

LEGAL PROTECTION FOR INDONESIAN MIGRANT WORKERS IN WEST NUSA TENGGARA PROVINCE

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ABSTRACT

The purpose of this study, as described by the author can be summarized as follows : first, to obtain a comprehensive understanding of the legal Forms of Protection for Indonesian Migrant Workers (PMI) ;second, to gain a comprehensive understanding of the role of the Regional Government of the Province of West Nusa Tenggara in the Placement and Protection of Indonesian Migrant Workers (PMI). This type of research is normative and empirical legal research that examines legal materials and data. The approach used is a combination of statutory approach and a sociological approach , followed by a qualitative descriptive analysis.

Forms of Protection for Indonesian Migrant Workers (PMI) in positive law are regulated in Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers and Government Regulation Number 59 of 2021 concerning the Protection of Indonesian Migrant Workers. Where the forms of protection include protection before work, during work and after work.

The Role of the Regional Government of the Province of West Nusa Tenggara in the Placement and Protection of Indonesian Migrant Workers (PMI). In general, the implementation is carried out jointly between the Central Government and Regional Governments including P3MI in accordance with their duties and authorities, the West Nusa Tenggara Regional Government has implemented a policy in the West Governor's Regulation concerning the Establishment of P3MI Branch Offices. Where is the local government authorized; organizing job education and training, managing the return of Workers in the event of a problem according to their authority; issuance of P3MI branch office permits, setting up assistance posts and services at places of departure and return, supervising the implementation of Placement of Indonesian Migrant Workers and establishing LTSA (One-Stop Integrated Service).

Keywords: Protection, Law, Indonesian Migrant Workers, West Nusa Tenggara.

INTRODUCTION

One of the current employment problems is the high number of unemployed, which is a consequence of the expanding labor force that is not being met with sufficient job opportunities. There are very few jobs opportunities in the country, making working abroad an alternative

means of making ends meet citizen. Migrant workers are individuals who work outside their home country. Countries that fall into the third world category, such as Indonesia, do not yet have strong enough capabilities to guarantee a decent life by providing sufficient employment opportunities. In the midst of a series of government policies that were unable to change the level of people's welfare, there is an alternative employment sector that is quite promising, namely becoming Indonesian workers abroad (Migrant Workers) or what are called Indonesian Migrant Workers (PMI).

Considering the significant contribution of foreign exchange provided to the state and the regions is so large and participates in addressing domestic employment issues, the protection that Indonesian migrant workers remains highly inadequate. This condition is evident from the many cases of violations of the rights of Indonesian migrant workers that occur every year. The settlement mechanism for various cases faced by Indonesian migrant workers has not been optimal as expected.

1. Theory of Legal Protection

Legal Protection According to Experts According to Satjito Rahardjo that "legal protection is an effort to protect a person's interests by allocating a human right of power to him to act in the framework of his interests". According to CST Kansil, "legal protection is all legal remedies that must be provided by law enforcement officials in order to provide a sense of security, both mentally and physically from disturbances and various threats from any party". According to Philipus M. Hadjon, "legal protection is protection of dignity, as well as recognition of human rights owned by legal subjects based on general provisions of interdependence or as a collection of rules or rules that will be able to protect something else".

The principle of legal protection The principle of legal protection against government actions rests on and originates from the concept of recognition and protection of human rights because according to history from the west, the birth of concepts regarding the recognition and protection of human rights is directed at restrictions and responsibilities of society and government.

Forms of legal protection According to Philipus M. Hadjon, there are two kinds of means of legal protection, namely:¹

1. Means of Preventive Legal Protection

In this form of preventive legal protection, legal subjects are given the opportunity to submit objections or opinions prior to a government decision. The goal is to prevent disputes from occurring. Preventive legal protection is very significant for government actions based on freedom of action because with the existence of preventive legal protection, the government is encouraged to be careful in making decisions based on discretion. In Indonesia there is no specific regulation regarding preventive legal protection.

2. Means of Repressive Legal Protection

Repressive legal protection aims to resolve disputes. The handling of legal protection by the General Courts and Administrative Courts in Indonesia is included in this category of legal protection. The principle of legal protection against government actions rests on and originates from the concept of recognition and protection of human rights because according to history from the West, the birth of concepts regarding the recognition and protection of human rights is directed at limitations and placing obligations on society and the government. The second principle that underlies legal protection against acts of government is the rule of law principle. Associated with the recognition and protection

¹Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat di Indonesia*, Penerbit Bina Ilmu, Surabaya, 1989. Hlm: 20

of human rights, the recognition and protection of human rights has the main place and can be linked to the goals of a rule of law.

