

# THE EFFORTS OF THE KJRI KOTA KINABALU IN PROTECTING TKI INVOLVED IN THE CASE OF DRUG ABUSE (DADAH) IN 2018- 2020

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## **Abstrack**

The purpose of this study is to explain and analyze the efforts of the Indonesian Consulate General in Kota Kinabalu to provide protection for migrant workers who are involved in drug abuse cases (dadah) in 2018-2020. This research was studied using diplomacy protection theory and bilateral relations theory. The purpose of this study was to determine the form of protection provided by the KJRI Kota Kinabalu for TKI who were involved in drug abuse cases (dadah). The research method used is a qualitative descriptive research method with primary data collection and secondary data. Primary data collection was carried out by conducting interviews with the KJRI Kota Kinabalu staff, then secondary data was carried out by collecting documents obtained from various reference sources of books, libraries or online information then sorted and focused and described descriptively. From the data collection the researchers concluded that the bilateral relationship which exists between Indonesia and Sabah, Malaysia plays a very important role in the protective diplomacy practice of the KJRI Kota Kinabalu in providing protection for migrant workers who are involved in drug abuse cases (dadah) . The forms of protection provided by the KJRI Kota Kinabalu for migrant workers who are involved in drug abuse cases (dadah) are technical protection, juridical protection, and political protection.

**Keywords: KJRI Kota Kinabalu, Protection Diplomacy, TKI, Narcotics.**

## **1. Introducing**

Based on its geographical location Indonesia is the largest archipelago country in a world that is located between two continents, namely Asia and Australia, and between two oceans, namely the Indian Ocean and the Pacific Ocean. This geographical factor is one of the factors that causes Indonesia to become a country

bordering land and sea with several countries. One of the countries bordering land and sea with Indonesia is Malaysia. The two countries are directly adjacent to Nunukan, which is the territory of Indonesia and Tawau, which is located in Sabah, Malaysia (Ministry of Foreign Affairs of the Republic of Indonesia, 2018).

The relationship between Indonesia and Malaysia is a relationship that exists in bilateral and multilateral relations. Bilateral relations between Indonesia and Malaysia officially began when Malaysia declared its independence in 1967 and the multilateral relations between Indonesia and Malaysia include the membership of the two countries in the Southeast Asian regional organization, namely ASEAN (Ministry of Foreign Affairs of the Republic of Indonesia, 2018).

The relationship between the two countries cannot be separated from the existence of various kinds of conflicts that can threaten the security of a country. Currently, with the existing developments, the concept of security is developing dynamically and with a broader meaning. Security does not only cover military aspects but also includes non-military aspects, namely politics, environment, economy, and social aspects (Barry Buzan, 1991).

The threat of abuse of Narcotics and illegal drugs (Drugs) or Drugs (Narcotics, Psychotropics, and Additives) has become a global phenomenon and is a human threat to citizens at the local, national, regional and global levels. The problem of drug abuse and trafficking has long been an extraordinary crime that continues to threaten and damage human, national and state life which is transnational involving a number of countries with organized crime. Drugs have become a threat to Indonesia and Malaysia (UNODC, 2018).

The Director of Protection for Indonesian Citizens and Indonesian Legal Entities at the Ministry of Foreign Affairs of the Republic of Indonesia, Lalu Muhammad Iqbal, said that there were 583 migrant workers who were involved in criminal drug cases in other countries from 2018 to 2020. Based on data shown by the Indonesian Ministry of Foreign Affairs, 392 TKI was successfully released after going through a number of attempts during that time (Republika, 2018).

