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Implementation of The Fulfullment of The Rights of Migrant Workers Post Plecement in Pamekasan, Indonesia

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Abstract. Everyone who works abroad to fulfill their economic needs is a migrant worker. Migrant workers are Indonesians whose goal is to seek sustenance abroad to fulfill their needs. Limited employment opportunities and economic factors motivate people to look for opportunities to find work abroad. Indonesians feel that working abroad is expected to improve their economic and social conditions. This research uses the Empirical judicial method, which can also be called field research. Data collection techniques in this study used direct interviews, literature studies, and descriptive qualitative data processing technique. The results showed that the provision of protection to Indonesian Migrant Workers After placement, protection is provided to their families in the form of empowerment programs and new entrepreneurial assistance for former migrant workers and their families. Fulfillment of rights for former Indonesian migrant workers in the form of family rights and the rights of former migrant workers Rights for former migrant workers in the form of remittance management, which is useful for improving welfare and rights.

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1 Introduction

There are several problems in Indonesia, one of which is closely related to population growth because of the very significant population growth in Indonesia every year, which has an impact on increasing the labor force. But the increase in population is not balanced with the available jobs. This has led to another problem, namely the increasing number of unemployed people [1]. The 1997 economic crisis in Indonesia led to an increase in the number of Indonesian migrant workers seeking work abroad; therefore, the number of Indonesian Migrant Workers increased significantly [2].

The limited job opportunities in Indonesia make people look for livelihoods abroad. The number of workers in Indonesia continues to increase, despite the narrowness of employment opportunities and advances in technology and information. Because more and more people are working abroad, there is a positive side, namely: reducing the number of unemployed people in the country and making a major contribution to economic development in the country because it is one of the choices for some Indonesian citizens to meet the needs of human life [3] and improve their welfare.

The right of citizens to seek work and a decent livelihood is stated in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which reads that every citizen of the state has the right to work and a decent livelihood for humanity. In this context, the State has the responsibility to provide jobs for its citizens. If limited employment opportunities are the reason for workers to work abroad for decent livelihood [4], then the state still has an obligation to protect workers who work abroad.

The guarantee of protection for Indonesian migrant workers has been regulated in Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers (PPMI Law), which regulates protection before, during, and after placement. In the PPMI Law, what is meant by the protection of migrant workers (PMI) is all forms of efforts to protect the interests of prospective PMI and their families in ensuring the fulfillment of their rights in all aspects of pre-work, during work, and post-work activities. Therefore, the state is obliged to guarantee, protect, and provide a decent livelihood, including for full-time migrant workers, based on equality, democracy, and justice. However, the fact is that migrant workers who are working abroad are often the object of human trafficking, whose organs are then sold, employed inhumanely, tortured by their employers, and other treatments that violate human rights.

Pamekasan Regency, in the placement of PMI by Regency or City for the period January–June 2021, had 16 people, with a composition of 7 men and 9 women. There are various reasons behind becoming migrant workers for the people of Pamekasan, mainly to improve their family's standard of living. Working as a migrant worker in Pamekasan Regency is, in fact, not accompanied by a correct and good understanding of how to work abroad legally and in accordance with

established procedures. In 2022, the Office of Cooperatives, Small and Medium Enterprises, and Manpower of Pamekasan Regency noted that during the last two years, 159 migrant workers were deported, one of the causes of which was incomplete documents [5].

The research method used is empirical juridical, which examines the applicable legal provisions and what happens in reality in society. Or it has another meaning: the research is carried out on the conditions that actually occur in society [6]. The research approach used is qualitative. This research was conducted in Pamekasan Regency. This research uses primary and secondary data. Primary data sources are data obtained from the first interview, which is one of the data sources that researchers will use to dig up information [7]. Secondary data is research material that provides an explanation of primary data, such as research results, seminar results, conferences, legal research results, works from legal circles, and others [8]. The data analysis used is descriptive.

The protection of PMI post placement is the responsibility of the district government, together with the central government. Forms of protection include return facilitation, settlement of PMI rights, facilitation of sick and deceased PMI, rehabilitation and social reintegration, and empowerment of PMI and their family members. This research focuses on the implementation of protection for former PMI in Pamekasan and the fulfillment of their rights.

2 Analysis and Discussion

2.1. Legal Protection of Indonesian Migrant Workers (PMI) After Placement in Pamekasan Regency

The mandate of the PPMI Law gives districts the responsibility to provide protection to migrant workers. Protection in legal, social, and economic aspects is provided to migrant workers from pre-placement through placement and after work. The protection of former migrant workers provided in the PPMI Law is contained in Article 24, which includes facilities in the area of origin where migrant workers live, settlement of migrant workers' rights that have not been fulfilled, assistance facilities and management of sick and deceased migrant workers, and empowerment of migrant workers and their families. In this case, all facilities provided by the central government are implemented together with the local government of Pamekasan.

