

CHAPTER I

INTRODUCTION

1. Background

Work is a form of human right, in accordance with Article 23 of the Universal Declaration of Human Rights (UDHR) in 1948 which states that “everyone has the right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment”.¹ Indonesia itself has signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. As a country that ratifies that convention, the Indonesian Government has a responsibility to protect, respect, promote and fulfill the rights of all migrant workers and their family members, which in the end is expected to fulfill their welfare.² But in fact, the poverty rate is still high due to the lack of job opportunities. The citizens who do not have jobs tend to migrate both internally and internationally to get a better standard of living than before.³

Indonesia itself is known as the ‘important’ origin country of migrant workers in the Asian region, both because of the large number of workers, low wages, submissive attitude, and the various problems that often arise because of it.⁴ Malaysia is the highest destination country for Indonesian Migrant Workers due to the similarity of language, culture, and majority of the religion.⁵ In addition, the border between Indonesia and Malaysia is quite easy to pass in various ways. However, this does not mean that Indonesian migrant workers who work in Malaysia have never experienced problems. In 2020, a total of 15,075 Indonesian migrant workers returned from Malaysia, some of whom experienced problems such as unpaid wages, overstay, deportation, trafficking in persons, illness, death, violence from employers, pregnancy, illegal recruitment, falsification of documents, and others.⁶

Nowadays all continents faced the Covid-19 pandemic. Based on Worldometers data, as of August 26, 2021, there were 214,669,534 cases of Covid-19 in the world, 4,474,991 people died.⁷ This situation encourages every country to take measures to handle the spread of the virus by stopping almost

¹ Article 23 of the Universal Declaration of Human Rights

² Law of the Republic of Indonesia Number 6 of 2012 concerning Ratification of the International Convention on The Protection Of The Rights Of All Migrant Workers And Members Of Their Families

³ Solidaritas Perempuan. (2000). *Dalam Praktek Panduan Melawan Perdagangan Perempuan dan Anak*.

⁴ Nuswardani, N. & Ghadas, A. (2021). *Perlindungan Hak Pekerja Migran Indonesia Pada Masa Pandemi: Berbasis Kebutuhan*. Scopindo Media Pustaka.

⁵ Tempo.co. (2015, September 9). *Jumlah TKI Ilegal ke Malaysia Tinggi, Ini Alasannya*. Retrieved November 13, 2021, from <https://nasional.tempo.co/read/698913/jumlah-tki-ilegal-ke-malaysia-tinggi-ini-alasannya>

⁶ Pusat Data dan Informasi Badan Pelindungan Pekerja Migran Indonesia (BP2MI). (2020). *Data Penempatan dan Pelindungan PMI Periode Tahun 2020*. Jakarta: BP2MI.

⁷ Kompas. (2021, August 26). *Update Corona Dunia 26 Agustus: 214 Juta Kasus Covid-19 | China Minta Laboratorium AS Diselidiki*. Retrieved November 29, 2021, from <https://www.kompas.com/tren/read/2021/08/26/090500465/update-corona-dunia-26-agustus--214-juta-kasus-covid-19-china-minta?page=all>

all lines of activity. The Covid-19 pandemic has an impact on working relations where many workers are finally fired and sent back to their respective countries. Moreover, it also resulted in a drastic decrease in the placement of Indonesian migrant workers abroad due to the closure of destination countries in line with the increasingly widespread Covid-19 pandemic in that country. Data from the Indonesian Migrant Workers Protection Agency (BP2MI) shows that the placement of Indonesian Migrant Workers in 2020 was 113,220 people while in 2019 it was 277,216 people.⁸ This is in line with the issuance of the Decree of the Minister of Manpower of the Republic of Indonesia Number 151 of 2020 concerning the Temporary Termination of the Placement of Indonesian Migrant Workers in March 2020.