In Malaysia, especially in Sabah, the number of narcotics abuse cases has increased from year to year. According to KJRI Kota Kinabalu data, there were 88 TKI who were involved in drug abuse cases (dadah) in Sabah, Malaysia who had been handled and deported in 2018-2020. The data is static and only handled and reported to the appropriate authorities to the Consulate General in Kota Kinabalu. Many cases were resolved personally and by the defendants and were not reported by the local authorities to the Consulate General in Kota Kinabalu. And many of the defendants

who were involved in drug abuse cases (dadah) resolved the case through the company they worked for which immediately resolved them with local authorities without any information or fabrication to the KJRI Kota Kinabalu, so they were not recorded and were not used as a report by the KJRI Kota Kinabalu. alone. From these data, it shows that most Indonesian workers who abuse drugs (dadah) are illegal and legal TKI as users and some of them also commit murder of fellow workers (Consulate General of the Republic of Indonesia, 2020).

The issue of Indonesian Migrant Workers (TKI) abroad is of particular concern to the Government of the Republic of Indonesia abroad, because it is in accordance with the Preamble of the 1945 Constitution Alenia IV, namely protecting the entire nation and all Indonesian bloodshed. In addition, based on Law Number 37 of 1990 concerning Foreign Relations, it is also stated that in Article 19: Representatives of the Republic of Indonesia are obliged to provide protection, protection and legal assistance for Indonesian citizens and legal entities abroad in accordance with statutory regulations. national invitation and international custom law. Article 21: In the event that Indonesian citizens are in real danger, the representatives of the Republic of Indonesia are obliged to provide protection, assist and organize them in safe areas as well as international customary law. Based on the above provisions, it is an obligation for representatives of the Republic of Indonesia to protect their citizens who are abroad (1945 Constitution).

## **2. Literature Review**

### **2.1 Diplomatic Protection**

The word diplomacy itself originally came from Greek, namely, *diploun* which means to fold (Roy, 1995). Diplomacy is one of the important instruments in implementing the national interests of a country. Through diplomacy a country can build a good image for its own country. The practice of implementing diplomacy is carried out by negotiating between countries through official representatives. The official representatives are elected by the State itself without interference from other parties or other countries. The scope of diplomacy includes the entire process of foreign relations, both in the formation of foreign policy, negotiations and implementation.

Diplomacy is also defined as a relationship or relationship, communication and linkages. In addition, diplomacy is also said to be a two-way interactive process between two countries which is carried out to achieve the foreign policy of each

country. Diplomacy and foreign policy are likened to two sides of a coin that cannot be separated. This is because foreign policy is the main thing in the foreign policy implementation mechanism owned by a country, while diplomacy is the process of implementing foreign policy. Therefore, of course, diplomacy and foreign policy support each other and are related to each other (Satow, 1957).

In international law, it is stated that the state is obliged to protect its citizens who live abroad. The protection of a country against its citizens who are abroad is called Diplomatic Protection (Paramitaningrum, 2018). Conceptually, diplomatic protection is "action taken by a state against another state in respect of injury to the person or property of national caused by an internationally wrongful act or omission attributable to the latter state" (Forcese 2006, 374-375).

## **2.2 Bilateral Relations**

It has become a part of the life of the nation and state that every nation in the world will carry out interactions between nations in which an international relationship will be held through various criteria such as the implementation of a bilateral, regional, and multilateral relationship.

This is in line with the opinion expressed by Kusumohamidjojo regarding bilateral relations, namely:

A form of cooperation between countries that are geographically close to each other or those far across the ocean with the main goal of creating peace by paying attention to similarities in political culture and economic structure. (Kusumohamidjojo, 1987, 3). The implementation of bilateral relations is also inseparable from the achievement of several agreements between the two countries that carry out a relationship in which they serve their national interests in an effort to carry out their respective foreign policies. With the national goals that a nation wants to achieve, it can be seen from the national interests formulated by the elites of a country.