2. Overview of Indonesian Migrant Workers (PMI)

1. Definition of Indonesian Migrant Workers (PMI)

Indonesian Migrant Workers (PMI) are Indonesian citizens who work, or plan to work abroad in accordance with the Migrant Worker Protection Act.²

According to Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. Based on Article 1, Number (2) of the PMI Law, an Indonesian Migrant Worker is defined as an Indonesian citizen who is, will be, or has been doing work for wages outside the territory of the Republic of Indonesia. Migrant workers exist in all sectors of the economy.³

2. Types of Indonesian Migrant Workers

Indonesian Migrant Workers are workers of both male and female gender. Women workers who work abroad are called Women Workers (TKW). TKW is a woman who is able to carry out an activity in the form of work both inside and outside the employment relationship with the aim of producing goods and services to meet her own needs and the needs of the community. PMI is divided into two forms, namely:⁴

a. PMI through placement by placement

What is meant by “based on placement” is that PMI works abroad through placements carried out by a PMI job placement company. There are 3 (three) parts in PMI placement, namely:

1) Placement for the company’s own interests

A company can place PMI abroad for the benefit of the company itself with the condition that it has written permission from the Minister. The company must be an Indonesian legal entity and the PMI issued must be a worker from the company as evidenced by an ownership relationship or work agreement.

2) Placement by the Impresariat

PMI is carried out through placements by the impresario, which are placements related to entertainment which include the fields of arts and sports. Artists, performers and athletes who will travel in order to perform abroad must obtain a letter of approval from the government to obtain travel documents.

3) Placement by worker service provider companies

Labor Service Provider Companies (PPJP) are companies that are legal entities that already have operational permits to carry out business activities, namely providing services for workers who can be employed abroad. A PMI can work abroad through the PPJP.

b. Individual PMI.

Individual PMI, namely PMIs who work overseas without going through placement. PMI can place themselves to work abroad with their own choice on the condition that they must report to the employment agency and the Indonesian People’s Representative Council, and must have an Overseas Worker Card (KTKLN).

²Evindri, Ali Ismail Shaleh, *Perlindungan Pekerja Migran Indonesia Di Masa Adaptasi Kebiasaan Baru Di Provinsi Jawa Tengah*, vol 2, Pembangunan Hukum Indonesia, 2022, Hlm; 245.

³Dani Amran Hakim, *Politik Hukum Perlindungan Pekerja Migran Indonesia Dalam Perspektif Fikih Siyasah Dusturiyah*, Jurnal Tanjungpura, Vol. 4 Juli, 2020, Hlm: 98.

⁴Ismantoro Dwi Yuwono, *Hak dan Kewajiban Hukum Tenaga Kerja Indonesia (TKI) di Luar Negeri*, Yogyakarta: Medpres Digital, 2013, Hlm. 63-65.

3. Rights and Obligations of PMI

Rights and obligations are the powers given to a person by law. There are no rights without obligations and vice versa there are no obligations without rights. Likewise with migrant workers who are also inseparable from the rights and obligations they have.⁵

The law protects a person's interests by allocating a power to him to act in the framework of his interests. The allocation of this power is done in a measurable manner, in the sense that it is determined by its breadth and depth. Such powers are called rights. So it can be said that rights are an authority possessed by citizens to do something according to statutory regulations. Rights are normative elements inherent in every human being which in its application are within the scope of equal rights and freedom rights related to interactions between individuals or with agencies. According to Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers, every prospective Indonesian Migrant Worker or Indonesian Migrant Worker has the following rights:

- a. Get a job abroad and choose a job according to their competence.
- b. Gaining access to capacity building through education and job training.
- c. Obtain correct information regarding the job market, procedures for placement, and working conditions abroad.
- d. Obtain professional and humane services and treatment without discrimination before work, during work, and after work.
- e. Carry out worship in accordance with the religion and beliefs adhered to.
- f. Obtain wages in accordance with the applicable wage standards in the destination country of placement and/or agreement between the two countries and/or
- g. Employment agreement.
- h. Obtain protection and legal assistance for actions that can degrade the dignity in accordance with the provisions of the laws and regulations in Indonesia and in the destination country of placement.
- i. Gain access to communication.
- j. Mastering travel documents while working.
- k. Association and assembly in the destination country of placement in accordance with the provisions of the laws and regulations in force in the destination country of placement.
- l. Obtain guaranteed protection for the safety and security of returning Indonesian Migrant Workers to their place of origin.
- m. Obtain documents and work agreements for prospective Indonesian Migrant Workers.

