5		
6	When it comes to building / construction work, PMI is smarter.	common sense of PMI are smarter than Malaysians when it comes to building / construction
7		
8	In terms of factory work, it's not much different.	Because the workers in their factories are already screened based on their competencies, it doesn't matter which country they come from. If the PMI work is good, you will get a good position.

Source: author interview data (23 februari 2024)

The interview excerpt above illustrates that the competency of migrant workers in Malaysia is not seen from the country of origin of the worker, but rather is determined by the work results of the worker himself in the field. Even though these migrant workers come from developed countries such as England or Australia for example, if in the field their work method does not follow the rules of the employer or company, of course this will not be an added value for these workers in the world of work or industry in Malaysia.

Therefore, the main requirement to become a migrant worker in order to have high value and be protected by law is to fulfill all kinds of administrative requirements for working in a foreign country, outside the worker's country of origin. This legality will later become a measure of the level of compliance, morals and professionalism of an Indonesian migrant worker in Malaysia. This is reflected in the following interview excerpt:

Table 8. Interview Result of Informan's about legality

Informan	Interview excerpt	
	PMI's opinion	The reason
1	Must fulfill requirements, although it is costly	PMI wants to work safely and comfortably. Using the help of third parties such as Company or Agency with a salary deduction scheme after work.
2		
3		
4		
5		
6	Most PMI in Malaysia are illegal because it is difficult to fulfill the requirements.	Examples of requirements that are difficult for migrant workers in Malaysia to fulfill
7		1. Not old enough 2. have no identity 3. illiterate 4. sick 5. PMI does not want to wait long, PMI wants to work immediately and earn money.
5	Personally, I prefer legal procedures, although it is costly.	Better to look for funds first to leave, after already working, then pay it back. Rather than being in others country, but we have problems, it's dangerous, we can prison and also can't return to Indonesia later
6		
7		
8		

Source: author interview data (23 februari 2024)

The interview excerpt above reflects the condition that, when there is a stigma that Indonesia is a country that exports migrant workers, it is basically not wrong. In fact, if someone says that Indonesia is the country that produces "Babu" for Malaysia, it is not wrong, because that is actually the case. However, if there is a question, whether the stigma can be changed, then the answer is very likely. This depends on its own Human Resources.

If Indonesian human resources do not want to be considered as babes, then they must hone their skills and competencies while in Indonesia taking advantage of the facilities and opportunities provided by the Indonesian state. So that when you feel worthy and have the provisions to enter the industrial world abroad, you can then register yourself in a field of work that requires skills that match your abilities and certification.

Based on interview excerpts from primary data collected by the author, and linked to moral sensitivity theory, they can be grouped as follows:

- 1) Moral awareness (moral awareness). Regarding the moral nature of the existing situation, the answers from Indonesian Migrant Workers illustrate that as long as they are migrant workers they are fully aware that when they are in Malaysia and in the position of migrant workers, they must:
 - a. Acting fairly and virtuously, being willing to admit mistakes, showing a commitment to justice, equality of individual treatment and tolerance for differences, and not acting beyond limits or taking inappropriate advantage of other people's mistakes or misfortunes.
 - b. Help each other, be kind, have mercy, help each other, be together, and avoid anything that endangers other people.
 - c. Own and accept responsibility for decisions and their consequences and always set an example.
 - d. Respect the dignity of other people, freedom and the right to self-determination for everyone, be polite, do not humiliate and humiliate the dignity of others.

- 2) Moral decisions (moral judgment). In this case, Indonesian migrant workers in Malaysia are required to make decisions that are morally correct in their position as migrant workers. These decisions include:
- a. Always obey promises, be trustworthy, full of commitment, obedient, do not interpret agreements in technical or legal terms under the pretext of unwillingness.
 - b. Respect and be loyal to family, friends, employees and the state, not use or reveal confidential information, even in a professional context, maintain/protect the ability to make free and thorough professional decisions, and avoid inappropriate matters and conflicts of interest.
 - a. Moral intent (moral intent). Migrant workers, in their statements during interviews, as explained above, show that migrant workers are able to place a value on moral norms rather than other norms. As some of the answers from Indonesian migrant workers who became research informants reflect:
 - b. Integrity, namely adhering to principles, carrying out honorable activities, being sincere, being brave and full of conviction/belief, not being two-faced, not doing evil, and being trustworthy.
 - c. Pursuing excellence, namely pursuing excellence in all things, both in personal meetings and professional responsibilities, being diligent, trustworthy/reliable, diligent and full of commitment, carrying out all tasks to the best of your ability, and developing and maintaining a high level of competence.
- 3) Moral Action (moral action). This shows that through extracting data from research informants, Indonesian Migrant Workers in their daily activities have involved themselves in moral behavior such as
- a. Act honestly, trustfully, seriously, frankly, do not cheat, do not steal, do not embezzle, do not lie.
 - b. Become a responsible citizen by maintaining Indonesia's good name, by trying to obey laws/rules, be full of social awareness, and respect the democratic process in making decisions.

