

Analysis Of Malaysia's Policy Towards Indonesian Illegal Immigrants 2020 - 2023

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ABSTRACT: This study analyzes Malaysia's immigration policy toward illegal Indonesian migrants during the 2020–2023 period. While Malaysia implemented programs such as the Recalibration Programme to manage undocumented migration, these efforts are considered ineffective due to inconsistent implementation, weak inter-agency coordination, and the absence of comprehensive protection mechanisms for migrant workers. These policy shortcomings have contributed to serious negative consequences, including widespread human rights violations and labor exploitation. The formulation of Malaysia's immigration policies is shaped by multiple factors, including economic pressures, domestic political considerations, and bilateral relations with Indonesia. The study identifies a shift in Malaysia's policy orientation—from repressive measures such as mass raids and deportations toward more selective legalization and cooperation-based approaches. However, structural challenges remain, particularly regarding the protection of migrants' rights and the regulation of recruitment practices. The findings highlight the need for a more integrated and humane bilateral framework to ensure safe, legal, and dignified migration. Strengthening collaboration between both countries and relevant international organizations is essential for achieving long-term regional migration governance.

Keywords: Immigration Policy, Undocumented Migrants, Malaysia, Indonesia, Human Rights



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INTRODUCTION

International migration has become an increasingly complex and significant global phenomenon over the past two decades. According to a report by the International Organization for Migration (IOM), more than 280 million people moved across borders in 2020, both legally and illegally (Menozzi, 2021). Migration is no longer merely a personal matter, but a strategic issue encompassing political, economic, social, and international relations dimensions.

Poverty, unemployment, unequal development, conflicts, and natural disasters continue to push people to migrate, while pull factors such as higher wages, labor demand, and open policies encourage cross-border movement. These push and pull forces create dynamic and ever-changing migration patterns that are difficult to control (Schumpeter & Swedberg, 2021).

In Southeast Asia, migration between Indonesia and Malaysia is particularly intense due to geographical proximity, cultural similarities, and strong labor demand in informal sectors. However, legal migration remains inaccessible for many low-income individuals, forcing them to rely on informal or illegal routes due to high costs and bureaucratic barriers.

Illegal immigration from Indonesia to Malaysia has increased significantly, largely due to the limited access to safe and affordable legal migration channels. The complex and costly legal recruitment procedures prompt many impoverished individuals to choose shortcuts, despite the high risks. Many illegal recruitment agents exploit this gap, sending prospective migrant workers abroad without legal protection.

In addition to economic and procedural factors, the low level of legal awareness among the public also contributes to the rise of illegal migration. Many prospective migrants do not understand the legal risks involved or the importance of national identity in complying with the legal norms of other countries (Kalaf & Hayes, 2021). The lack of legal education at the grassroots level causes some individuals to neglect the formal procedures that should be followed, thereby increasing their vulnerability to exploitation and criminalization in the destination country (Adelia et al., 2023).

The conditions of illegal migrants in Malaysia are extremely vulnerable. They often face exploitation by employers, work for low wages without contracts, and have limited access to essential services such as healthcare and legal protection. Additionally, their undocumented status makes them easy targets for raids, detention, and deportation. These conditions reveal that illegal migration not only breaches the law but also infringes on basic human rights (Nur Rahmi Oktaviani R & Rivai, 2024).

The Indonesian government, through the Ministry of Foreign Affairs and agencies such as BP2MI, has attempted to address this issue through bilateral diplomacy, international forums, and grassroots-level awareness campaigns. In forums such as the Bali Democracy Forum and ASEAN Summit, Indonesia often emphasizes the importance of migrant worker protection and social justice as part of its humanitarian diplomacy. However, implementation on the ground still faces many obstacles.

Meanwhile, Malaysia as a destination country has issued various immigration tightening policies to curb the number of illegal immigrants, especially since the outbreak of the COVID-19 pandemic in early 2020. These policies include entry restrictions, mass raids, large-scale detentions in immigration depots, and forced deportations. These measures have drawn criticism from international organizations and human rights groups who argue that Malaysia's approach is often repressive and inhumane (Verghis, 2023). In this context, law enforcement in border areas is insufficient if it relies solely on a repressive approach; it also requires strong and integrated bilateral policies to manage migration flows and prevent transnational crimes. This view highlights the importance of a more strategic cooperation between Indonesia and Malaysia in addressing the issue of illegal migration in a sustainable manner (K. Khoirunnisa & Jubaidi, 2025).