As stated by Plano and Olton, the cooperative relationship that occurs between two countries in this world is basically inseparable from the national interests of each country. The national interest is a very vital element which includes the survival of the nation and state, independence, territorial integrity, security, military and economic prosperity. Furthermore, in the international political dictionary, the concept of bilateral relations is as follows, that "bilateral relations are a condition

that describes the existence of a relationship that affects each other or a reciprocal relationship occurs between two parties (two countries)". (Plano, 1990, 7)

### **3. Research Methods**

The research method is a procedure or procedure for obtaining scientific knowledge that is systematically arranged to study a problem (Suryana, 2010: 20). The research method is a scientific method that aims to obtain data in research with objectives and benefits in accordance with scientific objectives. The scientific method is a research activity with scientific characteristics, namely rational, systematic, and empirical. In every research, the research method used is so that the research can account for the research that has been researched. (Sugiyono, 2011: 2).

#### **3.1 Types of research**

In this study the authors used a qualitative descriptive research type, namely with the aim of explaining and describing the results of the report in narrative form. This type of research does not use statistics or calculations to obtain data (Klotz and Prakash, 2008: 14).

#### **3.2 Data source**

Data sources are information obtained by researchers in processing the problems raised in the study. In this study the authors used secondary data and primary data. (Hendri, 2009: 17) Secondary data is information obtained from books, journals, documents, magazines, and materials obtained from the internet, while primary data is obtained from interviews with staff. KJRI Kota Kinabalu. The data used in this study were taken from official sources. Information obtained via the internet is also through the official website which is also used as a reference by the author.

#### **3.3 Object of research**

The object of research in this paper is the efforts made by the KJRI Kota Kinabalu in providing protection for migrant workers who are involved in drug abuse cases (dadah).

#### **3.4 Data collection technique**

Data collection techniques are procedures or steps taken to obtain or collect data and information needed in conducting research. Data collection techniques were carried out by conducting interviews with the Indonesian Consulate General in Kota

Kinabalu and also using the library research technique, namely by examining various literature sources such as books, journals, documents, newspapers, papers, and articles related to research themes. . (Denscombe, 2010: 29)

### **3.5 Data analysis technique**

The data analysis techniques used by the author in this study include:

#### **1. Data reduction**

Data reduction is an analysis process by selecting, concentrating, classifying, directing, sorting what is necessary and what is not used for research. Thus it can be concluded that the final conclusions can then be verified. (Miles & Huberman 1992: 16)

#### **2. Presentation of Data**

An organized set of data that gives the possibility of drawing conclusions and taking action. Researchers believe that better presentations are a major means of valid qualitative analysis. (Miles & Huberman 1992: 16). The analysis technique on qualitative data is presented in the form of descriptions or short explanations or narrative that the author has obtained.

#### **3. Data verification**

Data verification in this study is by collecting, sorting and drawing conclusions from the primary and secondary data that have been obtained so that the data obtained becomes valid and credible data. This aims to minimize the element of subjectivity to this research.

## **4. Result and Discussion**

### **4.1 Profile of the Consulate General of the Republic of Indonesia (KJRI) Kota Kinabalu**

The Consulate General of the Republic of Indonesia Kota Kinabalu is the diplomatic representative office of the Republic of Indonesia in Malaysia. Diplomatic representatives based on Presidential Decree Number 108 of 2003 concerning the Organization of Representatives of the Republic of Indonesia Abroad explained that, diplomatic representatives are the embassy of the Republic of Indonesia and permanent missions of the Republic of Indonesia which carry out diplomatic activities in all regions of the receiving country and / or in international organizations to represent

and fight for the interests of the nation, state and government of the Republic of Indonesia. (Ministry of Foreign Affairs of the Republic of Indonesia, 2018)

Consulate General of the Republic of Indonesia Kota Kinabalu was founded in 1961 under the name of the Consulate of the Republic of Indonesia Kota Kinabalu which was led by the Head of Representative R. Moentoro for three years, from 1961-1963. The Consulate of the Republic of Indonesia KRI is in charge of the entire territory of East Malaysia which consists of the two parts of Sabah and Sarawak. The Consulate General of the Republic of Indonesia was established after serving for sixteen years, namely in 1977. The regional responsibility that is assumed by the Consulate General of the Republic of Indonesia is currently only in the Sabah region. Currently, the Consular General who leads the Kota Kinabalu Consul General is Krishna Djelani.

