

Protection of Indonesian Migrant Workers Abroad

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Abstract

Every citizen has the right to get a decent job and livelihood for humanity. In order to get a decent job and livelihood, everyone has the same opportunity without discrimination to get a job. The work in question is the main activity carried out by everyone with the aim of earning income to meet the needs in their lives to fulfill a decent life for humanity. Everyone, as a worker, in addition to working in the country, also has the right to work abroad. Indonesian workers who work outside Indonesian territory are migrant workers. Various reasons for Indonesian migrant workers to work abroad such as the job opportunity factor where the workforce considers that in the country job opportunities are very small and finding a job is very difficult compared to finding and working abroad, then related to labor wages, workers think that the labor wage abroad is greater than the labor wage in the country. Besides that, with regard to protection for workers, workers consider that the protection of workers is better than the protection of workers working in the country. Indonesian migrant workers are one of the largest foreign exchange contributors for the Government of Indonesia, even though as one of the largest foreign exchange contributors, there are many problems faced by Indonesian migrant workers who work abroad. What will be studied in this study is the mechanism for placing Indonesian migrant workers abroad, and what are the forms of protection for Indonesian migrant workers abroad. This study uses a normative juridical research method. The results of this study are expected to be used as a reference both for regulators and for Indonesian migrant workers abroad.

Keywords: abroad, migrant workers, legal protection

Abstrak

Tiap-tiap warga negara berhak untuk mendapatkan pekerjaan dan penghidupan yang layak bagi kemanusiaan. Dalam rangka untuk mendapatkan pekerjaan dan penghidupan yang layak tersebut setiap orang memiliki kesempatan yang sama tanpa diskriminasi untuk memperoleh pekerjaan. Pekerjaan dimaksud adalah kegiatan pokok yang dilakukan oleh setiap orang dengan tujuan untuk mendapatkan penghasilan guna memenuhi kebutuhan dalam hidupnya untuk memenuhi kehidupan yang layak bagi kemanusiaan. Setiap orang sebagai pekerja disamping bekerja di dalam negeri juga berhak untuk bekerja diluar negeri. Para Pekerja Indonesia yang bekerja diluar wilayah Indonesia adalah sebagai pekerja migran. Berbagai alasan tenaga kerja Migran Indonesia bekerja di luar negeri seperti diantaranya adalah faktor peluang kerja dimana tenaga kerja menganggap bahwa di dalam negeri peluang kerja sangat kecil dan mencari pekerjaan sangat sulit dibandingkan dengan mencari dan bekerja di luar negeri, kemudian berkaitan dengan upah kerja, para pekerja beranggapan bahwa upah kerja di luar negeri itu lebih besar dari pada upah kerja di dalam negeri, disamping itu berkaitan dengan perlindungan bagi pekerja, para pekerja menganggap bahwa perlindungan terhadap pekerja lebih baik dari pada perlindungan terhadap pekerja yang bekerja di dalam

negeri. Pekerja Migran Indonesia merupakan salah satu penyumbang devisa terbesar bagi Pemerintah Indonesia, Walaupun sebagai salah satu penyumbang devisa terbesar namun tidak sedikit masalah yang dihadapi oleh pekerja migran Indonesia yang bekerja diluar negeri. Adapun yang akan dikaji dalam penelitian ini adalah bagaimana mekanisme penempatan pekerja migran Indonesia di luar negeri dan apakah bentuk-bentuk perlindungan terhadap pekerja migran Indonesia di luar negeri. Penelitian ini menggunakan metode penelitian yuridis normatif. Hasil penelitian ini diharapkan dapat dijadikan sebagai referensi baik bagi regulator maupun bagi penyalur tenaga kerja migran Indonesia di luar negeri.

Kata Kunci : luar negeri, pekerja migran, perlindungan hukum

A. Introduction

Article 27, paragraph (2) of the 1945 Constitution of the Republic of Indonesia emphasizes that every citizen has the right to get a job and a decent livelihood for humanity. Then, in articles 5 and 6 of Law Number 13 of 2003 concerning Manpower, it is emphasized that every workforce has the same opportunity without discrimination to obtain a job. The work in question is the main activity carried out by everyone with the aim of earning income to meet the needs in their lives to fulfill a life worthy of humanity.

Law of the Republic of Indonesia Number 13 of 2003 concerning Manpower Article 1 Paragraph 3 emphasizes that a worker/laborer is any person who works by receiving wages or rewards in other forms. In this definition, there are two elements, namely, people who work and receive wages/rewards in other forms (Maimun, 2003).