The period from 2020 to 2023 marks a crucial phase in the migration dynamics between Indonesia and Malaysia. The COVID-19 pandemic worsened the economic crisis in Indonesia, leading to a sharp rise in unemployment and economic desperation, which in turn drove many individuals, especially from vulnerable communities—to seek work abroad through illegal migration routes. Unfortunately, Malaysia's strict border policies were not accompanied by structural reforms such as simplifying legal migration procedures, improving labor protection mechanisms, and enhancing bilateral coordination with Indonesia to ensure safer and more accessible pathways for migrant workers. This creates a paradox: the demand for labor remains high, yet legal pathways are tightly restricted.

The lack of coordination between the two countries in handling illegal migration is a major concern. Repatriation processes are often slow, consular protection for Indonesians in Malaysia is limited, and cooperation to eradicate illegal recruitment networks has yet to yield significant results (Gunawan et al., 2022). Furthermore, there is no strong bilateral legal framework that focuses on the protection of migrant rights. The lack of coordination between the two countries in addressing illegal migration has become a critical concern. Repatriation processes are often slow, consular protection from Indonesian representatives in Malaysia is limited, and cooperation in dismantling illegal recruitment networks has yet to yield significant results. Moreover, there is still no strong bilateral legal framework focused on the protection of migrants' human rights. Law enforcement policies in border areas are not solely about controlling human movement (Dijstelbloem, 2021), but are also closely linked to social inequality, weak legal infrastructure, and the lack of synchronization between domestic and international institutional cooperation (Khoirunnisa & Jubaidi, 2025).

Previous studies have shown that undocumented Indonesian migrants in Malaysia suffer from low quality of life due to inadequate housing, unsafe working conditions, and exclusion from essential public services. (Adelia et al., 2023) noted that illegal workers often face inhumane working conditions, while Muir et al., (2019) showed how Malaysia's immigration system tends to stigmatize migrant workers as security threats. On the other hand, Amin et al., (2021) emphasized that Indonesia has yet to establish a safe and affordable migration system for its impoverished citizens.

According to Mulyoutami et al., (2020), a solely repressive approach will not resolve the root causes of illegal migration. She stresses the importance of international cooperation based on human rights and equitable economic development in migrant-sending areas. Therefore, multilateral approaches, domestic migration policy reforms, and educational campaigns must be promoted simultaneously.

Based on this background, this study aims to explore in depth the Malaysian government's policies towards illegal Indonesian migrants during the period of 2020–2023. The study adopts a descriptive qualitative approach, integrating policy analysis, social perspectives, and human rights frameworks to understand the motives, impacts, and challenges of the policies implemented.

This research differs from previous studies as it specifically focuses on the pandemic period, a time of complex policy dynamics. By centering the analysis on Malaysia's policies rather than solely Indonesia's efforts, this study provides a new and relevant perspective for understanding regional illegal migration dynamics. Emphasis on the protection of rights, the socio-economic conditions

of migrants, and bilateral policies is expected to contribute to more just and sustainable policymaking.

Based on this background, this research is formulated to answer three main questions: what are the labor conditions in Indonesia that lead to illegal migration to Malaysia, what are the Malaysian policies related to the protection of the rights of illegal workers, and to what extent the employment opportunity factor in Malaysia influences the decision of Indonesians to work illegally. These three problems are the main focus of this research.

METHOD

This study employs a descriptive qualitative approach using document analysis as the main method. The data sources include official government publications, bilateral agreements, press releases, media reports, and documents from international organizations such as the IOM and ILO related to Indonesia–Malaysia migration policy during the 2020–2023 period. The document analysis focuses on identifying patterns in Malaysia's policy orientation, implementation strategies, and the implications for undocumented Indonesian migrant workers.

This method was chosen because policy responses toward migration particularly during the COVID-19 period were heavily reflected in official statements and regulatory documents, rather than in field-level practices. Khoirunnisa, & Didi Jubaidi, (2023), who analyzed Indonesia's defense diplomacy using document-based data to understand institutional responses to human trafficking. However, while their study focused on Indonesia's domestic policy, this research centers on Malaysia as the receiving country.

As a comparison, another study by Amin et al., (2021) who used a grounded theory approach to examine climate-related migration. Although their method involved direct interviews, the current study relies entirely on secondary sources due to limited field access during the pandemic and the formal nature of the policy discourse. The exclusion of interviews or observations is justified by the availability of comprehensive official documents and international reports, which were triangulated across different sources to ensure consistency and reliability.

