

**A STUDY ON THE LEGAL RIGHTS OF INDONESIAN WORKERS IN THE
CONSTRUCTION SECTOR**

By

Ahmad bin Nusa (2006146301)
Asrulna'im bin Abdullah (2006146167)
Noriana binti Haji Mohamad Nazuir (2006146233)

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Faculty of Law**

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The students/authors confirm that the work submitted is their own and that appropriate credit has been made to the works of others.

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ABSTRACT

Malaysia is one of East Asia's greatest economic success stories. As the New Economic Policy took shape, labour costs rose dramatically. The government eventually legalized the importation of foreign workers for the manufacturing, construction and service sectors. However, the vulnerable foreign workers are being deprived of their basic rights due to the lack of implementation of law which governs their rights. The scope of this study focuses on the Indonesian workers in the construction sector. This paper analyses and evaluates the current laws relating to the hiring of such foreign workers, the terms of their employment contracts and the safeguards provided in relation to their basic rights. Instances relating to the various deprivations of their basic human rights are highlighted. The objectives are to determine how the rights granted by Malaysian law to Indonesian construction workers can be better implemented and to provide awareness to both employer and employee. The approach adopted in this paper is based on a qualitative research approach and mainly library based.

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INTRODUCTION

1.0 TITLE OF THE RESEARCH

A study on the Legal Rights of Indonesian Workers in the Construction Sector in Malaysia.

2.0 BACKGROUND OF THE STUDY.

It is estimated that one million Indonesian workers are employed in Malaysia for they are the region's largest employees for migrant workers labour.¹ This study mainly focuses in the construction sector in our country. There are four types of Indonesian workers in Malaysia; legal workers, irregular workers, legal-turned illegal workers, and illegal workers. This study is focuses in the construction sector since large number of Indonesian workers are working in this field. The construction sector in Malaysia is generally separated into two areas. One are is the general construction, which comprises of residential construction, non-residential construction and civil engineering construction. The second area is special trade works, which comprises activities relating to metal works, electrical works, plumbing, sewerage and sanitary works, refrigeration and air-conditioning system, painting works, carpentry, tiling and flooring works and glass works.²

Legal rights according to the Oxford Dictionary of Law are the "rights recognized by the courts as distinct from equitable rights".³ In their develop form, legal rights affect everyone whether or not they know (or ought to know) of their existence (hence, the expression "legal rights bind the world". Generally, the rights

¹ Sidney Jones, The Asia Pacific Magazine, "Hope and Tragedy for Migrants in Malaysia, Research School of Pacific and Asian Studies", 1st April 1996, p. 23-27.

² "Construction Industry", online, available at <http://www.mgcc.com.my/index.php?id=construction&L=15>, accessed on 24th September 2008.

³ Elizabeth A. Martin, *Oxford Dictionary of Law*, Oxford University Express, 2002, p.285