The protection provided to migrant workers is also provided for the protection of their families. BP2MI empowers former migrant workers and their families. After returning home, there is a sustainable program carried out by BP2MI Pamekasan in collaboration with the Pamekasan Manpower and Transmigration Office called PUB (opening of new entrepreneurs), which consists of former Migrant Workers and their family members [9].

According to Article 1 paragraph (2) of Government Regulation Number 59 of 2021 concerning the Protection of Indonesian Migrant Workers, legal protection is all efforts to protect the interests of prospective Indonesian migrant workers and/or Indonesian migrant workers and also their families by carrying out guarantees of realization of rights in all activities before work, during work, and after work from a legal, economic, and social point of view. Article 25 paragraph (2) of East Java Provincial Regulation No. 2 of 2022 on the Implementation of Protection of Indonesian Workers states that empowerment of migrant workers is carried out through the provision of services to improve work skills, which assist in the implementation of economic and financial literacy and entrepreneurship, and then capital support for entrepreneurship.

The policy implemented by the Pamekasan Regency Manpower and Transmigration Office is in the form of training in agriculture, which then trains and also assists former migrant workers and their families in opening new entrepreneurs. The field is still within the scope of MSMEs, but it is hoped that later it will run into cooperatives [10]. The potential of the village that is currently being developed by the head of Bulangan Haji Village, Pegantenan Sub-district, Pamekasan Regency, is in the form of home industry in the fields of cassava chip processing, making bags from used mineral water, and handicrafts such as tissue holders [11].

Protection at the time of post-placement provided by the Pamekasan Regional Government is outlined in Pamekasan Regional Regulation Article 9 of Pamekasan Regency Regional Regulation Number 10 of 2013 concerning the Protection of Regional Indonesian Workers. Protection before leaving: the prospective PMI is given socialization or some kind of final preparation for departure (PAP) or (OPP) pre-departure orientation for the use of remittances. Introduction to the types of productive uses of PMI money. Cooperating with the bank by dividing the PMI's account into two, namely one held by the PMI himself and one held by his family, which aims to prevent the money from running out with unclear uses. Cooperate with outside parties, one of which is NGOs and the Ministry of Manpower, to support empowerment programs for migrant workers. APBD funds are available, but not too much considering the large number of migrant workers who return and also work with social institutions to help socialize and assist migrant workers [12].

Technically, the protection provided by the Pamekasan district government has been implemented, covering legal aspects, social security, and economic aspects. This is a sign of the seriousness of the Pamekasan district government in implementing protection for migrant workers there. Legal protection is protection given to a law contained in the form of legal instruments, both written and unwritten [13]. The interpretation of legal protection according to Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers is divided into 3 criteria: the criteria of the destination country, the government's authority

in determining countries that are stopped or prohibited in the process of placing Indonesian Migrant Workers, and the obligations of the central government and local governments to be able to provide legal protection.

Legal protection of migrant workers after placement is provided by the Pamekasan Regency Manpower and Transmigration Office in collaboration with BP4TKI Pamekasan Regency for procedural and non-procedural migrant worker protection. It is also provided by the embassy of the Republic of Indonesia if at any time migrant workers who are abroad are experiencing or are entangled in cases related to the law. The protection provided is in the form of assistance to resolve the problems being experienced by migrant workers.

Social security is a form of guarantee that is useful to ensure that all people can fulfill their basic needs for a decent life. Article 10 of Government Regulation No. 59 of 2021 states that social security includes social security in health care and also social security in the workplace. Providing protection in the form of corporate social security is based on legal provisions. Protection from a social security perspective can be interpreted broadly or narrowly. The definition of social security in a broad sense includes entities in the form of prevention and development, recovery, and guidance.

In a narrow sense, protection in the aspect of social security includes efforts in the field of labor protection in the form of social assistance and social insurance [14]. The interpretation of the guarantee in the aspect of social protection is directed towards the obligations of the local government and the central government to carry out: a) improvement of the quality of education and job training based on standardization of work competencies; b) improvement of certification and accreditation institutions; c) provision of sufficient educators and trainers; d) social reintegration of migrant workers and also the families of migrant workers; e) implementation of policies regarding social protection for children and women; f) provision of assistance centers for the protection of Indonesian migrant workers in the destination country where they work.

With the social security provided to Indonesian Migrant Workers, it is hoped that it will be able to provide guarantees for Indonesian migrant workers in the form of health care, recovery, and healing of diseases that have been suffered by migrant workers, as well as guarantees for improving their nutrition.

With the protection in the economic aspects obtained by Indonesian migrant workers, it is hoped that Indonesian migrant workers will be able to have their own income or financial independence after no longer working as Indonesian migrant workers. In addition to the role of the government, banks are also involved in aspects of economic protection. The role of banks is very important as financial management institutions; banks provide services in the financial sector needed to be able to provide protection in the economic field to Indonesian Migrant Workers [15]. Migrant workers are encouraged to be entrepreneurial, have their own business and income so that they can be

independent after they no longer work (post placement).

