

RESEARCH BRIEF



Policy-oriented Research Review for Indonesian Migrant Workers Protection

Every year, hundreds of thousands of Indonesian female migrant workers go overseas in search of better future. To them, being a migrant worker is still the best option to earn a living, despite severe risks they may encounter.

In the beginning of 2015, MAMPU conducted desk review on researches relating to migrant workers protection, which is also one of MAMPU's themes. The research, conducted by Samuel Bazzi and Melisa Bintoro, aimed at identifying further the existing studies on the theme as well as to seek information on knowledge gap that is important to improve policy for Indonesian migrant workers protection. The study was also conducted to support MAMPU's strategic research agenda preparation.

The desk study comprises 22 research reports consisting of academic journal, donor report, and national and international organization's reports issued between 2004 to 2014. The studies selected are mainly those with policy-orientation relating to migrant workers protection issue. Some of the questions used to guide the study are: 1) What important lesson can be gained from policy-oriented studies on migrant workers protection, and 2) Whether there is any important knowledge gap that can support

policy improvement on migrant workers protection.

INDONESIAN MIGRANT WORKERS: ROLES & ISSUES

Every year, hundreds of thousands of Indonesian migrant workers go overseas for better wage. In 2014 alone, there were around 429,872¹ of Indonesian Migrant Workers (TKI) went overseas. In total, the number of TKIs still working overseas is approximately 3,944,010 people.²

The income earned by Indonesian migrant workers overseas is quite significant. The most recent data on the remittance shows that the remittance sent home by TKIs in 2014 was no less than USD 8 billion.³ This enormous amount of money plays important role in moving the country's economy.

On the other hand, however, working overseas exposes migrant workers to serious risks. The economic benefit they obtain is often overridden by so many issues they have to face. According to

¹ BNP2TKI (2014) Available at http://www.bnptki.go.id/uploads/data/data_16-01-2015_020347_Laporan_Pengolahan_Data_BNP2TKI_S.D_31_D ESEMBER_2014.pdf

² Bank Indonesia dan BNP2TKI. Indonesian Financial Statistics. Available at http://www.bi.go.id/seki/tabel/TABEL5_30.pdf

³ Bank Indonesia and BNP2TKI

a survey conducted in three migrant workers-sending airports in Java, about 13.6% migrant workers face problems when working overseas.⁴

The problems revolve around job termination, work-related illness, unpaid salary, harassment, work that is not in accordance with the contract, poor communication, and various other problems that are faced by Indonesian workers in carrying out their works.

The same survey also indicates that the number of migrant workers facing problems decreases from 45,749 people in 2011 to 14,487 people in 2013. The decrease is suspected to have taken place due to the decline of number of migrant workers going overseas since the imposition of moratorium to Saudi Arabia in 2011. From the statistic we can infer that the percentage of migrant workers facing problem overseas does not actually change.

PARTIES PLAYING ROLE IN MIGRATION PROCESS



Ex-migrant worker activity: grocery store

The complicated process TKIs have to pass through and various parties involved, from the recruitment stage until their departure, make migrant workers protection issue not easy to tackle.

Sponsor is the entry point for potential migrant worker (TKIs) who connects the potential TKIs to placement agency (PPTKIS or PT). Once the TKIs are officially under the management of a PT, the

PT is responsible to match the TKI's profile with job profile demand prepared by the Ministry of Manpower. PT is also responsible to provide training prior to the worker's departure. Once the worker departs, the agent in destination country, which is the partner of the PT, serves as the last party who connects TKI with the employer. Finally, employer becomes the party responsible for the TKI during the latter's work period in the country.

Under Law No.39/2004 on Migrant Worker Placement and Protection Overseas, some ministries and government agencies are positioned as the parties responsible for migration process. The main actors involved herein are the Ministry of Manpower and National Indonesian Migrant Worker Placement and Protection Agency (BNP2TKI) in the migrant workers sending process overseas and their protection.