In the legal considerations of the issuance of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, it is stated that work is a human right that must be upheld, respected, and guaranteed to be enforced as mandated in the 1945 Constitution of the Republic of Indonesia. Workers in addition to working in the country also have the right to work abroad. Indonesian workers who work outside Indonesian territory are migrant workers. Article 1 number 2 of Government Regulation of the Republic of Indonesia Number 10 of 2020 concerning Procedures for the Placement of Indonesian Migrant Workers by the Indonesian Migrant Workers Protection Agency specifies that Indonesian Migrant Workers are any Indonesian citizen who will, is doing, or has done work by receiving wages outside the territory of the Republic of Indonesia. The use of the term Indonesian Migrant Worker is used to replace the term Indonesian Worker which is often connoted with manual labor. Migrant workers or Indonesian workers are civil servants with the status of citizens, both men and women who are eligible to work abroad for a certain period of time and receive rewards/wages (Manulun, 1988)

Various reasons for Indonesian Migrant workers to work abroad such as employment opportunity factors where workers consider that in the country job opportunities are very small and finding a job is very difficult compared to finding and working abroad, then related to labor wages, workers think that the wages of work abroad are greater than the wages of work in the country, In addition to the protection of workers, workers consider that the protection of workers is better than the protection of workers working in the country. These are some of the reasons that then encourage workers to work abroad as migrant

workers instead of working domestically. In the study, Ayu Rizka and her colleagues explained that the search for a better job with higher income than domestic wages is the main economic motive of Indonesian Migrant Workers (Rizka et al., 2022).

In the legal consideration of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, it is emphasized that the placement of Indonesian migrant workers is an effort to realize equal rights and opportunities for workers to obtain decent work and income, the implementation of which is carried out while still paying attention to the dignity, dignity, human rights, and protection of the law, as well as the equal distribution of employment opportunities and the provision of labor in accordance with the national interest.

Until July 2023, the number of Indonesian migrant workers abroad has increased, data from the Placement and Protection of Indonesian Migrant Workers, in July 2023 shows that the number of placements of Indonesian Migrant Workers has increased over the past two years. In July 2023, there were 25,480 placements, while in July 2022 there were 17,884 placements, and in July 2021 there were 4,805 placements. So that the total placements from January to July 2023 for Indonesian Migrant Workers were 161,249 placements (BP2MI, 2023).

When viewed from the country of placement, the number of Indonesian migrant workers working abroad until July 2023 is 161,249 people, this can be seen in the following table:

Table 1
Placement of Indonesian migrant worker 2023

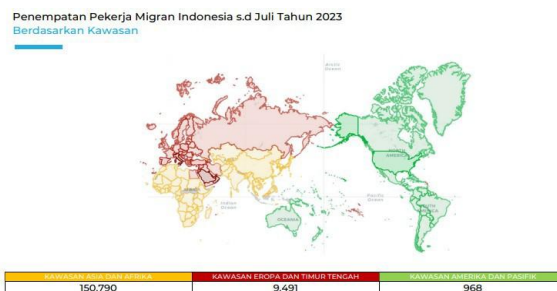
Penempatan Pekerja Migran Indonesia Tahun 2023 (s.d Juli)
Berdasarkan Negara Penempatan

NO	NECARA	JANUARI	FEBRUARI	MARET	APRIL	MEI	JUNI	JULI	JUMLAH
1	Taiwan	5.889	5.829	7.813	5.795	7.694	6.156	7.778	46.954
2	Hongkong	4.854	5.938	5.701	4.485	7.385	5.296	7.248	40.887
3	Malaysia	9.509	8.500	6.629	3.346	5.659	4.832	6.294	44.769
4	Korea Selatan	1.099	1.807	1.293	477	1.591	732	874	7.873
5	Jepang	575	719	752	732	931	1.218	769	5.696
6	Singapura	354	599	628	201	314	336	645	3.217
7	Saudi Arabia	454	480	267	247	494	465	427	2.834
8	Italia	270	298	28	201	425	313	399	1.934
9	Brunei Darussalam	122	31	49	19	85	72	354	752
10	Polandia	145	109	183	91	169	110	129	936
11	Turki	77	90	329	313	459	364	106	1.718
12	Rumania	5	7	10	4	34	22	70	152
13	United Emirate Arab	74	38	26	25	48	44	50	305
14	Hongaria	45	3	92	28	74	1	47	290
15	Slovakia	16	10	34	28	66	25	41	220
16	Papua New Guini	58	48	60	45	86	67	38	402
17	Maldivest	46	57	42	67	79	68	29	388
18	Rusia	32	29	27	35	57	40	26	246
19	Jerman	8	0	10	13	0	0	18	49
20	Qatar	11	8	2	6	15	32	18	92
21	Kroasia	0	0	0	0	1	0	17	18
22	Bahama	10	5	10	0	1	6	11	43
23	Oman	2	7	3	2	9	5	10	38
24	Sri Lanka	15	18	17	10	2	0	10	72
25	Albania	0	0	0	0	0	0	8	8
26	Lainnya	165	179	263	171	290	204	64	1.336
Jumlah		24.015	24.789	24.368	16.341	25.968	20.388	25.480	161.249