Many migrant workers choose border areas to be the entry point, one of which is Nunukan. Nunukan is the northernmost district of North Kalimantan Province which is directly bordered with Malaysia. The distance from Nunukan - Malaysia is only 1 hour and from Sebatik (sub-district) - Malaysia is only 10 minutes by speed boat.⁹ This makes Nunukan becomes a transit area for Indonesian migrant workers to Malaysia, both through official channels (according to government procedures) and illegal routes. Those who migrate through official channels, mostly work in plantations and the timber industry, while migrants who cross the border illegally do not go through government procedures, working in various sectors: oil palm plantations, domestic workers and workers in the sex or prostitution industry.¹⁰

Based on data from the Technical Implementation Unit of the Indonesian Migrant Workers Protection Agency (UPT BP2MI) Nunukan, during 2018 to September 2021 the number of Indonesian Migrant Workers reported deported in Nunukan was 9,434 people.¹¹ Before being deported to Indonesia, they were put in crowded detention.¹² The deportation process carried out during the pandemic is very vulnerable for migrant workers to be infected with Covid-19.

Indonesian Migrant Workers are often referred to as '*pahlawan devisa*' through their remittances that help the country's economy. According to Bank Indonesia data in 2019, foreign exchange from Indonesian Migrant Workers remittances reached US\$ 11,4 billion or equivalent to Rp. 159,6 trillion of the total 3.742.440 Indonesian migrant workers.¹³ But sadly, they are faced with various problems in the field. The problems experienced by Indonesian Migrant Workers and their families so far are vulnerability to exploitation, abuse, and the snares of syndicated trafficking in persons. This indicates that the state is

⁸ BP2MI, *op.cit.*

⁹ Observation, Tunon Taka Port, Nunukan, October 6, 2021.

¹⁰ International Organization for Migration. (2020). *Profil Perdagangan Orang di Daerah Perbatasan Kalimantan*. Jakarta: IOM Indonesia.

¹¹ Internal data from UPT BP2MI Nunukan, 2021.

¹² Tribun News. (2021, July 2). *9 PMI Asal Lampung Dideportasi dari Malaysia, Ada yang Sudah Bekerja Selama 15 Tahun*. Retrieved November 13, 2021, from <https://www.tribunnews.com/regional/2021/07/02/9-pmi-asal-lampung-dideportasi-dari-malaysia-ada-yang-sudah-bekerja-selama-15-tahun?page=all>

¹³ Hamdani, T. (2020, July 30). *88.973 TKI Siap Dikirim buat Jemput Devisa Rp 3,8 T*. Retrieved February 2022, 14, from Detik Finance: <https://finance.detik.com/berita-ekonomi-bisnis/d-5114338/88973tki-siap-dikirim-buat-jemput-devisa-rp-38-t>

not yet fully present to provide protection for workers and their families as a whole.

A number of studies related to the protection of migrant workers have been carried out, but none have focused their research on border areas particularly during the Covid-19 pandemic in which it has a big impact on migrant workers. Moreover, the border area also has its own uniqueness with all the complexity of the problems of migrant workers. The lack of research that examines the role of the government in protecting migrant workers, prompted the writer to carry out an internship at the agency that directly handles the problems of migrant workers, namely the Indonesian Migrant Workers Protection Agency (BP2MI), precisely UPT BP2MI Nunukan. UPT BP2MI Nunukan is an agency that implementing service policies in the context of the placement and protection of Indonesian migrant workers in an integrated manner covering the areas of East Kalimantan and North Kalimantan.

2. The Objective of Internship

The objective of this internship is to examine the efforts made by UPT BP2MI Nunukan in protecting and fulfilling the rights of migrant workers, especially in the Indonesia-Malaysia border area during the Covid-19 pandemic.

3. The Benefits of Internship

a. The Benefits for International Relations Study Program

- Building cooperation with partners.
- Facilitating the determination of graduate profiles and learning outcomes.
- Expanding opportunities for conducting research and community service for lecturers.

b. The Benefits for Internship Partner

- Obtaining new information from educational institutions through students who have carried out internship activities.
- The results of the student internship report can be used as input for the agency.
- Able to establish good relations with educational institutions, especially the University of Muhammadiyah Yogyakarta, so that they can work together again on other occasions.

c. The Benefits for Students

- Gaining knowledge and experience regarding the world of work and verifying the theoretical knowledge gained in the lecture process with actual work practice.
- Improving student communication and collaboration skills through collaboration with internship partners.
- Adding insight into the handling and protection of Indonesian migrant workers, especially in border areas.