

## VILLAGES CARE FOR MIGRANT WORKER: ALTERNATIVE PREVENTION FOR UNDOCUMENTED MIGRANT WORKERS IN MADURA

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**Abstract:** *The absence of migrant workers' safe migration information and legal procedure knowledge is the main reason to why they become undocumented workers, leading to deportation as consequence. Most of migrant workers chose the unofficial pathways to work due to the deficiency in safe migration information, unverified migrating villagers' data by the village authority, and the document management by the drops. Therefore, the roles of local inhabitants and the local authorities are important to cut the chain of migration problems off. The development of migrant worker villages as an alternative prevention for non-procedural Indonesian Migrant Workers (PMI henceforth) is thus required. This employs empirical law approach. The current research aims to investigate the roles of the migrant worker villages in preventing the non-procedural PMI. The research was undertaken in Pamekasan and Sampang Districts. The Law of Protection of Indonesian Migrant Workers (PPMI henceforth) mandates all villages to take apart in offering the protection to the migrant workers. The programs of Productive Migrant Villages (Desa Migran Produktif (Desmigratif, henceforth)) offer four main services: providing migration service center, running productive business for PMI and their families, creating Desmigratif workshop, and facilitating the formation and development of financial institutions. The interview done in Karang Penang village (Sampang) and Pesanggar village (Pamekasan) indicated that those villages are the pilot projects where Desmigratif in each district operates. In addition, Desmigratif offered infrastructure development in villages at 2017. Running productive business has become the major concern in Desmigratif programs. Desmigratif also shares safe migration information with the migrant workers, works hand in hand with employment agencies. Desmigratif in Pamekasan and Sampang have been efforts to undocumented PMI prevention.*

**Keywords:** *migrant workers, prevention, villages care, non-procedural*

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### I. INTRODUCTION

The goods mobility leads to labor mobility. In global context, it is borderless. The labors migrate for a better standard of life. The State is in charge for PMI (Rebbeca, 1993). So does the protection services too. The legal protection for PMI is associated with both physical and psychological security such as from harassment, rape, torture, persecution, murder, and expulsion. The protection aims to prevent PMI from person, group of people, and the State's illegal treatment (M. Hadjon, 2007).

The procedures of migrant workers' distribution encompass pre-placement, in-placement, and post-placement. The major problem of migrant workers, working abroad, is especially due to the pre-placement process and procedural system violation. For example, the workers that should request work visa to migrate, but propose travel visa. Therefore, they are risky for deportation and human trafficking.

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Most of PMI prefer to choosing illegal pathways for migration because they do not want to join the skill preparation and language training before departure (elshint, 2017). Pamekasan is the most significant district contributor to illegal workers after Sampang District in Madura. It achieved 55 cases at 2018, Arif Handayani, the chief of the transmigration labor agency, Pamekasan District, stated. In the last three years, 2016 – 2018, thousands undocumented workers from Pamekasan deported. 1.400 people were deported at 2016, 900 people at 2017, 127 people at 2018, and 166 people at 2019 (Rahayu, 2019). Most of them are builders and housemaids. Those who depart illegally are by reason of the absence of migration procedure understanding, time consuming process avoidance, ineffective procedures, high cost, and taxation from PT (Limited Company). We need solutions to cut these chains off and it begins in village.

Law No 18 Year 2017 about the protection of PMI gives legal certainty because articles guarantee the rights of migrant workers. What makes Law of PPMI from previous ones is that not only the central government, province, and districts, but also the village government is responsible in dealing with PMI protection. Article 42 Law PPMI mandates that village government has the obligation to: provide job information, verify data, facilitate administration requirements, monitor the departure and return, empower workers and migrant workers' families. Those can take place only if the village government engages actively in protecting PMI.

The major issue of PMI when they were in abroad essentially emerges from the placement process in their country, especially in a village level. Since the village government is also in charge in protecting PMI by doing safe migration process, undocumented workers can be prevented then.

The concept of migrant worker villages (Desmigran henceforth) was firstly initiated by NGO Migrant Care by making *Desmigran* in West Java, Central Java, West Nusa Tenggara (NTB), and East Nusa Tenggara (NTT). This concept was then adopted by the Ministry of Manpower by making *Desmigratif* in migrant workers' areas. The *Desmigratif* concept began at 2017 in Madura: Sampang, Pamekasan, and Sumenep. This idea is expected to help PMI from being undocumented workers because the village government has already been giving legal protection to them. The purposes of this article are to point out the workers' placement process, migrant workers' protection, and the existence of migrant worker villages as preventive efforts for illegal PMI.