*Data ditarik pada 1 Agustus 2023
**Data diurutkan berdasarkan jumlah Penempatan pada bulan Juli

When viewed by regional country, the placement of Indonesian migrant workers abroad can be seen as follows:

Picture 1



If you look at the data, the highest placement of Indonesian migrant workers abroad is in countries in the Asian and African regions as many as 150,790 people, then countries in the European and Middle East regions as many as 9,491 people and the smallest placement of Indonesian migrant workers abroad is in countries in the Americas and the Pacific region with 968 people.

Then the placement of Indonesian migrant workers abroad when viewed from the origin of the province, it can be shown that 7 (seven) provinces are the largest contributors to the placement of Indonesian migrant workers abroad, namely East Java Province with 39,672 people, Central Java Province with 34,361 people, West Java Province with 29,001 people, West Nusa Tenggara Province with 23,557 people, Lampung Province with 11,909 people, North Sumatra Province as many as 6,641 people, and Bali Province as many as 8,898 people. The table of placement of Indonesian migrant workers abroad based on provincial origin can be seen as follows:

Table 2

Penempatan Pekerja Migran Indonesia Tahun 2023 (Juli)
Berdasarkan Asal Provinsi Pekerja Migran Indonesia

NO	PROVINSI	JANUARI	FEBRUARI	MARET	APRIL	MEI	JUNI	JULI	JUMLAH
1	Jawa Timur	4.507	5.905	6.293	6.415	6.303	5.050	6.149	39.672
2	Jawa Tengah	4.681	5.156	5.430	5.533	5.998	4.989	5.584	34.361
3	Jawa Barat	3.876	4.101	4.496	3.069	4.825	3.725	4.949	29.001
4	Nusa Tenggara Barat	5.528	4.994	3.102	1.784	2.974	2.704	2.071	23.557
5	Lampung	1.694	1.895	1.978	1.307	1.865	1.409	2.001	11.909
6	Sumatera Utara	1.524	931	1.009	431	1.040	748	778	6.641
7	Bali	608	701	708	814	1.553	953	781	8.898
8	Sulawesi Selatan	56	63	47	19	72	199	400	896
9	Banten	244	284	232	190	276	234	260	1.720
10	Nusa Tenggara Timur	98	101	153	120	137	150	249	1.008
11	Sumatera Selatan	200	196	148	77	205	219	312	1.267
12	DKI Jakarta	88	92	102	78	112	108	150	730
13	Aceh	42	60	77	65	160	112	132	648
14	Kepulauan Riau	44	62	40	23	111	76	125	481
15	Sumatera Barat	198	87	44	48	56	92	198	643
16	Kalimantan Barat	49	137	61	35	87	40	36	505
17	DI Yogyakarta	63	186	144	58	173	104	95	735
18	Kalimantan Utara	11	1	13	7	4	32	47	117
19	Bengkulu	34	32	44	32	46	43	44	275
20	Sulawesi Utara	60	37	47	37	38	53	39	311
21	Riau	31	42	44	15	37	46	37	252
22	Sulawesi Barat	4	2	2	9	11	15	30	73
23	Sulawesi Tengah	25	16	21	16	20	25	29	166
24	Sulawesi Tenggara	14	14	13	20	17	20	28	126
25	Kalimantan Timur	9	5	5	9	9	6	18	61
26	Jambi	18	28	31	19	21	25	15	177
27	Kalimantan Selatan	4	9	11	7	14	14	14	73
28	Maluku	3	5	1	3	3	2	11	28
29	Kalimantan Tengah	4	5	4	5	6	5	6	35
30	Bangka Belitung	0	2	2	0	0	2	5	11
31	Papua	0	2	2	2	9	4	3	27
32	Maluku Utara	0	3	1	1	0	0	2	7
33	Papua Barat	0	1	2	0	1	0	1	5
34	Gorontalo	1	0	1	1	5	4	0	12
Jumlah		24.015	24.789	24.368	16.341	25.948	20.388	25.480	161.249

*Data ditarik pada 1 Agustus 2023

**Data diurutkan berdasarkan jumlah Penempatan pada bulan Juli

Indonesian Migrant Workers are one of the largest foreign exchange contributors to the Government of Indonesia, Benny Rhamdani, Head of the Indonesian Migrant Workers Protection Agency said that Indonesian migrant workers (PMI) donated foreign exchange of Rp159.6 trillion per year for Indonesia (Puspaningtyas, 2024). The amount of foreign exchange provided by Indonesian migrant workers abroad is not proportional to the problems faced by migrant workers themselves. Indonesian Migrant Workers abroad often experience problems, these problems are the lack of legal protection, the lack of official documents, the lack of supervision by the Indonesian Migrant Workers Protection Agency (BP2MI) and the Embassy of the Republic of Indonesia (KBRI) after being abroad, and the difficulty of accessing communication with the Indonesian Embassy. (Narruma & Nailufar, 2022).