The potential that is being developed when Migrant Workers are retired is in the field of home industry in the form of cassava chip processing and empowerment in the form of plastic waste management into valuable crafts such as tissue holders, etc [16]. In addition to protection in the economic aspect, PMI is empowered in the field of home industry and also in the field of work. They are also trained in the development of natural tourism in the form of waterfalls in the village of Bulangan Haji Pamekasan Regency.

2.2. Fulfillment of The Rights of Post Placement Indonesian Migrant Workers in Pamekasan

Limited employment opportunities and economic factors encourage people to seek employment opportunities abroad. Indonesians believe that working abroad will stabilize their economic and social situation. Good employment and high incomes [17] when compared to the same types of jobs in Indonesia. This is also the reason for the Madurese community to migrate abroad, which is dominated by working in Malaysia and Saudi Arabia. The success of other people working in these two countries is a reason to work. The degree of development and economic growth of a region or a country that can be said to differ from one country to another is one of the driving factors for people to migrate to other regions or countries in order to provide benefits to them in the economic aspect.

Prospective Indonesian Migrant Workers from Pamekasan choose to work as Indonesian Migrant Workers because they say that logically, it is difficult to find work and provide jobs, so they end up flocking to find work abroad. Another reason is that if they do not have the ability and also do not have a diploma, it will be difficult to find a job [18].

Job offers abroad are very varied, and they still lack a lot of labor; therefore, they need workers from Indonesia to be able to help with jobs that they cannot handle themselves. According to one of the statements from Indonesian migrant workers (legal), namely Mr. Zain, what he did was work in the field of Home Industry (SPA), namely companies in the field of water therapy, where the work performed by one of these Migrant Workers was cleaning, operating, and controlling the water pressure in the pool. This work was carried out for approximately 10 hours of work by getting a basic salary of Rp. 4,500,000–Rp. 5,000,000/month.

The rights of migrant workers are rights granted to migrant workers based on the fact that they are human beings. These rights are granted both by the sending country and by the destination country where they work. Therefore, the government has the responsibility to be able to provide protection for these rights [19]. The rights of Indonesian Migrant Workers are contained in Article 6, Paragraph 1, of PPMI Law. The fulfillment of the rights of post-placement Indonesian

migrant workers that have been provided by the Pamekasan Regency government also includes the rights of migrant workers as well as their families.

The rights of migrant workers are described in Article 6, paragraph 3, of the PPMI Law. In addition to protection in the legal, economic, and social security aspects of protecting Indonesian migrant workers, the families of Indonesian migrant workers have the right to obtain information regarding conditions, problems, and also information regarding return, receive all the property of migrant workers who have died abroad, obtain copies of documents and agreements for prospective Indonesian migrant workers, and get access to communicate with migrant workers who are working abroad.

Article 22 of the East Java Provincial Regulation No. 2 of 2022 concerning the implementation of the Protection of Indonesian Migrant Workers provides facilities for the management of Indonesian migrant workers who die, P3MI is obliged to notify the death of Indonesian migrant workers to their families no later than 3 times 24 hours from the time of knowledge of the death, seek information on the cause of death and then notify the provincial office or district / city office, As well as family members, then repatriate the body of Indonesian migrant workers to the area of origin properly and bear the necessary costs in accordance with the religious funeral procedures of the migrant workers concerned, provide protection for all property belonging to migrant workers for the benefit of their families, and take care of the fulfillment of the rights of Indonesian migrant workers including the right to social security that should be received.

Problems that often arise in the form of the death of migrant workers who are working abroad, then die and still leave property abroad, then BP2MI is obliged to assist the heirs of migrant workers to make a special power of attorney, and also the inheritance fatwa from the religious court. The task of BP4TKI Pamekasan is to assist in the process of managing documents for the heirs of migrant workers' families. In addition to the process of managing documents regarding heirs, the fulfillment of rights carried out by the Pamekasan Regency Manpower and Transmigration Office in collaboration with BP4TKI includes the management of the return of the bodies of migrant workers who have died, also accompanied by the Pamekasan Regency Manpower and Transmigration Office in collaboration with BP4TKI.

From the data of BP4TKI Pamekasan for the period of 2022, it is known that the process of returning the bodies that have been handled by the Pamekasan Regency Manpower and Transmigration Office in collaboration with BP4TKI amounted to 12 people. Factors The deaths of migrant workers abroad, in addition to illness, can also be caused by death during childbirth. All the return processes and the handling are funded by the Pamekasan Regency APBD. Financing includes financing the return of the body home and completing the management of documents abroad.

