

CHAPTER I

INTRODUCTION

I. Background

The existence of Indonesian Migrant Workers (*Pekerja Migran Indonesia*) abroad cannot be separated from various problems in the country, including poverty and underdevelopment and the lack of equitable development between the central region and regions in Indonesia. This condition is encouraging for some Indonesian people choose to become migrant workers as an effort to change their fate and future for the better. The emergence of various social problems in Indonesia then became a supporting factor for some community groups to seek their fortune and a decent livelihood as Indonesian Migrant Workers.

Over time, the development of Indonesian migrant workers showed an increasing trend from 2018 to 2019 and decreased in 2020 to 2021. As of August 2021, the countries that are the leading destinations for Indonesian Migrant Workers and have the most placement countries are Hong Kong, Taiwan, Japan, Italy, and Poland. In terms of gender, it turns out that women are more dominant than men. In the period 2018 to 2019, the average number of Indonesian migrant workers abroad was 200,000, while from 2020 to 2021, the average decreased due to the pandemic that resulted in the placement destination countries closing their doors to citizens—foreigners entering their country. In 2018, specifically, the total number of PMI reached 283,640 people. In 2019, it was 276,553; in 2020, it was 113,173, and as of August 2021, it was 16,909 (BP2MI, 2021). From the data, we can conclude that from 2018 to 2021, the number of Indonesian migrant workers declined, influenced by the pandemic period.

The problem cannot separate the dynamics of Indonesian migrant workers abroad from various issues. Some of them, namely violence, intimidation, inhumane treatment, forced deportation, until

workers' rights are not fulfilled. The countries that are often faced with the problems of Indonesian migrant workers are Malaysia and Saudi Arabia. To deal with various issues regarding Indonesian migrant workers, the Indonesian government in 2004 succeeded in establishing a particular institution called the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI), which in 2017 transformed into the Agency for the Protection of Indonesian Migrant Workers (BP2MI).

A. BP2MI Profile

The Agency for the Protection of Indonesian Migrant Workers (BP2MI) is a non-ministerial government agency tasked with implementing policies in the integrated service and protection of Indonesian Migrant Workers. Previously, in 2004 Law No. 39 of 2004 was issued concerning the Placement and Protection of Indonesian Migrant Workers abroad, which in Article 94 paragraphs (1) and (2) mandates the establishment of the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI). It was followed by the issuance of Presidential Regulation Number 81 of 2006 concerning the Establishment of BNP2TKI, whose operational structure involves elements of central government agencies related to the services of Indonesian Migrant Workers, including the Ministry of Foreign Affairs, Ministry of Transportation, Ministry of Manpower and Transmigration, Police, Ministry of Social Affairs, Ministry of Transportation, National Education, Immigration (Ministry of Law and Human Rights), State Secretary, and others.

In 2006 the government began implementing the Government to Government (G to G) or intergovernmental program placement of Indonesian Workers to South Korea through the Directorate of Placement and Protection of Overseas Workers (PPTKLN) under the Directorate General of PPTKLN of the Ministry of Manpower and Transmigration. In early 2007 appointed Moh. Jumhur Hidayat as head of BNP2TKI through Presidential Decree No. 02/2007, whose authority is under and responsible to the President. Due to the presence of BNP2TKI, the Directorate General of PPTKLN

automatically disbanded because its function had shifted to BNP2TKI. The G to G placement program for Indonesian Workers in Korea was continued by BNP2TKI and even expanded by BNP2TKI in collaboration with the Japanese government for the G to G Te placement of nurses in 2008, both for hospital nurses and elderly nurses.

In 2017, Law No. 18 of 2017 was issued regarding the Protection of Indonesian Migrant Workers and followed by Presidential Regulation No. 90 of 2019 concerning the Agency for the Protection of Indonesian Migrant Workers, which appointed BNP2TKI to transform into the Agency for the Protection of Indonesian Migrant Workers (BP2MI) as the Agency in charge of implementing policies in the service and protection of Indonesian Migrant Workers in an integrated manner.