## II. MATERIALS AND METHODS

This research employed juridical empirical approach. In other words, this is sociological law or fieldwork study, investigating the applicable laws and their facts in society (Bambang Waluyo, 2002). The empirical problems of this research refer to the roles of the migrant worker villages as an effort in preventing undocumented PMI. This approach is to identify and conceptualize law as a social institution that is real and functional in daily life. The approach puts emphasis on how to get empirical law knowledge in practical terms. The

data was analyzed descriptively. It means that we organized, selected, synthesized the data to be able to seek and find the patterns, the important aspect of the investigation, and materials to describe (Lexy, 2002).

### III. RESULT AND DISCUSSION

#### Official Procedures of PMI Placement in Abroad

Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia No. Per.14/MEN/X/2010 rules the processes of PMI placement and protection overseas. Before departure, they must follow steps: *first* is the deployment process involving the management of *Surat Izin Pengerahan* (permit for submission, SIP henceforth), registration, recruitment, selection, workshop and training, medical and psychological examination. *Second* is employment agreement process, *Pembekalan Akhir Pemberangkatan* (the final debriefing departure, PAP henceforth), and overseas labor card. The Department of Manpower and Transmigration of Pamekasan, does PMI counseling and placement (Disnaker, 2019). Counseling plays an important role to PMI especially because Pamekasan and Sampang districts are the most significant contributors to illegal workers.

The next step is, after the counseling assistance done, the recommendation for passport making that was made for candidates. But they have to report themselves to Indonesian Migrant Worker Placement Company (Perusahaan Penempatan Kerja Migran Indonesia, P3MI henceforth) facilitated by the Department of Manpower and Transmigration or personally initiated to do so. In P3MI, they will have medical examination, competence test to be eligible for overseas worker requirement. In addition, they can register online via *Simpadu* application. They can choose the area of working, types of jobs, and company that suits their competence.

Here is the administrative requirement that should be met for passport making through P3MI services (Disnaker Pamekasan, 2019):

- A) P3MI officials must bring the following documents:
  - i. Passport recommendation request letter of the candidates (CPMI henceforth / Calon Pekerja Migran Indonesia);
  - ii. Recruitment Cover Letter (SPR/Surat Pengantar Rekrut);
  - iii. Letter from the Director of Implementing Duties of Private Indonesian Workers (TPPTKIS/Tugas Pelaksana Penempatan Tenaga Kerja Indonesia Swasta);
  - iv. Approval request (Permohonan Approval) (for novel candidates);
  - v. Employment or placement agreement.
- B) The CPMI must have the following documents to register and they have to present in time of registration:
  - 1. Identity card, family card, birth certificate;
  - 2. Permission statement from parents/husband/wife;
  - 3. The current diploma certificate;
  - 4. Marriage book and or divorce papers (where relevant).

Passport is a must for CPMI because it represents the PMI personal identity while living or working overseas. Other administrative requirements are:

1. Passport;
2. Employment contract;
3. Work visa;
4. Overseas labor card;
5. Insurance participant card (BPJS);
6. The certificate of PAP.

All mentioned are official procedures and all CPMI must meet the administrative requirement before departure. The regulation is made to help CPMI secure before or after work. However, not all CPMI obey those official procedures. Most of CPMI in Pamekasan tend to be resistant to consult the overseas job availabilities for instance to the Department of Manpower and Transmigration. Indeed, the required information is already available in that department. CPMI, unfortunately, trust more on drops. This is because the administrative management process is relatively short and then they depart quicker. The drops, however, took illegal procedures so that CPMI become illegal workers. They are offered high wage and depart to country destination soon. But they are not well informed the risk of illegal workers.

Non-procedural placement process is the real problem of PMI from Madura. It means that they do not follow the official procedures legalized by the Government. The documents are unreal, the placement is nonprocedural, and they have no work visa (passport for umroh/travel purpose only). The most preferred country destinations are Malaysia and Saudi Arabia. Why most of PMI preferred to working in Malaysia is all about the language similarity, Bahasa Melayu, and cultural background they share with. They want to do pilgrimage why they worked in Saudi Arabia.

This is also applicable for PMI from Pamekasan and Sampang to which their country preference to work are Malaysia and Saudi Arabia. Based on the ex-PMI who worked in Malaysia, they said that they departed from Pamekasan and Sampang and headed to border areas between Indonesia and Malaysia (Subaidi, 2019). Holding passport only, without work visa, they entered Malaysia through 'rat' harbor at night and headed for plantation areas. The number is huge and later they fill the position of plantation laborers or builders. They worked illegally so that they did their jobs quietly with below wage standard.