Not only the prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers concerned, the families are also given the following rights:

- 1) Obtain information regarding conditions, problems and returns of Indonesian Migrant Workers.
- 2) Receive all assets of Indonesian Migrant Workers who died abroad.
- 3) Obtain copies of documents and employment agreements for prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers.
- 4) Gain access to communicate.

But besides the rights mentioned above, migrant workers also have obligations that should be fulfilled. Obligation is an achievement in the form of goods or services that must be done by someone because of their position or status. Following are some of the obligations that must be fulfilled by Indonesian Migrant Workers according to Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers, namely:

⁵Satya Arianto, *Dimensi-Dimensi HAM Mengurangi Hak Ekonomi, Sosial, dan Budaya*, Jakarta: Rajawali Pers, 2008, Hlm.39.

- a) Comply with laws and regulations, both domestically and in destination countries.
- b) Respect the customs or habits that apply in the destination country.
- c) Obey and carry out his work in accordance with the work agreement.
- d) Report the arrival, presence and return of Indonesian Migrant Workers to Representatives of the Republic of Indonesia in destination.

4. PMI Terms and Conditions

There are several conditions that PMI candidates must fulfill, According to Article 5 of Law Number 18 of 2017 PMI candidates who will work abroad must meet the following requirements:

- a. Minimum age of 18 (eighteen);
- b. Have ability;
- c. Healthy physically and spiritually;
- d. Registered and have a Social Security membership number; And
- e. Have complete documents required.

There are also document requirements that must be possessed by prospective migrant workers which include:⁶

- a) Certificate of marital status for those who are married attach a photocopy of the marriage book.
- b) Letter of permission from husband or wife, parents, guardian's permission that is known by the village head or village chief.
- c) Work competency certificate.
- d) Health certificate based on the results of a medical and psychological examination.
- e) Passport issued by the local immigration office.
- f) Work visa.
- g) Indonesian migrant worker placement agreement.
- h) Work agreement.

5. That Does Not Include PMI

Those who are not included as Indonesian Migrant Workers (Article 4 Paragraph (2) of Law Number 18 of 2017), namely:

- a. Indonesian Citizens (WNI) who are sent or employed by international agencies or by countries outside their territory to carry out official duties.
- b. Overseas students and trainees.
- c. Indonesian refugees or asylum seekers.
- d. Investor.
- e. State civil servants or local employees who work for representatives of the Republic of Indonesia.
- f. Indonesian citizens who work for institutions funded by the state revenue and expenditure budget.
- g. Indonesian citizens who have independent businesses abroad.

METHOD

1. Research Type

In writing this research in order to meet scientific criteria and approach the truth, the types of research used are: Normative Legal Research and Empirical Legal Research. Normative legal research is a process to determine a principle and rule of law on the legal issues faced in

⁶Pasal 13 Undang-Undang Nomor 18 tahun 2017 tentang *Perlindungan Pekerja Migran Indonesia*.

order to get an answer from it.⁷ This research is doctrinal because the focus in this study uses written rules and other literature sourced from the library. Normative legal research is also called doctrinal research, where in this type of law research, law is often conceptualized as what is written in legislation (law in book) or law is conceptualized as a rule or norm which is a standard of behavior for humans who are considered appropriate.⁸

While empirical legal research is often conceptualized as what happens (law in action).

2. Problem Approach

In this study the approaches used include:

a) Legislative Approach (Statute Approach)

According to Peter Mahmud Marzuki, the statute approach is “to review all laws and regulations relating to the legal issues being handled”.⁹

b) Conceptual Approach

The conceptual approach is an approach that departs from the views and doctrines that develop in the science of law. By studying these views and doctrines, it is the basis for researchers in building a legal argument in solving the legal issues under study.