BP2MI's policy direction is more towards protecting Indonesian Migrant Workers (PMI), namely the issue of sending Indonesian Migrant Workers non-procedurally or not according to applicable procedures. BP2MI's vision is "BP2MI that is reliable, professional, innovative, and has integrity in serving the President and Vice President of the Republic of Indonesia to realize the protection of Indonesian Migrant Workers in order to improve the welfare of Indonesian Migrant Workers and their families, in support of an advanced Indonesia that is sovereign, independent, and has a personality based on mutual cooperation.". While the mission of BP2MI is:

1. Provide technical and administrative support as well as quick, accurate, and responsive analysis to the President and Vice President of the Republic of Indonesia in making policies for the administration of state government
2. Provide technical and administrative support to the President and Vice President of the Republic of Indonesia in the implementation of the placement and protection of Indonesian Migrant Workers

3. Organizing effective and efficient services in the fields of supervision, general administration, information, and institutional relations
4. Improving the quality of human resources and infrastructure of BP2MI

BP2MI has 11 principles, which is :

- a. Cohesiveness;
- b. Equality of rights;
- c. Recognition of human dignity and rights;
- d. Democracy;
- e. Social justice;
- f. Gender equality and justice;
- g. Non-discrimination;
- h. Anti-trafficking;
- i. Transparency;
- j. Accountability; and
- k. Sustainable

B. History of BP2MI

Before Indonesia's independence, the migration of Indonesian Migrant Workers (TKI) abroad was carried out by the Dutch East Indies government through the placement of contract workers to the country of Suriname, South America, which was also a Dutch colony. Since 1890 the Dutch government began to send many contract laborers from Java and even Madura, Sundanese, and Batak to work on Suriname plantations. The goal was to replace the duties of slaves from Africa who had been released on July 1, 1863, as a form of implementing the politics of the abolition of slavery so that the slaves changed professions and were free to choose the desired job. The impact of the liberation of the slaves left Suriname's plantations abandoned and resulted in the Surinamese economy, which depended on plantations declining drastically. The basis for the Dutch government to choose Indonesian workers from Java was the low level of the economy of the indigenous population (Javanese) due to

the eruption of Mount Merapi and the dense population on the island of Java.

The first batch of deliveries of Indonesian Migrant Workers by the Dutch departed from Batavia (Jakarta) on May 21, 1890, with the ship SS Koningin Emma. This long-distance voyage stopped in the Netherlands and arrived in Suriname on August 9, 1890. The first batch of Indonesian Migrant Workers was 94 people consisting of 61 adult men, 31 women, and two children. The activity of sending TKI to Suriname, running from 1890 to 1939, reached 32,986 people, using 77 ships.

July 3, 1947, became a historic date for the Ministry of Labor institution in Indonesian Independence. Through Government Regulation No. 3/1947, an institution that deals with labor issues in Indonesia were established under the name of the Ministry of Labour. In the early days of the New Order, the Ministry of Labor was replaced by the Ministry of Manpower, Transmigration, and Cooperatives until the end of Development Cabinet III. Starting from Development Cabinet IV, it changed to the Ministry of Manpower and Transmigration, while Cooperatives formed their own Ministry. It can be said that during the Indonesian independence period until the late 1960s, the placement of Indonesian Migrant Workers abroad did not involve the government but was carried out individually kinship, and traditionally. The central destination countries are Malaysia and Saudi Arabia, based on religious relations (Haji) and cross borders between countries. For Saudi Arabia, Indonesian workers are generally brought in by those who take care of people going on pilgrimage/umrah or by Indonesians who have lived or settled in Saudi Arabia for a long time. As for the Indonesian citizens who work in Malaysia, most of them come to Malaysia without any documents because it has always been a traditional border crossing between the two countries. During the confrontation between the two countries in the Old Order era, the activities of border crossers from Indonesia decreased, but they persisted.