The States forced illegal workers, the ones who have no legal rights to work since they are undocumented, to leave their countries. So far, the deported PMI from Pamekasan is big in number compared to number of PMI placement. The reason is clear that they worked overseas without legal documents.

PMI from Pamekasan mostly faced the following problems: the deportation, death, and sick, BNP4TKI data. Based on Pos Pelayanan Penempatan dan Perlindungan Tenaga Kerja Indonesia (P4TKI henceforth / Indonesian Workers Placement and Protection Service Post) of Pamekasan, there were 72 illegal workers deported from Malaysia, Arab Saudi, Abu Dhabi,

UAE, Dubai, dan Jeddah between Januar to August, 2019 and 2 illegal workers were deported because they were sick.

### **The Development and Empowerment of Migrant Worker Villages: Non-Procedural PMI Preventions**

Community development movement raised at 1980s when critics towards developments that disregard the people's participation expressed. The concept of the Welfare State was criticized because it was perceived to be unsuccessful. The major weakness is on the State's role that is too dominant so that two other stakeholders, private sectors and public's roles are unaccommodated. Giving authorities to local initiatives and public's participation has been keys to community development (Suparjan, 2004).

The perception built in community development is to treat people as an integrated work unit. Activities are based on local initiatives, local resources, and local leadership. Community development means putting trust on its people. Its trust is represented through giving opportunities equally, freedom to choose, authorities to decree. The given conditions can make movement in people so that in long term period, they can be more independent. The people's independency means reducing their dependency to outsiders.

People empowerment is the central issue in community development. Empowerment essentially covers two aspects: to give or authority to and to give ability to or enable. What the first term means is that empowerment gives authority, diverts strength, and delegates authorities to other parties. The second term means that empowerment is an effort to make other parties empowered. In this context, empowerment is defined to grant ability and empowerment to migrant worker villagers. The implementation of democratic aspects and people's participation emphasizing on locality underlies the empowerment of local potentials. In this stage, the empowerment also focuses on individuals' building capacities and institutions (Priyono in Suparjan, 2004).

To make the village government run its responsibility in protecting PMI, we need PMI communities or their families, the active public participation and regional government. For that reason, as Suparjan (2004) believes, village empowerment can be achieved by enhancing critical awareness or public position in social-political structures: managing the logical arguments to terminate any kinds of exploitation; developing the people capacities and social and cultural aspects. The local cultural values such as *gotong royong* (communal work) and *arisan* (social gathering) should be seen as social capital in achieving the community development. The true empowerment is basically people's participation-oriented.

Before the village government is not in charge in PMI protection as Law No 39 Year 2004 was still relevant, migrant care has initiated *Desa Peduli Buruh Migran* program (Desbumi henceforth) since 2014. There are 18 villages in NTT, NTB, Central Java, and East Java started providing migration service system in villages. The programs offer migration information center, document services, database storage, complaint mechanism, economic empowerment, and village regulation (Migrant care, 2016).

Law PPMI indicates that all villages have responsibility to protect PMI. 18 villages mentioned may have no problems dealing with the issues at hand since they have such established systems. They could remain problematic for the next villages so that assistance is required: *Desmigratif* programs have been introduced in 60 Districts and 120 villages. The programs are mainly focused on the villages where most of their people are PMI. There are four pillars in *Desmigratif* programs: creating migration information center, running productive business for PMI and their families, facilitating the *Desmigratif* workshop, and facilitating the creation and development of financial institutions or Cooperatives.

The interview done at Passanggar village (Pamekasan) and Tambah (Sampang) shows that both villages received *Desmigratif* programs but got difficulties since they are top-down programs so that most of people lack of awareness related to those programs. There must have committees to run the given programs. Passive engagement that the people show makes those programs less effective. At Pamekasan, there were committees to socialize migration official procedures and they targeted zero illegal workers. This must be appreciated because the regional government also facilitates villages in preventing undocumented PMI.

Each stage in community development should involve the local community so that the programs are bottom-up rather than top-down basis. Diana conyers (1954) believes that community participation is urgent because it is a tool to collect the local condition information, the need and attitude of the native people, builds the local people's trust. They believe in the programs because they are engaged in planning and implementation process. In addition, they got democratic rights with their involvement. Making core organization of the community, building the local people's awareness, doing assessment administered by village authorities, organizing and assisting the local communities are keys in NGO' activities. Meanwhile, this is the central government program to select the villages and provide assistance for the programs. This makes the programs unsuccessful.