As an example of the problem of the case of Indonesian migrant workers abroad is the problem that occurs to Indonesian migrant workers in Saudi Arabia, this was stated by Nurmaningsih Al Hasmi et.al, (2022) who explained that The problems that befall Indonesian workers in Saudi Arabia are varied, ranging from the status of illegal migrant workers, persecution, murder and even the problem of the death penalty for migrant workers. The most common problems complained about by migrant workers are problems, especially in the informal sector, especially domestic workers or domestic workers, such as persecution by employers, unpaid salaries, and even murder cases. Furthermore, Nurmaningsih Al Hasmi brought the problems felt by migrant workers in Saudi Arabia are usually caused by two factors, namely external factors and internal factors. The external factor is the law in the country of placement that causes migrant workers, especially in the informal sector, to be considered slaves because the migrant workers are placed through the kaffalah system which means buying. Meanwhile, internal factors, especially for informal migrant workers, are limitations related to language understanding in the country of placement and the existence of several cultural differences (Al Hasmi et al., 2022).

Then in Taiwan, the results of Dinda Noor Utami's research stated that even though in Taiwan the salary of Indonesian Migrant Workers is somewhat higher, it does not mean that Indonesian Migrant Workers in Taiwan do not have problems, in fact from 2014-2018 the problem of Indonesian Migrant Workers has always experienced dynamics. The most common problems faced by Indonesian migrant workers in Taiwan are 6 (six), namely unpaid/unpaid salaries, work accidents, repatriation of Indonesian migrant workers, sexual harassment, persecution, and illegal/runaway Indonesian migrant workers (Utami, 2020). It was further stated that the six problems above from 2014-2018 had a total of 1,160 people where in each problem there was a different number, for example, such as the problem that was most faced by Indonesian migrant workers was the problem of unpaid salaries with the highest number of 577 people, then in the second position was the problem of work accidents where these problems also often occurred at work and The total number of people who experienced work accident problems reached 157 people, besides the problem of repatriation of Indonesian migrant workers, the number of problems was 122 people.

Furthermore, there is also the problem of sexual harassment that is most often faced by female Indonesian migrant workers with a total of 107 cases, then in the fifth position, namely persecution which totals 104 people, and the last is the problem of illegal Indonesian migrant workers with a total of 93 people.

Regarding complaints by Indonesian migrant workers abroad is also increasing, this is according to data from the Data and Information Center of the Indonesian Migrant Workers Protection Agency stated that the number of complaints by Indonesian Migrant Workers in July 2023 amounted to 252 complaints, an increase when compared to July 2022 amounting to 163 complaints and July 2021 amounting to 69 complaints. The total number of complaints from January to July 2023 was 1150 complaints. Then when viewed from the country of origin of the placement of Indonesian migrant workers abroad, it can be seen as follows, in July 2023, the majority of complaints came from placements in Taiwan (81 complaints), Malaysia (61 complaints), and

Saudi Arabia (54 complaints). Meanwhile, the three countries with the most complaints from January to July 2023 were Saudi Arabia with 315 complaints, followed by Malaysia with 198 complaints, and Taiwan with 196 complaints. (BP2MI, 2023)

The various problems that occur to Indonesian migrant workers abroad demand that the government provide protection to Indonesian migrant workers abroad. The protection of Indonesian migrant workers abroad is very important because Indonesian migrants abroad are one of the largest contributors to foreign exchange, besides that it is also in accordance with the provisions of Article 3 of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, namely a). ensuring the fulfillment and enforcement of human rights as Indonesian citizens and migrant workers; and b). ensure the legal, economic, and social protection of Indonesian Migrant Workers and their families.

Paying attention to the above exposure that will be discussed in this study is what is the mechanism for the placement of Indonesian migrant workers abroad and what is the form of protection for Indonesian migrant workers abroad. With this discussion, it is hoped that it can provide guidance on the mechanism for the placement of Indonesian migrant workers abroad and the protection for Indonesian migrant workers abroad.