3. Types of Legal Materials and data

Types of legal materials consist of:¹⁰

a) Primary Legal Materials, namely binding legal materials, and consist of statutory regulations, jurisprudence relating to the problem under study.

b) Secondary Legal Materials, namely legal materials that provide explanations of primary legal materials, in the form of draft laws, research results, textbooks, scientific journals, newspapers and internet news.

c) Tertiary legal materials, which are also legal materials that explain primary legal materials and secondary legal materials, in the form of dictionaries, encyclopedias.

While the type of data consists of:¹¹

1) Primary data in this study is data obtained mainly from empirical research results, namely research conducted directly in the field.

2) Secondary data in this study is data obtained from the results of a literature review.

4. Techniques for Collection, Processing of Legal Materials

Legal materials and data collection techniques

a) Techniques for collecting legal materials:

The technique of collecting legal materials is carried out by studying literature on legal materials, both primary legal materials, secondary legal materials and tertiary legal materials. The search for legal materials is carried out by reading, viewing, listening or browsing through the internet.

b) Data collection techniques:

⁷Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta Kencana Persada Media Group, 2017. Hlm: 35

⁸Amiruddin dan Zainal Asikin, *”Pengantar Metode Penelitian Hukum”* Penerbit PT. Raja Grafindo Persada. Jakarta, 2014. Hlm: 118.

⁹Peter Mahmud Marzuki, *”Op.Cit.*, Hlm. 35

¹⁰Mukti Fajar ND dan Yulianto Achmad, *”Dualisme Penelitian Hukum Normatif Dan Empiris”*, Cetakan I Penerbit Pustaka Pelajar. Yogyakarta. 2013. Hlm: 157-158

¹¹*Ibid.*, Hlm: 156

The data collection technique in this study is an interview technique, where the researcher conducts questions and answers directly with the resource persons to obtain the required information.

5. Analysis of Legal Materials and Data

Analysis of legal materials is a method of studying, reviewing and analyzing legal materials to produce a systematic description. Where the legal materials obtained both from literature studies and from field research will be analyzed descriptively qualitatively. Where is an analysis of legal materials and data that groups and selects legal materials obtained from literature and field studies according to their quality and truth, then linked with theories, principles and legal rules so that answers to the problems are formulated. After the analysis, the next step is to draw conclusions, while the way of drawing conclusions in this study is by deductive means, which is a way of drawing conclusions from general things to specific things.

DISCUSSIONS

1. Forms of Protection for Indonesian Migrant Workers (PMI) in positive law

Indonesia is a vast country with a large population. According to data from the Ministry of Home Affairs, Indonesia's population in 2021 is projected to reach 273 million people.¹² Unfortunately, the large population numbers are not accompanied by many jobs. As a result, many Indonesians are looking for work in other countries. Every Indonesian citizen who will, is doing, or has done work for receiving wages abroad is called an Indonesian Migrant Worker.

Migrant workers are one of the country's largest foreign exchange earners. However, they often run into problems.

- a. Lack of legal protection;
- b. Do not have official documents;
- c. Lack of supervision by the Indonesian Migrant Workers Protection Agency (BP2MI) and the Indonesian Embassy (KBRI) after returning from abroad;
- e. Difficult access to communicate with the Indonesian Embassy.

To protect migrant workers abroad, the government issued Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers and Government Regulation Number 59 of 2021 concerning the Implementation of Protection for Indonesian Migrant Workers. In this rule, the protection of Indonesian migrant workers is carried out to ensure the fulfillment of workers' rights prior to, during, and after work. The government continues to improve protection for migrant workers. Several efforts can be made, namely: collecting PMI data correctly and accurately; strengthening the protection and rule of law for migrant workers; improving supervision, starting from the process of recruitment, departure to placement by Indonesian Migrant Worker Placement Companies (P3MI); increasing cooperation with local governments regarding border guarding so that smuggling of PMI without documents occurs; cooperate between the Indonesian Embassy and BP2MI with local migrant worker agencies to monitor the whereabouts of migrant workers; encouraging the active role of the Indonesian Embassy in routine operations carried out by the local state security forces so that troubled PMIs receive protection and avoid violence.

In general, arrangements for the Protection of Indonesian Migrant Workers are regulated in Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers

¹²<https://nasional.kompas.com/read/2022/04/25/01150041/pekerja-migran-indonesia--masalah-dan-upaya-perlindungannya> diakses pada tanggal 28 Februari 2023.

and Government Regulation Government Regulation Number 59 of 2021 concerning Implementation of Protection for Indonesian Migrant Workers

Based on these provisions, that form of legal protection for Indonesian Migrant Workers is given in the form of:

1. Protection Before Work

a) Administrative protection;

Administrative protection includes at very least, the following: a. ensuring the completeness and validity of placement documents, and b. determining the terms and conditions of work.

b) Technical protection.