Through this method, the research aims to provide a critical analysis of Malaysia's shifting migration policy and its human rights implications, using theoretical frameworks from public policy, international migration, and bilateral cooperation.

RESULT AND DISCUSSION

The findings of this study reveal several key issues related to the presence and treatment of undocumented Indonesian migrant workers in Malaysia during the 2020–2023 period. These findings are grouped into three thematic categories: (1) structural causes of illegal migration, (2) conditions and vulnerabilities of undocumented workers, and (3) trends and shifts in Malaysia's policy approach.

1. Structural Causes of Illegal Migration

The results of this study indicate that the issue of Indonesian migrant workers (TKI) in Malaysia, particularly those with illegal status, is triggered by various factors both internally within Indonesia and externally in the destination country. Internally, weak oversight of recruitment agencies and the lack of education for prospective migrant workers are the primary causes of the widespread use of illegal channels. This phenomenon reflects the imbalance in access to information and limited employment opportunities available in rural areas where most migrants originate.

Literature data and empirical sources confirm that TKI trafficking syndicates operate systematically, deceiving villagers with promises of prosperity. They lure prospective workers into a cycle of exploitation, starting from fictitious recruitment, illegal fees, to the confiscation of personal documents in the host country. These syndicates employ manipulative and intimidating methods that make it difficult for victims to escape the grip of human trafficking (Nurferyanto & Takahashi, 2024); (Muhyiddin et al., 2024).

2. Vulnerabilities and Exploitation

This issue affects not only the economic dimension but also has severe psychological and social implications. Interviews and document reviews show that many victims of trafficking syndicates suffer from extreme mental stress, particularly due to physical and sexual violence from employers in the destination country. They are also often socially isolated due to poor communication access and limited access to reliable information.

Many are forced to work long hours without legal protection, social support, or workplace safety guarantees. The lack of access to legal aid and the limited role of Indonesian diplomatic representatives in remote areas of Malaysia exacerbate the situation. With their documents held by syndicates, these workers become extremely vulnerable and lack the freedom to seek protection or report abuse ((Clarissa & Cipto, 2023); (Nidatya et al., 2023)).

The Indonesian government's limited capacity to enforce laws against human trafficking and illegal labor deployment further complicates the issue. The study found that slow bureaucracy, overlapping institutional authority, and indications of corruption among field-level implementers hinder the effectiveness of protections for prospective migrant workers.

Moreover, regulatory enforcement tends to be sporadic and fails to address the root causes. Trafficking syndicates exploit the gaps in coordination among institutions such as regional labor offices, immigration, and vocational training centers, which are not yet integrated into a unified and effective oversight system (Khoirunnisa, & Didi Jubaidi, 2023). This lack of firmness enables illegal networks to continue operating freely.

3. Trends in Migration Policy and Its Impact

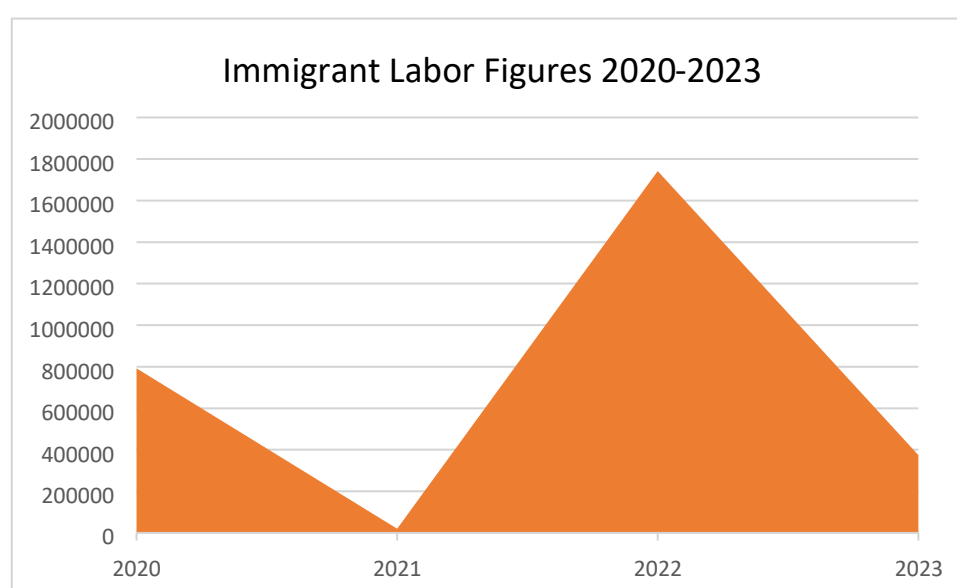
The situation in Malaysia also presents its own challenges. Field findings indicate that illegal migrant workers or trafficking victims are commonly found in the informal sectors, such as

construction, plantations, and domestic work. These sectors are difficult to monitor legally and often ignore international labor standards (Haron et al., 2023).