B. Methods

The research used in this paper uses normative legal research methods, where the researcher will examine based on primary legal sources including various laws and regulations. The ones that will be used to review this research include the Constitution of the Republic of Indonesia in 1945, Law Number 6 of 2023 concerning the Determination of Perpu Number 2 of 2022 concerning Job Creation in the Employment Cluster, Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, Government Regulation of the Republic of Indonesia Number 10 of 2020 concerning Procedures for the Placement of Indonesian Migrant Workers, Government Regulation Number 59 of 2021 concerning the Implementation of the Protection of Indonesian Migrant Workers, Regulation of the Minister of Manpower Number 9 of 2019 concerning Procedures for the Placement of Indonesian Migrant Workers, Regulation of the Minister of Manpower of the Republic of Indonesia Number 9 of 2024 concerning Strengthening the Role of Job Introductions, Empowerment of Indonesian Migrant Workers and Their Families, In addition, the author also uses secondary legal sources which include books, articles, journals, research results, papers and so on that are relevant to the problems to be discussed in this study, the author also uses tertiary legal materials that can provide instructions and explanations related to primary legal materials and secondary legal materials, such as dictionaries, and encyclopedias.

In this study, the author will examine how the mechanism of placing Indonesian migrant workers abroad is what form of protection for Indonesian migrant workers abroad. To get the answer to this research, the author will use primary, secondary and tertiary legal sources. From the results of this study, the

author hopes to provide answers about how the mechanism of placement of Indonesian migrant workers abroad and what forms of protection for Indonesian migrant workers abroad.

C. Findings and Discussion

1. Finding

Based on the results of research conducted by researchers related to the protection of Indonesian Migrant Workers abroad, there are several laws and regulations that regulate it. Article 4 of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers stipulates that Indonesian Migrant Workers include: a). Indonesian Migrant Workers who work for legal entity employers; b). Indonesian Migrant Workers who work for individual or household employers; and c). Seafarers, crew members and fishermen. Meanwhile, those who are not included as Indonesian Migrant Workers in this Law, namely: a). Indonesian citizens who are sent or employed by international bodies or by countries outside their territory to carry out official duties; b). students and trainees abroad; c). Indonesian citizens refugees or asylum seekers; d). investors; e). state civil servants or local employees working in the Representative of the Republic of Indonesia; f). Indonesian citizens who work in institutions financed by the state revenue and expenditure budget; and g). Indonesian citizens who have independent businesses abroad. Regarding the requirements for Indonesian Migrant Workers, it is regulated in Article 8 of Government Regulation Number 10 of 2020 concerning Procedures for the Placement of Indonesian Migrant Workers by the Indonesian Migrant Workers Protection Agency jo Article 5 of the Regulation of the Minister of Manpower of the Republic of Indonesia Number 9 of 2019 concerning Procedures for the Placement of Indonesian Migrant Workers, namely that every Prospective Indonesian Migrant Worker who will work abroad must meet the following requirements: a). be at least 18 (eighteen) years old; b) have competence; c). physically and spiritually healthy; d). registered and have a social security membership number; and e). have the required complete documents.

The mechanism for the Placement of Indonesian Migrant Workers Abroad is regulated in Article 6 of Government Regulation Number 10 of 2020 concerning Procedures for the Placement of Indonesian Migrant Workers by the Indonesian Migrant Workers Protection Agency, namely through the following stages: a). Before working, b). During work, and c). After work. Meanwhile, related to the form of protection for Indonesian Migrant Workers abroad is regulated in Article 7 of Law Number 18 of 2017 concerning the Protection of Migrant Workers, which includes 3 (three) forms of protection, namely protection before work, protection during work and protection after work.

2. Discussion

1. Mechanism for the placement of Indonesian migrant workers abroad

Article 1 number (2) of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers explains (Law 18/2017), Indonesian Migrant Workers are any Indonesian citizen who will, is doing, or has done work by receiving wages outside the territory of the Republic of Indonesia. Law 18/2017 regulates the Implementation of the Placement of Indonesian Migrant Workers (PPPMI). Article 49 of Law 18/2017 stipulates that PPPMI abroad consists of a). Body, b). Indonesian Migrant Worker Placement Company, or c). Companies that place Indonesian Migrant Workers (PMI) for the benefit of the Company itself.

2. Requirements for Prospective Indonesian Migrant Workers

Every prospective Indonesian Migrant Worker who will work abroad must meet the requirements. Article 8 of Government Regulation Number 10 of 2020 concerning Procedures for the Placement of Indonesian Migrant Workers by the Indonesian Migrant Workers Protection Agency jo Article 5 of the Regulation of the Minister of Manpower of the Republic of Indonesia Number 9 of 2019 concerning Procedures for the Placement of Indonesian Migrant Workers stipulates that every Prospective Indonesian Migrant Worker who will work abroad must meet the following requirements:

- 1) be at least 18 (eighteen) years old;
- 2) have competence;
- 3) physically and spiritually healthy;
- 4) registered and have a social security membership number; and
- 5) have the required complete documents.