Technical protection includes the following measures: a. providing socialization and information dissemination; b. improving the quality of Prospective Indonesian Migrant Workers through education and job training; c. Social Security; d. facilitating the fulfillment of the rights of Prospective Indonesian Migrant Workers; e. strengthening the role of functional introductory employees; f. placement services at LTSA Indonesian Migrant Workers; and g. guidance and supervision.

2. Protection During Work

Protection During Work includes:

a) During Work Protection is provided by Representatives of the Republic of Indonesia.

b) Protection During Work includes:

1) Data collection and registration by the Labor Attaché or appointed foreign service official;

2) Monitoring and evaluation of employers, jobs and working conditions;

3) Facilitating the fulfillment of the rights of Indonesian Migrant Workers;

4) Facilitate settlement of employment cases;

5) Provision of consular services;

6) Assistance, mediation, advocacy, and provision of legal assistance in the form of facilitating advocate services by the Central Government and/or Representatives of the Republic of Indonesia as well as trusteeships in accordance with local country laws;

7) Facilitate repatriation.¹³

c) Protection During Work includes during the journey from embarkation to the destination country of placement.

d) Protection While Working is meant to be carried out by not taking over criminal and/or civil responsibility for Indonesian Migrant Workers and carried out in accordance with statutory provisions, laws of destination countries, as well as international laws and customs.

The provision of consular services is carried out through:

a) Issuance of travel documents;

b) Issuance of civil registration certificates and certificates;

c) Visits to Indonesian migrant workers detained in prisons in destination countries;

d) Provision of social assistance;

e) Providing information in the event of death and guardianship related to Indonesian migrant workers;

f) Provision of access to temporary shelters; And

g) Assistance, mediation, advocacy, and facilitation of legal aid.

¹³ *Repatriasi* adalah kembalinya suatu warga negara dari negara asing yang pernah menjadi tempat tinggal menuju tanah asal kewarganegaraannya.

P3MI is responsible for repatriating Indonesian Migrant Workers in the event that the Employment Agreement ends, termination of employment, dies, has a work accident, becomes ill which causes them to be unable to carry out their work, and/ or other causes that cause harm to Indonesian Migrant Workers.

3. Protection After Work

1. After Work Protection is provided through:
 - a. Facilitate return to the place of origin;
 - b. Completion of the unfulfilled rights of Indonesian migrant workers;
 - c. Facilitate the management of sick and deceased Indonesian migrant workers;
 - d. Social rehabilitation and reintegration; And
 - e. Empowerment of Indonesian Migrant Workers and their Families.
2. The said Protection After Work is carried out by the Central Government, BP2MI, and Regional Governments.
3. In the event that an Indonesian Migrant Worker placed by P3MI dies, repatriation of the body becomes P3MI's obligation.
4. The repatriation of the bodies is carried out in coordination with the Representatives of the Republic of Indonesia, the Central Government, BP2MI and the Regional Governments.

2. The Role of the NTB Provincial Government in the Placement and Protection of Indonesian Migrant Workers (PMI)

West Nusa Tenggara Province is one of the provinces that sends a large number of Indonesian Migrant Workers (PMIs) abroad. In 2022 alone, it has sent 17,255 PMIs, with Malaysia being the country where most of them are placed. Additionally, the province has collected data on the return of 29,115 PMIs. Migrant workers go to various countries including Malaysia, the Middle East, etc.

This service is inseparable from collaboration with various parties, one of which is the follow-up of the MOU that has been signed by BP2MI with all districts/cities in the Province of NTB. Within the scope of the MOU, there are several matters of concern, including the prevention of illegal PMI departures, socialization of safe migration, and the enhancement of the competency and training for CPMI which is the duty and responsibility of the local government.

One of BP3MI NTB's efforts to prevent unprocedural PMI departure from Sumbawa Island is to propose to the Manpower and Transmigration Office to reactivate PMI monitoring posts at Poto Tano Port, Sumbawa and Khayangan Port, East Lombok. It is hoped that this will reduce the space for the tekong or brokers to move.