Fulfillment of Rights for Indonesian Migrant Workers After Placement is a right provided by the local government for migrant workers who have

finished working or are said to be retired. The rights provided by the Pamekasan district government also include return facilities for migrant workers who have retired. The fulfillment of rights provided by the Pamekasan district government for migrant workers' return facilities is in the form of picking up migrant workers from the airport to take migrant workers home to their homes. Funding for all facilities provided to migrant workers comes from the Pamekasan Regency Government.

Empowerment of PMI with remittance management Remittances are money transfer services carried out by senders from Indonesia to recipients abroad or vice versa [20]. The utilization of remittances is used for productive things such as opening a business, so that when the work contract expires and they return to their home area, PMI can be independent. The businesses that are often developed are mostly home-based businesses. Saving money in the bank in order to have savings when no longer working as a migrant worker This is done to maintain survival when they no longer have an income. As well as utilizing the natural potential of the tourism village for the management of natural tourism in the village of migrant workers.

Fulfillment of the Rights of Indonesian Migrant Workers After Placement is a right given by the local government to migrant workers who have finished working or are said to be full. The rights provided by the Pamekasan district government also include return facilities for migrant workers who have retired. The fulfillment of rights provided by the Pamekasan district government for migrant workers' return facilities is in the form of picking up migrant workers from the airport to take migrant workers home to their respective homes. Funding for all facilities provided to migrant workers comes from the Pamekasan Regency Government. 3. Empowerment of PMI with remittance management Remittances are money transfer services carried out by senders from Indonesia to recipients abroad or vice versa. The utilization of remittances is used for productive things such as opening a business, so that when the work contract expires and they return to their area of origin, PMI can be independent. The businesses that are often developed are mostly home-based businesses. Saving in the bank so that they have savings when they no longer work as PMI This is done to maintain their survival when they no longer have an income. As well as utilizing the natural potential that exists in the tourism village for the management of nature tourism in the migrant worker village,

In terms of return facilities to the area of origin, the village head also took part in picking up these illegal migrant workers from the Pamekasan Regency Manpower and Transmigration Office and escorting them to the front of the migrant workers' own homes. The obstacle experienced by returning migrant workers is the management of funds from the government for the empowerment of Indonesian migrants. The existing APBD funds are not proportional to the number of migrant workers returning home, therefore the Department of Manpower and Transmigration is assisted by social institutions to socialize and also assist former migrant workers [21].

In addition to budget issues regarding the empowerment of migrant workers, there are other obstacles experienced by the Office of Manpower and Transmigration, including: a) the mindset of migrant workers and their families, who think that being a migrant worker can increase productivity; b) being an entrepreneur is not the only effort to manage remittances but can also be collaborated with other welfare activities.

Overall, the implementation of Article 9 of Pamekasan Regional Regulation Number 10 of 2013 concerning the Protection of Regional Indonesian Migrant Workers, one of the contents of which states that the provision of convenience in terms of return facilities for regional Indonesian migrant workers has been implemented optimally, but there are still differences in treatment between illegal and legal migrant workers. The difference in facilities provided to illegal migrant workers is in the form of picking them up from the airport and then taking them to their homes, while for legal migrant workers, they are allowed to return home independently, and when they arrive in Indonesia, they are picked up by their own families.

Based on the provisions of the 1945 Constitution and the PPMI Law, there will be no differentiation in treatment between legal and illegal migrant workers. In essence, they are all Indonesian citizens who work abroad because of job opportunities abroad, so the state's obligation is to guarantee the protection of all its citizens based on the mandate of the law.

3. Conclusion

Protection of Indonesian Migrant Workers After Placement in Pamekasan Regency is implemented based on Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, Government Regulation No. 59 of 2021 concerning the Implementation of the Protection of Indonesian Migrant Workers, Regional Regulation of East Java Province No. 2 of 2022 concerning the Implementation of the Protection of Indonesian Migrant Workers, and Regional Regulation of Pamekasan Regency No. 10 of 2013 concerning the Protection of Regional Indonesian Migrant Workers. In its implementation, the Manpower and Transmigration Office, in collaboration with BP4TKI Pamekasan includes social security protection and economic protection. It also provides protection to Indonesian Migrant Workers post Placement in the form of protection for their families. The protection is outlined in the form of a new entrepreneurial empowerment and assistance program for former migrant workers and their families.

The rights of post-placement Indonesian migrant workers in Pamekasan Regency are normatively based on Law Number 18 of 2017 concerning the Protection of Indonesian Migrant workers and Pamekasan Regency Regional Regulation 10 of 2013 concerning the Protection of Regional Indonesian Workers. The rights are divided into two parts: the rights of migrant

workers' families and the rights of former migrant workers. In its implementation, the fulfillment of rights for former migrant workers is in the form of remittance management, which is intended to improve the welfare of former Indonesian migrant workers.

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