The placement of TKI based on Indonesian government policies only occurred in 1970. The Ministry of Manpower, Transmigration

carried out, and Cooperatives with the issuance of Government Regulation No. the placement of TKI abroad involves the private sector (companies sending TKI services or implementing private TKI placements). The AKAN program is handled by an official section head at the echelon IV level and is directly responsible to the Directorate General of Development and Use (Bina Guna). The Program/Section WILL establish a Middle East Division or Task Force and an Asia Pacific Task Force. Meanwhile, the placement service for TKI abroad in the regions is carried out by the Regional Office of the Ministry of Manpower and Transmigration at the provincial level and the Ministry of Manpower and Transmigration Office Level II for the District. The activities under the auspices of the Director-General of Bina Guna lasted until 1986. Then in 1986, there was a merger of two Directorate Generals, namely the Directorate General of Bina Guna and the Directorate General of Guidance and Protection (Bina Lindung), to become the Directorate General Guidance and Placement (Binapenta). In 1986, the AKAN Section was changed to the AKAN Center, under the Secretariat General of the Ministry of Manpower and Transmigration. The center will be led by an echelon II level official and is tasked with carrying out the placement of TKI abroad. In the provincial/regional regions, the placement activities of TKI are carried out by Balai AKAN. In 1994 the AKAN Center was disbanded, and its function was replaced by the Directorate of Export Services for Indonesian Migrant Workers (echelon II) under the Directorate General of Binapenta. However, in 1999 the Directorate of Export Services for TKI was changed to the Directorate for the Placement of Overseas Workers (PTKLN). To improve the quality of placement and security for the protection of Indonesian Migrant Workers, the Coordinating Board for the Placement of Indonesian Migrant Workers (BKPTKI) has also been established on April 16, 1999, through Presidential Decree No. 29/1999, whose membership consists of 9 inter-sectoral related agencies serving TKI to improve the placement and protection program for foreign workers by the scope of their respective duties.

In 2001, the Directorate General of Binapenta was disbanded and replaced by the Directorate General of Placement and Protection of Overseas Workers (PPTKLN) and at the same time dissolved the Directorate General of PTKLN. The Directorate General of PPTKLN also formed a structure for the Directorate of Socialization and Placement to place Indonesian Migrant Workers abroad. Since the Directorate General of PPTKLN, the placement service for Indonesian Migrant Workers at the provincial/regional level has been run by BP2TKI (Service Center and Placement of Indonesian Migrant Workers).

C. The Development of BP2MI

With the presence of BNP2TKI, all matters concerning the placement and protection of Indonesian Migrant Workers are under the authority of BNP2TKI, which the Minister of Manpower and Transmigration coordinates. Still, the responsibility of the task is to the president. As a result of the presence of BNP2TKI, the Directorate General of PPTKLN was automatically disbanded along with the Directorate of PPTKLN because its function had shifted BNP2TKI. In 2017, Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers was issued, followed by Presidential Regulation Number 90 of 2019 concerning the Indonesian Migrant Workers Protection Agency, which appointed BNP2TKI to transform into the Indonesian Migrant Workers Protection Agency (BP2MI) as the agency tasked with implementing the policy. In the integrated service and protection of Indonesian Migrant Workers.

In the new era of BP2MI, the policy direction of BP2MI has a big theme of protecting Indonesian Migrant Workers, namely combating the syndication of sending non-procedural Indonesian Migrant Workers, with strategic targets, namely increasing the protection and welfare of Indonesian Migrant Workers and their families, as well as increasing good governance to realize the protection of Indonesian Migrant Workers through the placement of skilled and professional Indonesian Migrant Workers to improve the welfare of Indonesian Migrant Workers and their families as national

assets, as well as the implementation improvement of efficient, effective, and accountable organizational governance. (BP2MI, Profil BP2MI, 2020).

II. Research Question

Based on the background above, the problems to be solved in this study can be formulated as follows:

“What is the form of the role carried out by BP2MI in the service and protection program for Indonesian Migrant Workers in Asia-Africa Region 2020-2021?”