High work pressure, wages far below minimum standards, and the absence of employment contracts make illegal migrant workers highly vulnerable to exploitation and discrimination. In many cases, these workers have no health insurance, proper housing, or freedom of expression at the workplace.

According to data from the Ministry of Manpower and other official sources, the number of Indonesian workers migrating to Malaysia between 2020 and 2023 experienced significant fluctuations. These fluctuations were influenced by the COVID-19 pandemic, international travel restrictions, and changes in immigration and labor policies from both countries.

Table 1. Migrant Labor Statistics



(Source: <https://data.gov.my/ms-MY/dashboard/immigration/ID>)

Table 1. presents data on the number of Indonesian workers in Malaysia from 2020 to 2023, showing a trend of post-pandemic increases, especially in the informal sector, which resumed demand for labor. Malaysia remains a primary destination for Indonesian workers due to the perception of higher wages and better job opportunities. Unfortunately, many migrants fail to consider the risks of using illegal channels, including the possibility of violence, fraud, and forced repatriation. This harsh reality is often unknown to rural communities who are swayed by the promises of illegal agents (Jiang et al., 2024).

The economic impact of remittances sent by migrant workers to their families in Indonesia is also a strong driving factor for migration. This research shows that remittances have improved household economic welfare. However, many of these remittances originate from illegal employment, posing longterm risks that cannot be ignored (Rachmad Soepadmo, 2020).

Remittances from legal migrant workers have been shown to contribute to rural economic growth, including home construction, children's education, and business capital. However, not all families

fully understand the risks of working illegally. The lack of education on safe migration causes communities to remain attracted to faster, albeit dangerous, migration routes.

The study also notes a paradigm shift in Malaysia's policy since 2020. Whereas previous policies focused on repression and forced repatriation of illegal workers, Malaysia is now moving toward a more humane approach. Programs for legalization and migrant status reconciliation have become new strategies to address undocumented workers more fairly and sustainably (Maraining & Dollah, 2023).

These findings suggest that the issue of illegal migrant workers is a complex problem that cannot be resolved unilaterally. Effective solutions require holistic and collaborative policies between Indonesia and Malaysia. Intensive education for prospective migrants, improved migration governance, and the eradication of TKI trafficking syndicates are key to long-term solutions.

This study emphasizes the importance of cooperation among both governments, civil society, and international organizations such as the ILO and IOM to establish strong social and legal intervention frameworks. Only through cross-sectoral synergy and high political commitment can the issue of illegal migration be fundamentally and sustainably addressed.

The findings of this study reveal how Malaysia's immigration policies toward illegal Indonesian migrants between 2020 and 2023 reflect a shift in policy orientation but remain limited in terms of implementation effectiveness and migrant protection. Although initiatives like the Recalibration Programme marked a move toward legalization and more humane treatment, the lack of monitoring and consistency has reduced their impact.

These trafficking syndicates thrive due to the significant gap between labor demand in destination countries like Malaysia and the lack of job opportunities in Indonesia. This gap creates fertile ground for human traffickers to exploit the economic vulnerability of rural communities. They lure victims with promises of easy processes and better lives, while in reality, they are subjected to systematic exploitation (Clarissa & Cipto, 2023).

The main issue in illegal migration actually begins at the recruitment stage. This study found that most prospective migrant workers obtain job information through informal networks and unauthorized agents. These agents target underdeveloped areas and communities with low legal literacy and little knowledge of safe migration procedures. The lack of education and outreach is the primary cause of the rampant illegal migration (Nidatya et al., 2023).

The legal migration process is often viewed as overly complicated and bureaucratic, which discourages potential migrants and pushes them toward faster, illegal alternatives. This highlights the need for simplifying administrative procedures and increasing transparency to make legal migration more accessible and appealing. The uncertainty in the legal process creates anxiety, which is then exploited by illegal recruiters. In contrast, if legal migration procedures were made more transparent and efficient, dependency on illegal channels could be significantly reduced.

From a protection standpoint, unfriendly bureaucracy and limited access to information make it difficult for prospective workers to navigate the official process. Public mistrust in formal institutions like BP2MI and local labor offices has led to declining interest in legal channels. Anti-

trafficking initiatives are often ineffective due to poor coordination among government agencies (K. Khoirunnisa & Jubaidi, 2025).