The most important thing is that BP2MI in placing Indonesian Migrant Workers to a legal entity Keda Provider in the destination country of placement must have an Indonesian Migrant Worker request letter that has been verified by the Manpower Attaché. The placement of Indonesian Migrant Workers is carried out through 3 (three) stages, namely before work, during work and after work.

3. Placement of Indonesian Migrant Workers Before Working

In the stages before work to be carried out through the following process:

- a. providing information;
- b. registration;
- c. selection;
- d. health and psychological examinations;
- e. signing of a placement agreement;
- f. Social Security Registration;
- g. work visa management;

- h. implementation of OPP;
- i. signing of an Employment Agreement; and
- j. Departure.

In the Regulation of the Indonesian Migrant Workers Protection Agency (PERBAN) Number 7 of 2022 concerning the Process Before Working for Prospective Indonesian Migrant Workers, it is determined that Every Job Seeker who will work abroad can obtain information online or offline through Sisnaker, Sisko P2MI, BP3MI, LTSA Indonesian Migrant Workers, Provincial Offices, Regency/City Offices, Village Governments or job opportunities exhibitions held by the Ministry of Manpower, BP2MI, and/or the Regional Government. The information is in the form of: job opportunities; procedures for the placement and protection of Indonesian Migrant Workers; and working conditions abroad.

Then related to the registration of prospective Indonesian Migrant Workers is carried out through Sisnaker at the Regency/City Office by uploading the following complete documents: electronic identity card and/or passport; family card; telephone number that can be contacted; electronic mailing address; and the latest photo pass. The registration of Indonesian Migrant Worker Candidates who will be placed by P3MI (Indonesian Migrant Worker Placement Company) registers online through Sisnaker by:

- a. choose P3MI;
- b. choose the type of position; and
- c. Uploading documents includes:
 - 1) Marriage status certificate, for those who are married, attach a photocopy of the marriage book;
 - 2) Certificate of husband or wife's permit, parental permission, or guardian permit known to the village head or village head or other designation;
 - 3) work competency certificate;
 - 4) health certificate;
 - 5) National Health Insurance Membership Card; and
 - 6) other documents required in accordance with the request of the country of destination placement.

For Prospective Indonesian Migrant Workers who will be placed by the Company that places Indonesian Migrant Workers for the Benefit of the Company itself, the Company that places the Indonesian Migrant Worker for the benefit of the company itself must obtain written permission from the Minister or appointed official in accordance with the provisions of laws and regulations. (Article 8). Then companies that have obtained a Sisko P2MI account carry out the registration process for Indonesian Migrant Workers through Sisko P2MI by uploading documents in the form of: passport; Work Visa; letter of assignment or Employment Agreement; proof of employment Social Security participation; and a letter of permission from the Minister or appointed official (Article 9)

Meanwhile, for Individual Indonesian Migrant Workers who will work in the destination country of placement, they must meet the following requirements: have been accepted to work for a legal entity employer; working for a legal entity Employer; and are not employed in the lowest positions in every sector. The way to register for Individual Indonesian Migrant Workers registration is as follows: (Articel 10)

- a. select the country of placement, and
- b. Fill in your personal data and upload the document requirements via:
 - 1) Marriage status certificate, for those who are married, attach a photocopy of the marriage book;
 - 2) Certificate of husband or wife's permit, parental permission, or guardian permit known to the village head or village head or other designation;
 - 3) work competency certificate;
 - 4) health certificate;
 - 5) National Health Insurance Membership Card;
 - 6) a copy of the job call letter from the Employer with a legal entity; the profile of the Employer as a legal entity;
 - 8) Employment Agreement;
 - 9) proof of employment Social Security membership;
 - 10) Work Visa; and
 - 11) Statement of responsibility for any employment risks experienced.