The NTB Government's efforts to improve CPMI's competence are collaborating with various parties, one of which is the East Lombok Vocational and Productivity Training Center (BPVP). BPVP has a competency training program for CPMI with various types of training provided, including language training, oil palm maintenance training and domestic worker training.

Based on Government Regulation Number 59 of 2021 concerning Protection of Indonesian Migrant Workers, that the Provincial Government has the duties and responsibilities of:

- a) Organizing education and job training by accredited government and/or private educational institutions and job training institutions;

In terms of its implementation, in West Nusa Tenggara Province related to the implementation of education and training for CPMI by the Regional Government, it

has not been implemented optimally due to budget constraints, even though there are Vocational Training Centers but instructors are still limited (Japanese, etc.)

- b) Take care of the return of Indonesian Migrant Workers in the event of wars, natural disasters, disease outbreaks, deportations, and problems with Indonesian Migrant Workers according to their authority;

In terms of implementing this Authority, it is the responsibility of P3MI and BP3MI, of course in coordination with the Regional Government.

- c) Issuance of P3MI branch office permits

In terms of implementation, the regional government has the authority to grant permission to open a P3MI branch office, provided that the P3MI must meet the specified conditions.

- d) Reporting the evaluation results of P3MI in stages and periodically to the minister;

In terms of its implementation, the results of the evaluation of P3MI's performance which are reported through the next service in stages will be reported to the Minister of Manpower

- e) Provide protection for Indonesian Migrant Workers before work and after work;

In terms of its implementation, the form of pre-employment protection is in the form of administrative protection, checking the completeness and validity of placement documents and determining the conditions and terms of work. In addition, there is technical protection which includes socialization and information dissemination, improving the quality of Prospective Indonesian Migrant Workers through education and job training, social security, placement services at LTSA as well as coaching and supervision. After work protection is provided through facilitating the return to the place of origin, settlement of the unfulfilled rights of Indonesian migrant workers, facilitation of the management of sick and deceased Indonesian migrant workers;

After Work Protection is carried out by the central government, BP2MI, and Regional Governments.

In the event that an Indonesian Migrant Worker placed by P3MI dies, the repatriation of the remains becomes P3MI's obligation to be carried out in coordination with the Representatives of the Republic of Indonesia, the central government, BP2MI, and Regional Governments.

- f) Setting up assistance posts and services at the places of departure and repatriation of Indonesian Migrant Workers that meet health requirements and standards;

In terms of implementation, the regional government has prepared assistance posts and services at the places of departure and return.

- g) Provide and facilitate training for Prospective Indonesian Migrant Workers through vocational training whose budget comes from the education function;

In terms of implementation, the NTB Government's efforts to improve CPPI's competence are collaborating with various parties, one of which is the East Lombok Vocational and Productivity Training Center (BPVP). BPVP has a competency training program for CPPI with various types of training provided, including language training, oil palm maintenance training and domestic worker training.

- h) Organize, guide, implement and supervise the implementation of the Placement of Indonesian Migrant Workers;

In terms of implementation, the government has regulated, fostered and supervised even through the Computerized System for Protection of Indonesian Migrant Workers (Sisko P2MI) which is a data collection system for Prospective Indonesian Migrant Workers who will go abroad

- i) Can establish LTSA of Indonesian Migrant Workers at the provincial level.

In terms of its implementation, the implementation of the OPP is a shared responsibility between the regional government and the central government. The Manpower Office at the provincial and district/city levels must be prepared to provide facilities, both supporting facilities for OPP implementation, such as rooms or from human resources, in this case competent instructors.

In general, the implementation of legal protection for PMI is carried out jointly between the Central Government and Regional Governments in accordance with their respective duties and authorities, where the Implementation of Government Regulation Number 59 of 2021 concerning Protection of Indonesian Migrant Workers, the West Nusa Tenggara Regional Government has implemented in a policy in the form of a West Nusa Tenggara Governor's Regulation concerning the Establishment of P3MI Branch Offices in which the Provincial Government has a role, including:¹⁴

- a) Supervise the process of recruitment and placement in destination countries.
- b) Providing recommendations for making a passport.
- c) P3MI training license.
- d) Zero Cost for certain destination countries to avoid illegal PMI.
- e) Form a task force that involves related agencies including Disnekar, Immigration, Social Service, Population Service and civil registration

Basically the Regional Government provides problem solving facilities for PMI who are experiencing problems, including legal issues for PMI in destination countries even though it is the authority of the Central Government, but the central Government will coordinate with the Regional Government regarding legal assistance. Meanwhile for PMI who are non-procedural there will be no protection or loss of their rights as PMI but limited to their rights as citizens.