This discussion also highlights that Malaysia, as the destination country, is not fully capable of controlling the flow of illegal migrant workers. On one hand, the country heavily depends on migrant labor to sustain its construction, agriculture, and domestic service sectors. On the other hand, illegal immigrants are viewed as threats to social and economic stability. As a result, repressive policies are often adopted, though they fail to address the root causes (A. Khoirunnisa & Basri, 2020).

Stigma and discrimination against illegal migrant workers remain serious concerns. Migrants are often labeled as sources of social problems, crime, or as competitors to local labor. Consequently, they frequently experience discriminatory treatment—from verbal abuse in the workplace to being evicted from housing. This discussion emphasizes the need for a paradigm shift in local societal attitudes to build a more just migration system.

Beyond the public, the media also plays a crucial role in shaping public opinion. Biased or sensationalized reporting on illegal immigrants can exacerbate tensions and reinforce stigma. Therefore, the mass media must be involved in awareness campaigns with more humane and data-driven narratives—not just security-centered stories.

Bilateral efforts such as Memoranda of Understanding (MoU) between the Indonesian and Malaysian governments are commendable. These agreements cover not only recruitment procedures but also protection of workers, resolution of legal disputes, and management of labor conflicts. However, consistent joint monitoring is necessary to ensure these MoUs are more than just administrative documents (Nurferyanto & Takahashi, 2024).

This discussion also stresses the importance of international organizations such as the ILO and IOM, as well as NGOs, in providing legal assistance and rehabilitation for trafficking victims. Cross-border collaboration is crucial, given the transnational nature of migration and the involvement of various actors with differing interests (Padmi & Yulianti, 2021).

At the local level, family education and awareness are essential in preventing illegal migration. Many families are swept up in the euphoria of remittances without understanding the risks of irregular migration. Therefore, ongoing training and outreach are necessary to ensure families understand legal procedures and are not easily lured by illegal recruiters.

Additionally, it is important to build safe and accessible reporting and complaint systems for migrant workers. Many victims of exploitation are unaware of where to report or fear the consequences. Governments must establish tech-based protection mechanisms such as national hotlines, digital reporting apps, and cooperation with Indonesian representatives abroad.

This discussion also presents the opportunity to strengthen the role of village administrations and local governments as the front line in migration oversight. Village authorities, being close to the community, can be key players in promoting safe migration, reporting illegal recruitment activities, and assisting in verifying migrant data. Strengthening the capacity of village officials is an effective preventive strategy.

Equally important is reinforcing the legal aspect, including strict sanctions for illegal recruiters, complicit officials, and negligent institutions. Impartial law enforcement will create a deterrent effect and restrict the operations of illegal TKI syndicates. However, this must be supported by modern and integrated tracking and investigation systems.

Finally, the discussion concludes that transforming migration governance can only be accelerated through bureaucratic reform, improved integrity of officials, public service digitalization, and policy synergy between sending and receiving countries. With strong commitment and cross-sector collaboration, the issue of illegal migration can be significantly and sustainably reduced.

Condition

The objective condition of illegal Indonesian migrant workers (TKI) in Malaysia reveals a state of deterioration across various dimensions, including economic, social, and human rights aspects. Most of these individuals come from regions with low education levels, limited access to information, and poor family economic conditions. They depart with the hope of improving their livelihoods, but the reality they face is filled with challenges and high risks (Muhyiddin et al., 2024).

The reality experienced by illegal TKI often does not meet expectations. Many face withheld documents by employers, arbitrary salary deductions, and even physical and psychological abuse. These conditions frequently affect female workers, who are vulnerable to sexual exploitation, as well as children brought along without adequate legal protection (Muhyiddin et al., 2024).

The sectors filled by illegal migrant workers are generally part of the informal economy, which is weak in legal protection. Plantation, construction, restaurant, and domestic service sectors are the main areas absorbing illegal labor (Cousins, 2023). These workers are often forced to work beyond normal hours, denied proper rest, and lack health insurance or social security.

The living conditions of these illegal migrants are deplorable. Many live in cramped barracks, uninhabitable buildings, or empty warehouses without ventilation or sanitation. Access to clean water, electricity, and healthcare services is extremely limited, making them vulnerable to diseases such as tuberculosis, dengue fever, and skin infections (Angreini & Indrawati, 2020).