There are several reasons for the establishment of the Consulate General of the Republic of Indonesia Kota Kinabalu, namely as a diplomatic recognition of the establishment of the Malaysian state. Geographical factors or the proximity of the Indonesia-Malaysia region, as well as being a positive step in building and maintaining relations between neighboring countries that do not rule out the possibility of intersecting in the future. Indonesia and Malaysia are two countries that are still closely related. Even so, the relationship between Indonesia and Malaysia has not always been going well. Indonesia and Malaysia often argue, one of which is in 1963 Indonesia and Malaysia cut off diplomatic relations because of the Confrontation. A few years later, Indonesia-Malaysia relations were restored through the Jakarta Accord in 1966. The dynamic pattern of relations has made the Consulate General of the Republic of Indonesia hold important urgency as one of Indonesia's representative institutions. (Ministry of Foreign Affairs of the Republic of Indonesia, 2018)

#### **4.2 Geographical Location of Sabah Malaysia**

Geographical Condition Sabah is located at the eastern tip of Malaysia which is the second largest country with a land area of 73,619 km<sup>2</sup> and a coastal strip of 1,440 km. The capital city of Sabah is Kota Kinabalu. According to administratively, Sabah is divided into 5 regions, namely the West Coast Region, Inland Area, Kudat Area, Sandakan Area, Tawau Region. Judging from its geographical location, Tawau is closer to the eastern parts of Indonesia such as Nunukan and Tarakan in East Kalimantan, South Sulawesi and East Nusa Tenggara. From the Tawau area, the Indonesian people spread to Kunak and Lahad Datu, to date many Indonesians live in other cities throughout the country of Sabah such as Kota Kinabalu, Sandakan, Ranau to Keningau in the interior of the country of Sabah. In general, Tawau is an area in

Malaysia that has the most populous number of foreign residents dominated by the Philippines and Indonesia (Ministry of Foreign Affairs of the Republic of Indonesia, 2018).

The total population of Sabah is 3,063,600. Broadly speaking, the population of Sabah consists of 28 ethnic / ethnic groups, consisting of; Kadazan – Hamlet, Sino-Kadazan, Melayu, Murut, Bajau, Kwijau, Illanun, Rungus, Lotud, Tambanuo, Dumpas, Mangka'ak, Suluk / Tausug, Ilocano, Orang Sungai, Brunei, Kedayan, Bisaya Beaufort, Tidong, Maragang, People of Cocos, Paitan, Ida'an, Minokok, Rumanau, Yakan. (Ministry of Foreign Affairs of the Republic of Indonesia, 2018).

#### **4.3 Case of Drugs (dadah) in Sabah Malaysia Involving TKI**

According to data from the Indonesian Consulate General in Kota Kinabalu, there were 88 migrant workers who were deported for being involved in drug abuse cases (dadah) in Sabah Malaysia in 2018-2020. According to these data, the migrant workers involved in drug abuse cases (dadah) are legal and illegal migrants and some of them also commit murder cases against fellow workers. The data is static in nature and only handled and reported to appropriate authorities to the Consulate General in Kota Kinabalu. Many cases were resolved personally and by the defendants and were not reported by the local authorities to the Consulate General in Kota Kinabalu. And many of the defendants who were involved in drug cases (dadah) resolved these cases through the company they worked for which immediately resolved them with local authorities without any information or fabrication to the KJRI Kota Kinabalu, so they were not recorded and were not used as reports from the KJRI Kota Kinabalu itself. . (Consulate General of the Republic of Indonesia, 2020)

In general, the KJRI Kota Kinabalu handles drug cases together with the Retainer Lawyer appointed by the KJRI Kota Kinabalu in every high profile case and cases that attract special attention. And many of the defendants who were involved in drug cases (dadah) resolved these cases through the company they worked for which immediately resolved them with local authorities without any information or fabrication to the KJRI Kota Kinabalu, so they were not recorded and were not used as reports from the KJRI Kota Kinabalu itself (Consulate General of the Republic of Indonesia Kota Kinabalu, 2020).