C. Dominant Factors Affecting the Moral Sensitivity of Indonesian Migrant Workers in Malaysia.

The dominant factors affecting the moral sensitivity of Indonesian Migrant Workers in Malaysia can be known based on informants' answers during interviews in the table below:

Table 9. Dominant Factors Affecting the Moral Sensitivity of Indonesian Migrant Workers

Informan	Dominant Factors Affecting	
	In General	In Detil
6	Most Indonesian Migrant Workers in Malaysia are illegal.	Indonesian Migrant Workers have difficulties in fulfilling the legal requirements. Such as:
7		1. Not old enough, 2. No identity, 3. Illiterate, 4. health condition in sick / pregnant, 5. Because they don't want to look forward/ waiting so long. 6. Want to work immediately and earn money, and 7. Don't care about the risks.

Source: author interview data (23 februari 2024)

Based on the excerpt from the interview above, it is known that the factors that drive the moral sensitivity of Indonesian Migrant Workers in Malaysia are that the workers are not old

enough, the workers do not have complete population administration, the workers are illiterate, the workers have a history of illness and the workers are pregnant.

Another factor that is thought to influence the moral sensitivity of Indonesian migrant workers in Malaysia is the cost of becoming a migrant worker which is quite expensive, thus encouraging migrant workers to take a shortcut by becoming illegal migrant workers. This is reflected in the interview excerpt as follows:

Table 10. Another factor Affecting the Moral Sensitivity of Indonesian Migrant Workers

Informan	Dominant Factors Affecting	
	In General	In Detil
1	The high cost of fulfilling the requirements to become a migrant worker	For the safety and comfort of working abroad, many PMIs use third-party
2		financing schemes for payment of
3		requirements with a salary deduction
4		mechanism.
5		

Source: author interview data (23 februari 2024)

Based on this interview excerpt, it can again be explained that the factors that encourage the moral sensitivity of Indonesian migrant workers in Malaysia are not only caused by external factors, but the biggest factors are things that are influenced by internal factors. Basically, the view and treatment of Indonesian Migrant Workers in Malaysia depends on each individual. When Indonesian citizens submit to all forms of correct legal procedures, their employers or co-workers will also treat them well and as professional workers should.

Even if there are those who treat them badly, then this is certainly a very small minority and can be processed legally with the protection of the Indonesian embassy in Malaysia. However, if PMI chooses to be illegal, then how can the state provide protection, because ethically and morally they also do not respect the countries of Indonesia and Malaysia.

In this day and age, ethics is increasingly important. There are at least four reasons for this. First, we live in an increasingly pluralistic society, including in terms of morality. Second, we live in a time of unprecedented societal transformation. Third, it is not surprising that certain groups are using the social, cultural, and moral changes we are experiencing to seek advantage in unstable situations. Fourth, religious people also need ethics because they find the basis of their beliefs in their faith³⁸.

There is criticism regarding the general perception regarding the meaning of ethics which is only defined as statements of right and wrong or good and bad. In fact, ethics is a complex process of determining what a person should do under certain conditions. In this process, considerations of the inner and outer sides are balanced. Each person's different experiences and learning determine this process. Ethics is usually defined as the systematic study of content (action) that is based on principles of moral development, reflects decisions and serves as a standard of what is right and wrong.³⁹

Ethical sensitivity is a person's ability to distinguish the moral aspects of a particular situation. It is clear that some people do unethical things even though they know that their behavior is unethical. However, some people make unethical decisions not because they choose to behave unethically, but because they cannot recognize that certain situations have elements of an ethical nature.⁴⁰

Based on the explanation in the previous chapter, the implementation of cooperation regarding the protection of Indonesian migrant workers or PMI workers in Malaysia carried out

³⁸ Aprita, *Etika Profesi Hukum*.

³⁹ Huda, "INDIVIDUALISME GLOBAL DI INDONESIA (Studi Tentang Gaya Hidup Individualis Masyarakat Indonesia Di Era Global)."