The situation is worsened by the lack of access to formal healthcare services. Due to their illegal status, migrants are afraid to visit hospitals or clinics. Many deaths have occurred due to delayed medical treatment, particularly among pregnant women, infants, and the elderly. This shows how immigration status greatly affects basic rights and access to life-saving services.

Beyond work and living conditions, the stigma and discrimination against illegal immigrants are very high in Malaysia. They are often perceived as the cause of increased crime, public service congestion, and disease spread. This discriminatory treatment comes not only from the general public and government institutions but also from fellow documented migrant workers (Haron et al., 2023).

Fear haunts their daily lives. Raids by authorities are often sudden and accompanied by repressive actions. As a result, illegal migrants live in constant tension, find it difficult to build social relationships, and are reluctant to leave their hideouts even in emergencies.

The presence of trafficking syndicates, both in Indonesia and Malaysia, exacerbates the vulnerability of migrants. These syndicates not only facilitate illegal departures but also control the migrants' lives through harsh methods. They enforce debt systems, tight surveillance, and even threats of violence to maintain their dominance. Without formal legal support, illegal TKI can only rely on social networks among fellow migrants. These relationships are crucial for accessing jobs, housing, food, and information. However, this solidarity has limits especially when facing legal or health issues that require institutional intervention.

Civil society organizations and NGOs have provided assistance to the extent of their capabilities. They offer shelters, free healthcare services, legal counseling, and awareness campaigns (Srinivas, 2022). However, the capacity of these organizations is very limited and cannot reach the entire illegal migrant population evenly.

The psychological impact on illegal TKI should also not be ignored. Many suffer from chronic stress, high anxiety, depression, and some even attempt suicide. The constant life pressure, compounded by uncertain legal status and future, results in serious mental health problems.

Migrant children are also victims of this situation. Without official documents, they cannot access formal education in Malaysia. This creates a generation with no future, trapped in a cycle of poverty and social marginalization (Tshimpaka et al., 2021). These children are vulnerable to exploitation and early-age labor in order to support their families economically.

Despite the many risks, the flow of illegal migration continues steadily. Economic pressure in their home regions, the urgent need to repay debts, and false promises from illegal agents remain the main driving forces. Malaysia's high demand for labor also keeps the door open for illegal migration.

Facts show that remittances from TKI including illegal ones remain one of the main pillars supporting families' economies back home. However, these benefits come at a high cost: loss of life, psychological damage, and social alienation. Therefore, a national strategy is needed that not only focuses on labor deployment but also strengthens protection and preventive education (Le Mièrè, 2014).

Overall, the objective conditions of illegal TKI in Malaysia require a comprehensive cross-sectoral response. From improving labor migration systems, dismantling trafficking syndicates, to providing psychosocial support for migrants and their families only with an integrated and sustainable approach can migrant workers once again become productive and dignified members of society.

Malaysia's Policy

The Malaysian government's policy towards illegal immigrants, particularly Indonesian migrant workers (TKI), has undergone several phases, reflecting a paradigm shift from a repressive approach to one that is more humane. In the early 2010s, immigration policy was primarily focused on enforcement and national security. This approach was rooted in the perception that illegal immigrants posed a threat to public order and the national economy. One of the most well-known policies from that period was the 6P Operation (Registration, Legalization, Amnesty, Monitoring, Enforcement, and Deportation), implemented between 2010 and 2015. This program aimed to identify and register illegal immigrants, provide opportunities to obtain legal residence permits, or facilitate deportation for those who did not meet the requirements.

In practice, the 6P Operation emphasized raids and mass deportations. Authorities conducted sweeps in residential areas and workplaces of illegal migrants, detaining those without official documents on the spot. However, reports from various institutions noted that these actions were often accompanied by human rights violations, abuse, and extortion by rogue officers.

Ironically, despite its comprehensive scope, the 6P program failed to address the root causes of illegal migration. Human trafficking syndicates continued to recruit and send workers illegally, exploiting the demand for cheap labor in informal sectors such as construction, agriculture, and domestic services. The dependency of these sectors on cheap labor rendered repressive policies ineffective in the long term.

Since 2020, the Malaysian government has begun to re-evaluate its approach. Pressures from international institutions, migrant-sending countries, and increasing attention to human rights issues have pushed Malaysia to shift its migration policy orientation. A concrete example of this shift is the signing of a bilateral Memorandum of Understanding (MoU) with Indonesia.

