

**KAJIAN YURIDIS *MEMORANDUM OF UNDERSTANDING* (MoU) 2006
ANTARA PEMERINTAH REPUBLIK INDONESIA DAN PEMERINTAH
MALAYSIA TENTANG PENEMPATAN TENAGA KERJA INDONESIA
(TKI) DI MALAYSIA**

Dani Putra¹, Dr. Jean Elvardi S.H., M.H.², Deswita RosraS.H., M.H¹

¹ Program Studi Ilmu Hukum, Fakultas Hukum Universitas Bung Hatta

² Program Studi Ilmu Hukum, Fakultas Hukum Universitas Andalas

E-mail: Dhazhay27@gmail.com

ABSTRAK

Penempatan TKI di Malaysia masih menjadi kendala, masalah ini terlihat dengan masih banyaknya TKI yang dipulangkan ke Indonesia terkait masalah penempatan TKI non prosedural. Berdasarkan masalah inilah Pemerintah Indonesia dan Malaysia melakukan Perjanjian Bilateral sebuah MoU pada tahun 2006 dan telah di perbarui pada MoU tahun 2011. Rumusan masalah adalah: 1) Bagaimanakah Status *Memorandum Of Understanding* (MoU) 2006 antara Pemerintah Republik Indonesia dan Pemerintah Malaysia tentang rekrutmen dan penempatan pekerja domestik Indonesia dalam Perspektif Hukum International? 2) Bagaimanakah implementasi *Memorandum Of Understanding* (MoU) 2006 antara Pemerintah Republik Indonesia dan Pemerintah Malaysia tentang penempatan TKI di Malaysia? Metode penelitian yang digunakan adalah metode penelitian hokum normatif, dengan sumber data sekunder, yang terdiri dari bahan hokum sekunder, bahan hukum primer dan bahan hokum tesier dengan teknik pengumpulan data Studi Dokumen yang dianalisa secara kualitatif. Hasil Penelitian: 1) Pada MoU 2006 antara Pemerintah Republik Indonesia dan Pemerintah Malaysia mengatur tentang Rekrutmen dan Penempatan Pekerja Domestik Indonesia, pada tahun 2011dilakukan perubahan dan penambahan kerja sama yang dituangkan dalam MoU 2011. 2) Implementasi MoU 2006 penempatan TKI dilakukan beberapa tahap yaitu pra penempatan, masa saat penempatan dan masa purna penempatan. Namun, dalam proses penempatan pekerja domestic pembantu rumah tangga (PRT) ke Malaysia masih belum terealisasi dengan baik.

Kata Kunci: Penempatan, TenagaKerja Indonesia (TKI), MoU

**JURIDICAL STUDY MEMORANDUM OF UNDERSTANDING (MoU) 2006 BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE
GOVERNMENT OF MALAYSIA CONCERNING PLACEMENTS OF INDONESIAN
DOMESTIC WORKERS (TKI) IN MALAYSIA**

Dani Putra¹, Dr. Jean Elvardi S.H., M.H.², Deswita Rosra S.H., M.H¹

¹ Legal Studies Program, Faculty of Law, Bung Hatta University

² Legal Studies Program, Faculty of Law, Andalas University

E-mail: Dhazhay27@gmail.com

ABSTRACT

The placement of Indonesian Migrant Workers in Malaysia is still an obstacle, this problem is seen by the fact that there are still many migrant workers who are returned to Indonesia due to the problem of placing non-procedural workers. Based on this problem the Government of Indonesia and Malaysia entered into a Bilateral Agreement for an MoU in 2006 and was updated in a 2011 MoU. The formulation of the problem is: 1) What is the existence of the 2006 Memorandum of Understanding (MoU) between the Government of the Republic of Indonesia and the Government of Malaysia concerning recruitment and placement Indonesian domestic workers in the International Legal Perspective? 2) How is the implementation of the 2006 Memorandum of Understanding (MoU) between the Government of the Republic of Indonesia and the Government of Malaysia regarding the placement of migrant workers in Malaysia? The research method used is a normative legal research method, with secondary data sources, consisting of secondary legal materials, primary legal materials and tesier legal materials with the Document Study data collection technique that is analyzed qualitatively. Research Results: 1) In the 2006 MoU between the Government of the Republic of Indonesia and the Government of Malaysia regulates the Recruitment and Placement of Indonesian Domestic Workers, in 2011 there was a change and addition of cooperation as outlined in the 2011 MoU. 2) Implementation of the 2006 MoU for the placement of TKI was carried out in several stages, namely pre-placement, the period of placement and the post-placement period. However, in the process of placing domestic workers (domestic workers) to Malaysia still not well realized.

Keywords: Placement, Indonesian Workers (TKI), MoU