4. Placement of Indonesian Migrant Workers While Working

Stages during work, namely since the arrival of Indonesian Migrant Workers in the country of placement destination. Indonesian Migrant Workers who have arrived in the destination country of placement report their arrival to the Manpower Attaché or foreign service officials appointed by the head of the Representative of the Republic of Indonesia through the Indonesian Citizen Care Portal which is integrated with Sisnaker and Sisko P2MI. (Article 27)

The Employment Attaché or foreign service official appointed by the head of the Representative of the Republic of Indonesia collects data on the arrival and whereabouts of Indonesian Migrant Workers based on data submitted by BP2MI. Data collection on the arrival and whereabouts of Indonesian Migrant Workers is carried out by the Employment Attaché or foreign service officials appointed by the Head of Representative of the Republic of Indonesia through the Indonesian Citizen Care Portal which is integrated with Sisnaker and Sisko P2MI. (Article 28) The Employment Attaché or foreign service official appointed by the Head of Representative of the Republic of Indonesia provides guidance to Indonesian Migrant Workers when they arrive in the country of placement destination. (articel 29)

Before working, Indonesian Migrant Workers receive orientation carried out by the Employer in accordance with the provisions in the country of placement destination, then after receiving the orientation start working for the Employer in accordance with the Employment

Agreement and then are given the identity of a foreign worker and social security or insurance by the Employer in the country of placement destination. (article 30) Then In the event that the Employment Agreement has ended, Indonesian Migrant Workers report their return to the Employment Attaché or foreign service official appointed by the Head of Representative of the Republic of Indonesia.

The process of returning Indonesian Migrant Workers and fulfilling rights is the responsibility of the Employer in accordance with the Employment Agreement. The Representative of the Republic of Indonesia facilitated the return of Indonesian Migrant Workers in terms of processing travel documents for retur (Article 31)

5. Placement of Indonesian Migrant Workers After Work

After work, that is since Indonesian Migrant Workers arrive at the Indonesian debaration. If Indonesian Migrant Workers have problems based on a report from the Employment Attaché or a foreign service official appointed by the Head of Representative of the Republic of Indonesia, BP2MI facilitates Indonesian Migrant Workers from the Indonesian debarkation to the area of origin (Article 32)

6. Forms of protection for Indonesian migrant workers abroad

Indonesian migrant workers who work abroad have the right to legal protection. In the consideration of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, it is stated that Indonesian migrant workers must be protected from human trafficking, slavery, and forced labor, victims of violence, arbitrariness, crimes against human dignity and dignity, and other treatment that violates human rights.

The Protection of Indonesian Migrant Workers is all efforts to protect the interests of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers and their families in realizing the guaranteed fulfillment of their rights in all activities before work, during the period, and after work in legal, economic, and social aspects.

According to Sorejono Soekamto, legal protection is all efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and/or victims, legal protection of crime victims as part of community protection, can be realized in various forms, such as through the provision of restitution, compensation, medical services, and legal assistance (Ratihtiari & Parsa, 2019).

According to Jannah (2023), legal protection is a way, process and act used to protect individuals by using the basis of existing legislation and ratified by the authorities. Legal protection is an illustration of the work of legal functions to realize legal objectives, namely justice, usefulness and legal certainty. Legal protection is a protection provided to legal subjects in accordance with the rule of law, both preventive and in repressive forms, both in writing and unwritten in order to enforce legal regulations (Suryani, 2020). In this sense, legal protection is intended to provide guarantees to Indonesian migrant workers who will, are doing, or have done work outside the territory of the Republic of Indonesia.

Meanwhile, according to Siti Rodhotul Jannah (2023) legal protection for victims of human trafficking can be described with two meanings, namely:

- a. It can be understood as "legal protection so as not to become a victim of a criminal act" (meaning the protection of human rights or the interests of a person (who is protected by human rights and the interests of that person);
- b. It can be interpreted as "protection in terms of obtaining collateral for losses that occur" (Generally with compensation for the victim). The compensation is usually in the form of rehabilitation (restoration of good name), compensation, and others.

The purpose of providing protection for Indonesian Migrant Workers is to:

- a. ensuring the fulfillment and enforcement of human rights as Indonesian citizens and migrant workers; and
- b. ensure the legal, economic, and social protection of Indonesian Migrant Workers and their families (Law No. 18/2017).

Article 7 of Law Number 18 of 2017 concerning the Protection of Migrant Workers includes 3 (three) forms of protection, namely protection before work, protection during work and protection after work. Next will be outlined as follows:

a. Protection Before Work

Protection before work, including administrative protection and technical protection:

1. The least administrative protection includes: completeness and validity of placement documents; and determination of working conditions and conditions.
2. The least technical protection includes:
 - a. providing socialization and dissemination of information;
 - b. improving the quality of Indonesian Migrant Worker Candidates through education and job training;
 - c. Social Security;
 - d. facilitating the fulfillment of the rights of Indonesian Migrant Worker Candidates;
 - e. strengthening the role of functional employees in job introductions;
 - f. placement services in one-stop integrated services for the placement and protection of Indonesian Migrant Workers; and
 - g. coaching and supervision.