*Desmigratif* serves migration services for migrant workers. The services include migration process, Indonesian's Law or the country destinations' Law, advocacy information, migrant workers' cases, or village migration data. That information conveyed through the socialization program, leaflet, or migrants' sharing. Most of the PMI problems happen while they are working because they are not informed of migration process, the regulation in the country destination, migrant workers' right, and solutions to their problems. Pre-placement process is the starting point for safe migration and it begins in the village.

The first pillar of *Desmigratif* is the migration service center. For those who want to work overseas can consult migration issues in *Balai Desa*. They can ask for information of job opportunities, work training, how to work overseas, and document management. The second is the productive business. This is to help the PMI and their families to have skills and wish to run more productive business, and also find out the potentials of the village. The third is community parenting. This is to help the children of PMI and provide them teaching and learning activities. The fourth is building cooperatives or financial institutions. The community can also initiate to do so and they will have government support.

One of the *Desmigratif* programs done in Passanggar village was overlying/making roads, skill trainings in sandal production, food catering and parenting services for PMI children. Banks provided playground facilities. The committees provide the people of Passanggar village the information of safe migration process to work overseas. They also inform the villagers the legal migration procedures and encourage them to manage their documents required.

Of the four pillars of decentralization, where the first pillar is about the center of migration services, here the village apparatus provides migration services focusing on the preparation of personal data that is original and administered by prospective PMI themselves. There is a companion in each village of migrant workers who facilitates the village community in providing official information on the migration process. Village officials have data on the mobility of their population, so data falsification can be minimized. During this non-procedural process, document management is carried out by brokers / *tekong*, so that many prospective migrant worker data are falsified. It becomes a problem if when working abroad migrant workers experience problems until they die, it will be difficult to send his body. And cases like this often occur in migrant workers. By doing the document management on its own, it will avoid this and will also make the migrant worker independent in handling the documents and the most important thing is to break the chain of brokers / *tekong*.

The existence of the village of migrant workers, the village apparatus accompanied by the Manpower Office conducted the socialization of placement procedures, the promotion of the rights of migrant workers, the socialization of problems experienced when departing non-procedurally and the socialization of handling cases experienced by PMI. The expectation of the socialization activities is that the community can understand the risks if working abroad non-procedural will face many problems, so they will choose through procedural channels. Even in Pamekasan there are officers formed by the Manpower Office, which is the Task Force that provides assistance to prospective PMI so that they can take care of documents officially. The absence of information and the parties who are able to accompany PMI candidates for the handling of documents has been the reason for prospective migrant workers to go abroad non-procedural. It is expected that the presence of migrant worker villages will encourage PMI candidates to work with official and procedural documents, which means preventing them from working abroad on a non-procedural basis. The record of the existence of migrant worker villages is the need for assistance to villages carried out by the Regional Government, so there needs to be a synergy which certainly facilitates and makes the migrant worker village program more beneficial to the community.

From the explanation above, we can argue that migrant worker village programs can be used to prevent undocumented PMI. However, the *Desmigratif* programs must be supported by the regional government's policy and programs. The regional government is also expected to be able to integrate the *Desmigratif* programs with law, economic, and social aspects and coordinate with other related departments. The slow responses of the regional government to work hand in hand with the village government make the *Desmigratif* programs as if they are the central government's program only so that the village government works on their own.

Based on the data reporting the decrease of deported PMI in numbers, it indicates that the existence of Desmigratif contributes significantly.

#### IV. CONCLUSION

The village care for migrant workers program consists of four pillars, namely migration services, productive businesses, parenting and cooperatives. The migration service is carried out by providing information about safe migration in collaboration with the Manpower Office. The migration service focuses on the preparation of original and personally administered personal data by prospective PMI. There is a companion in each village who facilitates the village community regarding the migration process. Village officials have data on the mobility of the population. Village officials accompanied by the Manpower Office conducted socialization of placement procedures, socialization of migrant workers' rights and socialization on the handling of cases experienced by PMI. Even in Pamekasan there were officers who were formed to assist PMI candidates so that they could take care of documents officially. The absence of information and those who are able to assist PMI candidates for document management are expected to encourage PMI candidates to work with official and procedural documents. Desmigratif in Pamekasan and Sampang is an effort for villages to prevent undocumented migrant workers PMI.

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