This MoU emphasizes transparent recruitment governance, protection of workers' rights, and fair dispute resolution. Under the MoU, Malaysia is obligated to conduct recruitment through official channels, monitor labor-supplying agencies, and ensure that every incoming migrant worker is covered by insurance and has access to complaint mechanisms.

In response to the worsening situation of undocumented workers during the COVID-19 pandemic, Malaysia launched the Recalibration Programme, which provided options for illegal migrants to legalize their status or return voluntarily to their home country without the threat of forced detention. This approach was more oriented towards humanity and migrant rights protection.

While immigration laws are still enforced, the current handling approach now incorporates access to legal aid and restorative justice. Migrants who are victims of exploitation or human trafficking can now receive legal assistance and be accompanied through case resolution processes. This represents a significant shift from the past, which often neglected the victim's perspective.

Malaysia has also begun to open space for civil society organizations, international NGOs, and migrant worker groups to play active roles in monitoring policy implementation. Their

involvement is considered crucial in creating independent oversight systems, educating migrants, and acting as a bridge between the government and the migrant communities.

A critical component of policy reform is the supervision of recruitment agencies. The Malaysian government has tightened licensing, audited registered agencies, and imposed strict penalties on those involved in illegal recruitment. This is supported by the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM), which serves as a legal foundation for enforcement.

In terms of public services, Malaysia has begun directing policy efforts toward enabling legal migrant workers to access basic healthcare, education for migrant children, and social security benefits. Although these services are still inaccessible to undocumented workers, the reform indicates a shift from a security-based to a more socially inclusive development approach (Herdiansyah & Mamola, 2024).

However, major challenges remain in field implementation. Rogue officers, unscrupulous agents, and human trafficking syndicates continue to operate covertly, undermining policy effectiveness. Thus, there is a need for crosssectoral synergy, stronger internal oversight systems, and broader civil society engagement.

As a concrete step to improve transparency, Malaysia has begun developing online reporting mechanisms and complaint hotlines, allowing workers to voice grievances without fear of persecution or deportation. These mechanisms are integrated with embassies and legal aid institutions to ensure professional case follow-up.

The Malaysian government must translate its recognition of safe and just migration as a long-term investment into stronger commitment and tangible policy reforms that ensure social and economic stability. As such, current policy direction focuses more on migrant legalization, strong bilateral cooperation, and comprehensive protection of workers' rights.

In conclusion, Malaysia's policy toward illegal migrants, especially Indonesian TKI, is undergoing structural transformation shifting from a harsh, deportation-focused approach to a system that prioritizes protection,

legalization, and social justice. If implemented consistently, this transformation could pave the way for more humane and sustainable migration governance across Southeast Asia.

Implementation in Malaysia

The implementation of Malaysia's policies toward illegal Indonesian migrant workers (TKI) involves a combination of repressive and diplomatic approaches. One of the most well-known enforcement efforts was Operation 6P (Registration, Legalization, Monitoring, Enforcement, Deportation, and Amnesty). Through this operation, the Malaysian government actively conducted raids in residential areas and workplaces, resulting in the mass deportation of illegal migrants (Aun, 2023).

However, this harsh approach drew criticism from various parties, including international human rights organizations, due to frequent incidents of violence, abuse, and extortion committed by rogue officers. Many migrant workers were not given the opportunity to explain their legal status or suffered human rights violations during the raids. This indicates that law enforcement was not always aligned with the principles of justice and the protection of fundamental rights. Immigration policies in border areas such as Malaysia are often caught in a tension between the drive to safeguard national sovereignty and the obligation to uphold human rights, which in practice leads to the neglect of humanitarian aspects in the treatment of undocumented migrants (Jubaidi & Budiman, 2021), (Somiah, 2021).

After 2020, the direction of policy began to shift in response to growing pressure from the international community and the Malaysian government's awareness of the need for a more humane approach. The Recalibration Programme was introduced, offering illegal workers the opportunity to regularize their immigration status or voluntarily return to their country of origin without facing severe penalties.

This recalibration brought new hope for thousands of undocumented workers who previously had no access to legal pathways. The process involved active collaboration between Malaysian authorities, the Indonesian Embassy in Kuala Lumpur, and international organizations such as the IOM. Assistance for returning TKI included identity registration, logistical support, and protection from violence during the repatriation process.

The Embassy of the Republic of Indonesia played an active role in providing legal consultation to migrant workers facing abuse, contract violations, or document confiscation. Labor attachés and local lawyers worked together to resolve these cases through legal and diplomatic means, especially in cases involving unpaid wages or human trafficking (Herdiansyah & Mamola, 2024).