One of the important things for Indonesian migrant workers is to get information about jobs abroad. The demand for Indonesian Migrant Workers comes from:

1. Representative of the Republic of Indonesia in the country of destination;
2. Business Partners in the country of placement destination; and/or
3. prospective employers, both individuals and foreign business entities in the country of placement destination.

The law stipulates that the information and requests of Indonesian Migrant Workers originating from Business Partners and prospective Employers in the destination country of placement must be verified by the employment attaché and/or the designated foreign service official.

Employment attachés and/or foreign service officials appointed in the country of placement are required to verify the Business Partner and prospective Employer. Based on the results of the verification of the Business Partner and prospective Employer, the employment attaché and/or appointed foreign service official determines the problematic Employer and Business Partner in the list of problematic Employers and Business Partners.

The appointed employment attaché and/or foreign service official is required to announce the list of Business Partners and prospective problematic Employers periodically. The results of verification of Business Partners and prospective Employers with problems are recommended in granting placement permits for Indonesian Migrant Worker Placement Companies that partner with problematic Business Partners (Suryani, 2020)

The Central Government distributes information and requests for Indonesian Migrant Workers to the district/city Regional Government through the provincial Regional Government. The district/city Regional Government disseminates information and requests for Indonesian Migrant Workers to the community by involving Village Government officials.

As for the requirements to be able to be placed abroad, prospective Indonesian Migrant Workers are as follows:

- a. Marriage status certificate, for those who are married, attach a photocopy of the marriage book;
- b. a certificate of husband or wife's permit, parental permission, or guardian's permit known to the village head or village head;
- c. Certificate of Competence;
- d. health certificate based on the results of health and psychological examinations;
- e. a passport issued by the local immigration office;
- f. Work Visa;
- g. the Placement Agreement for Indonesian Migrant Workers; and
- h. Employment Agreement

b. Protection During Work

Protection while working, Law Number 18 of 2017 concerning the Protection of Migrant Workers is determined as follows:

- a. data collection and registration by the Employment Attaché or the designated Foreign Service Office;

- b. monitoring and evaluation of the Employer, employment, and working conditions;
- c. facilitating the fulfillment of the rights of Indonesian Migrant Workers;
- d. facilitation of employment case settlement;
- e. the provision of consular services;
- f. assistance, mediation, advocacy, and provision of legal assistance in the form of facilitation of advocate services by the Central Government and/or Representative of the Republic of Indonesia as well as guardianship in accordance with the laws of the local country;
- g. coaching Indonesian Migrant Workers; and
- h. repatriation facilitation

The most important thing in Law Number 18 of 2017 concerning the Protection of Migrant Workers is that the Protection of Indonesian Migrant Workers while working is carried out without taking over the criminal and/or civil responsibility of Indonesian Migrant Workers and is carried out in accordance with the provisions of laws and regulations, the laws of the country of the destination of placement, as well as international laws and customs.

The government's role in the protection of migrant workers while working is strengthened by increasing bilateral relations in the field of employment and the Protection of Indonesian Migrant Workers abroad, the Central Government assigns the position of labor attaché to the Representative of the Republic of Indonesia in certain countries (Suryani, 2020)

c. Protection After Work

After-work protection includes the following:

- a. facilitation of return to the area of origin;
- b. the settlement of the rights of Indonesian Migrant Workers that have not been fulfilled;
- c. facilitation of the management of Indonesian Migrant Workers who are sick and deceased;
- d. social rehabilitation and social reintegration; and
- e. empowerment of Indonesian Migrant Workers and their families.

Protection after work for migrant workers as mentioned above is carried out by the central government together with local governments. In order to protect after work, Indonesian migrant worker placement companies are required to report data on the return and/or data on the extension of the work agreement of Indonesian migrant workers to the Representative of the Republic of Indonesia in the country of placement destination. Representatives of the Republic of Indonesia are required to verify the report. In addition, Indonesian Migrant Worker Placement Companies that do not report the return data and/or data on the extension of the Indonesian migrant worker work agreement to the Representative of the

Republic of Indonesia in the country of placement will be subject to administrative sanctions.

Furthermore, based on the results of the verification, Indonesian migrant workers who do not have problems can undergo the return process or extend the work agreement. Law No. 18 of 2017 also regulates social security for Indonesian migrant workers organized by the central government as part of the national social security system for Indonesian migrant workers and their families. Social security is managed by the Social Security Administration Agency and in relation to certain risks that are not covered by social security, the Employment Social Security Administration Agency may cooperate with government or private institutions.

D. Conclusion

- a. That the placement of Indonesian Migrant Workers (P2MI) abroad is carried out through 3 (three) stages, namely, placement before work, placement during work, and placement after work.
- b. That the form of Migrant Worker Protection includes protection before work, protection during work and protection after work.

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