⁴⁰ Apriyana and Puspita, "SENSITIVITAS ETIS DAN PERTIMBANGAN MORAL MAHASISWA AKUNTANSI TERHADAP DILEMA BISNIS."

by the Indonesian and Malaysian governments is still not running well. In collaboration, of course, maximum effort is required from both parties. However, when the latest memorandum of understanding was agreed upon, the Malaysian government already appeared inconsistent. These violations committed by the Malaysian Government are certainly not a good start for both countries. There needs to be a clear and structured commitment for both countries in implementing cooperation.

During this time until now, both parties have continued to make efforts to improve the mechanism for placing and protecting migrant workers in Malaysia. The dynamics of cooperation in efforts to place and protect migrant workers in Malaysia from time to time is influenced by the national interests regarding employment in each country. Malaysia and Indonesia have not ratified the Migrant Workers Convention. Malaysia does not have legal regulations that specifically deal with migrant workers who work as household managers because of its informal nature. Malaysia also opposes the legally binding concept and protection standards for illegal migrant workers based on human rights. Indonesia's bargaining power is weak due to Indonesia's weakness in managing workers who will work abroad, especially illegal migrant workers. Most governments send migrant workers without expertise and understanding of the culture of the recipient country and with unclear work contracts. There are parties who commit extortion against migrant workers in the country. The implementation of the one channel system or OCS itself is still not able to be carried out well and smoothly. Apart from the fact that the Malaysian government initially violated the agreement, it can be said that this one channel system does not cover all prospective migrant workers. The system, which aims to make things easier for migrant workers and also promises that prospective PMIs do not have to pay any fees when placing migrant workers, is still felt to be not working well because based on the number of case complaints based on the BP2MI report, there is an increase in complaints regarding the costs of placing prospective migrant workers which exceed the fee structure limit.

The implementation of the One Worker One Task system and the determination of minimum salaries for migrant workers aimed at avoiding exploitation have not produced good results. There are still many cases regarding this, although in 2023 the number will decrease from the previous year. The implementation of the article regarding insurance which is required by both countries to be paid by migrant workers is still largely unpaid by the Malaysian government. Implementation of consular access is not yet accessible for migrant workers. In fact, cases of detention of passports and other documents are still occurring and increasing. It is also felt that the implementation carried out by the Indonesian Government in the recruitment and placement process has not shown maximum results. There are still many things that need to be improved, especially in the recruitment of migrant workers in the regions. This is because cases that happen to migrant workers in destination countries, such as Malaysia, occur because of the lack of knowledge possessed by informal sector migrant workers.

V. Conclusion

Based on the presentation of the results analysis and discussion as described above, the conclusions that can be drawn in this research are as follows: The moral sensitivity of Indonesian migrant workers in Malaysia is formed from several dimensions, namely moral awareness (aware of their position as Indonesian migrant workers who adhere to the principles of justice, mutual assistance, responsibility and respect for others); moral decisions (migrant workers always try to be committed and keep promises or can be trusted by employers/leaders as well as being respectful and loyal to colleagues and new families in Malaysia; Moral Intentions (Indonesian migrant workers try to show their integrity and try to pursue the excellence they have); Moral action (Indonesian migrant workers try to maintain honest behavior and the good name of individuals and the Indonesian state).

The main factors that influence the sensitivity of Indonesian migrant workers in Malaysia are that the workers are still not old enough, the workers have incomplete population administration, the workers are illiterate, The worker has a history of illness and the worker is

pregnant. Apart from that, another factor which is suspected to influence the moral sensitivity of Indonesian migrant workers in Malaysia is the cost of being a migrant worker which is quite expensive, thus encouraging migrant workers to take a shortcut by becoming an illegal migrant worker.

Suggestions that can be given are in practical terms, it is hoped that this research can be used as consideration for the Indonesian people, especially those who have the intention of becoming PMI. So, if you want to become a migrant worker, you don't only have to have determination and mental capital, but you also have to have special skills and skills. So that when you work abroad you don't just fall into the informal category like household assistant. Apart from that, the goals and mentality of these PMIs can also be upgraded, so that they become a competitive workforce, and not trapped in a hedonistic lifestyle. Theoretically, it is hoped that this research can be used as a reference source regarding material on the moral sensitivity of Indonesian Migrant Workers, considering that there is quite a lack of literacy that discusses themes related to this. So, further research can also develop research with the same theme on the basis of the findings obtained in this research.

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