On the other hand, the Malaysian government developed online complaint systems for both documented and undocumented migrant workers. Through available apps and hotlines, victims of exploitation can report problems anonymously. These systems are supported by whistleblower protection policies that prevent migrants from being penalized solely due to their undocumented status a progressive step in upholding migrant rights.

The implementation of the bilateral MoU between Malaysia and Indonesia was strengthened, especially concerning the oversight of labor recruitment agencies. Unlicensed or abusive recruitment agents faced administrative and criminal penalties. The Malaysian government increased inspections and regular audits of these agencies to eliminate illegal brokers, human smuggling, and unauthorized recruitment.

Efforts to eliminate rogue agents still face challenges due to bribery and collusion with certain officers in the field. However, the existence of the MoU has enabled joint monitoring and enforcement by both countries, creating a more stringent accountability system in protecting Indonesian migrant workers.

Transformations in public services have also begun to benefit legal migrants. The Malaysian government has opened limited access to basic healthcare, informal education for migrant children,

and emergency social assistance for victims of violence or disasters. Unfortunately, many undocumented TKIs remain excluded from these services due to their unresolved legal status.

In addition to services, Malaysia has tightened anti-human trafficking laws by imposing harsher penalties on perpetrators of illegal recruitment and migrant smuggling. Cooperation with INTERPOL and other international bodies has been activated to dismantle transnational networks involved in the illegal migrant trade. Law enforcement efforts have been supported by training for officers to help them understand the humanitarian dimensions of migration cases.

In policy implementation, the Malaysian government has started to engage civil society and international organizations such as the ILO, IOM, and Tenaganita. These collaborations help expand legal education outreach, provide victim support, and advocate for fairer policies for migrant workers. Some organizations have even contributed to shaping public policies that are more sensitive to the vulnerabilities of migrants.

On the monitoring side, a collaborative monitoring mechanism was established between the Malaysian and Indonesian governments. This mechanism not only oversees the fulfillment of employment contracts and on-site conditions but also encourages quick responses when violations occur. Monitoring involves embassy teams, consulates, and representatives of migrant worker organizations.

Moreover, the repatriation system for TKI is now more structured. Each returning migrant receives a temporary identity document, psychological support, and reintegration assistance through programs in Indonesia such as vocational training centers (BLK), microenterprise support, and family counseling.

Nevertheless, implementation challenges remain. Many local communities in Malaysia still reject the presence of migrants, both legal and illegal. Social discrimination continues to pose significant barriers, while bureaucratic systems at the grassroots level remain insufficiently responsive and transparent. Therefore, institutional reform remains a critical requirement for the effective protection of TKI.

Malaysia's current policy direction is considered more inclusive than before. The human-centered approach and cross-border cooperation offer hope for a more comprehensive migrant protection system. However, continuous evaluation and regulatory adjustments are still needed to respond to the dynamic nature of migration and human rights concerns.

CONCLUSION

This study concludes that Malaysia's immigration policies toward undocumented Indonesian migrant workers during 2020–2023 have undergone a partial transformation—from repressive enforcement to selective legalization. However, the effectiveness of these policies remains limited due to inconsistent implementation, lack of inter-agency coordination, and the absence of strong protection frameworks for migrant workers.

Key findings indicate that illegal migration is driven by structural issues in both countries, including costly legal migration channels, weak pre-departure regulation, and the persistent role of trafficking syndicates. The vulnerability of undocumented workers is exacerbated by exploitative labor conditions, lack of legal access, and inadequate bilateral legal protections.

In response to these findings, this study recommends several actionable policy steps:

1. **Bilateral Policy Reform.** Strengthen the existing MoUs between Indonesia and Malaysia with enforceable provisions on worker protection, recruitment agency monitoring, and dispute resolution.
2. **Legal Migration Access.** Simplify and subsidize legal migration procedures to reduce dependency on informal channels, especially in rural areas.
3. **Cross-border Enforcement.** Establish a joint task force to dismantle illegal recruitment networks operating transnationally.
4. **Migrant Services Expansion.** Ensure access to basic healthcare, legal aid, and shelter for undocumented migrants through collaboration with civil society and international organizations.
5. **Monitoring and Evaluation.** Introduce regular audits of policy implementation outcomes to improve accountability and transparency on both sides.

A sustainable solution to the issue of illegal migration requires a balanced approach—one that addresses both labor market realities and fundamental human rights. By aligning enforcement with protection, and national interests with international cooperation, both countries can move toward a more humane and effective migration governance system.

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