#### **4.4 Diplomacy of Protection of TKI Involved in Drug Abuse Cases (dadah) 2018-2020.**

The protection provided by the Indonesian Consulate General in Kota Kinabalu for Indonesian workers who are involved in drug abuse cases (dadah) in 2018-2020 includes:

1. Technical protection

Technical protection is a form of action provided by the Indonesian Consulate General in Kota Kinabalu in providing protection for migrant workers who are involved in drug cases (dadah). can become a facilitator by rehabilitating TKI who are involved in drug abuse cases (dadah). (Consulate General of the Republic of Indonesia, 2020)

The Indonesian Consulate General in Kota Kinabalu took steps by collecting data, describing his condition directly to be sent back to Indonesia after taking care of the required documents. In addition, TKIs are given socialization about the importance of reporting their arrival and whereabouts to the KJRI Kota Kinabalu by filling out self-report forms, carrying passports, work agreements, employer addresses, and other important documents. This is to make it easier for the Indonesian Consulate General in Kota Kinabalu to handle cases that occur to migrant workers.

2. Juridical Protection

Juridical protection is carried out by collaborating with lawyers and legal experts in providing directions to migrant workers who are involved in drug abuse cases (dadah) who will face legal proceedings. These directives are, for example, in the form of directions regarding procedural law, the legal system in force in the country, to directions on behavior and behavior during the legal process. In this case, the RI representatives provide assistance in solving legal problems. (Consulate General of the Republic of Indonesia, 2020)

In providing juridical protection or legal protection to Indonesian migrant workers in drug abuse cases (dadah) outside Sabah Malaysia, the Consulate General in Kota Kinabalu will provide legal consultation assistance.

3. Political Protection

Political protection is a form of protection provided by making a memorandum of understanding (MoU) between the Indonesian government and the receiving country, namely Sabah Malaysia regarding the placement of TKI. Bilateral agreements regarding the placement and protection of Indonesian migrant workers are needed in order to optimize the protection of migrant workers with problems abroad. This bilateral agreement can be

used as a legal umbrella for Indonesian Representatives to resolve problems with migrant workers who have problems abroad. Without a basis for a bilateral agreement, the Indonesian Consulate General in Kota Kinabalu is limited to the 1963 Vienna Convention on Consular Relations. So with the agreement of the memorandum of understanding (Mou) between the Indonesian Government and the local Malaysian Sabah Government, the interests and safety of Indonesian migrant workers abroad will be better protected. (Consulate General of the Republic of Indonesia, 2018)

#### **4. Conclusions and Suggestions**

##### Conclusions

The bilateral relations that exist between Indonesia and Sabah Malaysia play a very important role in the protective diplomacy practice of the Indonesian Consulate General in Kota Kinabalu in providing protection for Indonesian workers who are involved in drug abuse cases (dadah). Protection diplomacy is very necessary given the cases of drug abuse (dadah) which continue to increase every year. Protection diplomacy is used as a national effort for Indonesia to protect Indonesian migrant workers who are involved in drug abuse cases (dadah) in Sabah Malaysia.

The protection provided by the Indonesian Consulate General in Kota Kinabalu for migrant workers involved in drug abuse cases (dadah) in 2018-2020 is as follows: technical protection, juridical protection, and political protection.

##### Suggestion

After a conclusion related to the efforts of the Indonesian Consulate General in Kota Kinabalu to provide protection for migrant workers who were involved in drug abuse cases (dadah) in 2018-2020, the suggestions that the researcher wanted to convey was because this study focused on one case of drug abuse (dadah) only. , the researchers hope that there will be research related to the diplomacy of protection provided by the Indonesian government for migrant workers abroad with different cases.

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