While Protection After Work by the Provincial Government is carried out through:

- a) Facilitating the return of Indonesian Migrant Workers to their place of origin;
- b) Facilitate resolution of problems of Indonesian Migrant Workers in terms of:

The Regional Government through the Provincial Manpower Office regulates, fosters, implements and supervises the implementation of the Placement of Indonesian Migrant Workers in accordance with the provisions of laws and regulations. Specifically in the NTB region, there are 138 Branches. The number of P3MI Branch Offices are spread across several regions, where in the implementation of guidance and supervision, evaluation, reward and punishment can be carried out for organizers of the Placement of Indonesian Migrant Workers. In its implementation, where there is an obligation for P3MI to the Regional Government, namely to report, among other things, the number of departed PMIs and PMI candidates related to delays in departures.

Apart from the government, basically Indonesian Migrant Worker Placement Companies have the following duties and responsibilities:

- a. P3MI task of placing Indonesian Migrant Workers is to ensure the Protection of Indonesian Migrant Workers who are placed.
- b. Placement of Indonesian Migrant Workers by P3MI on individual Employers must go through Business Partners in the destination country of placement.

¹⁴Bapak Moh. Ikhwan, SH. MM selaku Kepala Bidang Penempatan dan Perluasan Kerja pada Dinas Ketenagakerjaan dan Tranmigrasi Provinsi NTB pada tanggal 14 Maret 2023.

c. In the Placement of Indonesian Migrant Workers as referred to in paragraph (1), P3MI must:

- 1) Report the results of the selection of Prospective Indonesian Migrant Workers to the office;
- 2) Report Prospective Indonesian Migrant Workers who will depart and be returned to the Labor Attaché or appointed foreign service official
- 3) Conduct selection at the District/City Regional Office or LTSA of Indonesian Migrant Workers;
- 4) Placing Prospective Indonesian Migrant Workers who have fulfilled the document requirements prior to employment;
- 5) Report the results of monitoring of placed Indonesian Migrant Workers;
- 6) Resolve the problems of Indonesian Migra Workers who are placed;
- 7) Placing Prospective Indonesian Migrant Workers for positions that do not conflict with the norms of decency and/or the provisions of laws and regulations;
- 8) Placing Prospective Indonesian Migrant Workers in certain countries that are not declared closed;
- 9) Repatriate Indonesian Migrant Workers in the event that the Employment Agreement ends, termination of employment, dies, has a work accident, and/or becomes ill which results in being unable to carry out work, and/or other causes which cause loss to Indonesian Migrant Workers;
- 10) Have SIP2MI in placing Prospective Indonesian Migrant Workers;
- 11) Register and include Prospective Indonesian Migrant Workers in the OPP; And
- 12) Report the extension of the Indonesian Migrant Worker Work Agreement to the Labor Attache or appointed foreign service official.

Whereas P3MI who do not carry out the said obligations are subject to administrative sanctions. Administrative sanctions, namely:

- a. written warning;
- b. Temporary suspension of part or all of business activities; or
- c. License revocation.

CONCLUSION

Based on the description above, it can be concluded as follows:

1. The forms of protection for Indonesian Migrant Workers (PMI) in positive law, are regulated in Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers and Government Regulation Number 59 of 2021 concerning the Protection of Indonesian Migrant Workers. Where the forms of protection include: Protection before work, during work and after work.
2. The role of the Regional Government of the Province of West Nusa Tenggara in the Placement and Protection of Indonesian Migrant Workers (PMI). In general, the implementation is carried out jointly between the Central Government and Regional Governments including P3MI, in accordance with their duties and authorities, the West Nusa Tenggara Regional Government has implemented a policy in the West Governor's Regulation concerning the Establishment of P3MI Branch Offices. Where is the local government authorized; organizing job education and training, managing the return of workers in the event of a problem according to their authority; issuance of P3MI branch office permits, setting up assistance posts and services at places of departure and return, supervising the implementation

of Placement of Indonesian Migrant Workers and establishing LTSA (One-Stop Integrated Service).

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