III. Theoretical Framework

Diplomacy

There are many different definitions of diplomacy in international relations presented by several experts, first, according to the Oxford Dictionary (1991), Diplomacy is the management of international relations by negotiations. In this understanding, diplomacy is considered an effort to manage international relations through negotiations and carried out bureaucratically as a liaison between countries. The following definition is expressed by KM Panikar, who understands that diplomacy is the art of forwarding one's interest in relations to other states. This understanding emphasizes the implementation of diplomacy as art in promoting the interests of a country concerning other countries. This was underscored by S.L Roy, who stated that diplomacy is one of the country's efforts to fight for its national interests in international relations. Diplomacy is also one of the ways the state uses to protect its citizens who are abroad. International law states that a country should protect the citizens of that country who live abroad (Aust, 2005). The term is by Diplomatic Protection, where a citizen will receive protection from his country. Issues related to efforts to protect Indonesian citizens abroad are also the main focus of the Government of Indonesia through the Ministry of Foreign Affairs. Every Indonesian citizen who resides, lives, and even resides abroad,

has the same right to protect the Indonesian government. Various types of problems such as narcotics, people smuggling, trafficking, criminal acts of torture, harassment, rape, murder, overstayer, accidents, hostage-taking, issues related to work contracts (unpaid salaries, overtime, holidays, serious illness due to work) have become the focus of the institution. In his presentation, the Ministry of Foreign Affairs has also sought various protection strategies for citizens, both through government regulations, policy papers, working groups by involving multiple parties to synergy in these problems (Paramitaningrum, Yustikaningrum, & Dewi, 2018).

According to Craig Forcese, three conditions must be met in implementing diplomatic protection for citizens, in this case, migrant workers, namely (Suryono & Arisoendha, 1986) (1) an International Wrong, a citizen of a foreign country must be given protection by the country of origin in the event of a violation of international law committed by the citizen, (2) Exhaustion of Local Remedies, the state provides legal assistance to its citizens who be abroad to sue another country if the citizen has taken local legal action in the recipient country, and (3) Link of Nationality, i.e., diplomatic protection is given to the citizen in the event of an offense of international law in another country (Manurung & Sa'dah, 2020). This thing is regulated in article 3 paragraph (1) of the International Law Commission Draft Articles on Diplomatic Protection 2006, which states that “for the purposes of diplomatic protection of natural persons, a state of nationality means a state whose nationality the individual sought to be protected. has acquired, descent, succession of states, naturalization or in any other manner, not inconsistent with international law.” (United Nations, 2006).

The Indonesian Government's diplomatic protection model for Indonesian citizens abroad is more prioritized on legal protection efforts; in other words, when Indonesian citizens experience a problem or case, the Indonesian Government provides legal assistance and protection as legal guidelines that have been used as a reference in the process so far and the Government Indonesia is not the party that receives punishment for every case or violation committed by Indonesian citizens. Currently, the Indonesian

Government's diplomacy of protection mapping is mainly for overstayers and undocumented PMI cases.

IV. Research Method

This research is qualitative research that focuses on research analysis from primary data that has been obtained from the Agency for the Protection of Indonesian Migrant Workers regarding the Service and Protection Program for Indonesian Migrant Workers. In this study, the author will also use data collected through interviews conducted by the author to the Agency for the Protection of Indonesian Migrant Workers' employees. They are directly involved in handling the Service and Protection Program for Indonesian Migrant Workers. The author will also use data obtained from related documents regarding the Service and Protection Program for Indonesian Migrant Workers.

The aspect of International Relations that can be seen is how the role of the Agency for the Protection of Indonesian Migrant Workers in providing services and protection for Indonesian Migrant Workers, both those who will go abroad, those who are working abroad, and the empowerment of former Indonesian Migrant Workers who have returned to Indonesia. This issue can be categorized as the relationship between several actors in International Relations, namely the relationship between the Government/Government and the Government (G to G) and the Government with people/community (labor) (G to P). In terms of the Service and Protection of Indonesian Migrant Workers, it can be seen whether the role given by BP2MI is effective enough to overcome the problems of Indonesian Migrant Workers that often occur abroad.