MAIN FINDINGS

From the review conducted on 22 studies regarding migrant workers protection policy, Bazzi and Bintoro found the following:

1. There are only few studies on migrant workers protection ever conducted

Researches on Indonesian migrant workers are still so few, particularly the ones relating to preparation stage, placement stage, and protection of migrant workers. The existing research are focused more on remittance sent by TKIs to their hometown.

2. Limited data on migrant workers migration

Despite the high number of TKIs and their important roles to Indonesian economy, currently there is no systematic data on TKIs migration number. Some surveys such as Indonesia Family Life Survey (IFLS) and National Social and Economic Survey (Susenas) cover several information relating to migrant workers. The data available include those relating to migration history of each household member and amount of

⁴ BNP2TKI (2014)

remittance sent home by workers overseas. However, the samples of such survey were only taken from several villages, and hence do not represent national situation.

BNP2TKI's effort to increase data availability is a noteworthy progress. BNP2TKI provides data on migrant workers placement (by type of work, sex, home province, marriage status, education level, destination country, and work sector), departure point, problem faced, complaint, and mortality rate. The above data is expected to be able to help monitoring TKI placement and protection.

3. Identification of factors causing numerous problems to migrant workers

The study conducted by Bazzi and Bintoro identified several factors causing the stagnancy of TKI issue, which include:

Lack of clear information for TKIs on work condition and livelihood in destination country. Often, TKIs hold over-expectation in term of what they hope to gain and experience abroad. TKIs also hardly know about their rights and obligation before departure and even until they work overseas. The cause of this lack of information can be linked to the lack of training given to them during their preparation time.⁵

Strong dependency to sponsor is another problem for TKI protection. Sponsor tends to hide information on TKI's rights and options from them during the departure preparation. Some cases also show that sponsor asks potential TKIs to give their signatures and consent without the latter being given sufficient information about the consequence thereof.⁶

Lack of supervision and law enforcement toward parties responsible for TKI sending. Some researches found that PT (agency) that has broken the rule can still get away from punishment and the owner can make nother company when his previous company is under sanction.⁷

Several **other factors** influencing the poor protection for TKIs include the weak decentralization system that doesn't benefit the TKI; difficulty in coordination between origin country and destination country; ineffective complaint and problem settlement system for TKI; and increasing use of unofficial line for remittance sending.

RECOMMENDATION FOR FUTURE RESEARCH

MAMPU program applies evidence-based approach. To support its program in general as well as its partners' works, MAMPU attempts to provide various quality researches and relevant data to improve TKI protection. There are a number of opportunities to conduct new researches relating to areas which currently don't have sufficient information:

- Research on **pattern of relation** and interaction from parties responsible for TKI departure process.⁸ Relations between TKI, sponsor, PT, agent in destination country, and employer, remains unclear up to date. By identifying further this multi-party relations, problems faced by TKIs can hopefully be prevented and reduced.
- The cost for TKI departure is generally borne by the weakest party, which, in this case, the TKI. Various issues around financial transaction relating to TKI departure process remain unclear. The issue includes incentive paid by the PT to sponsor, as well as wage given by agent overseas to PT. By knowing further about the ongoing **cost structure** in TKI market, government can make policies that provide more protection to TKI.
- Various efforts have been conducted to overcome the **lack of information problem** to TKI. However, up to date, it remains unclear what kind of intervention that would be most effective to address this issue. To help addressing the question, MAMPU can conduct research to identify the sort of

⁵ Bazzi and Bintoro (2015)

⁶ Farbenblum et al (2013), p.127

⁷ Farbenblum et al (2013) and IOM (2010)

⁸ Bazzi and Bintoro (2015)

media that would work most effectively to give information to TKI; what the content of such intervention would be like; and which party that would best transfer such information to TKIs.

- TKIs who don't use official line (irregular migration) or those who migrate illegally tend to be the most vulnerable and unprotected, and even unrecognized by Law No.39/2004. To help reducing the number of **irregular migration**, MAMPU can conduct research to identify further about the demographic characteristics of illegal TKI, the pushing factors causing TKI not using official line, type of work undertaken by illegal TKIs, and problems they encounter during working overseas.



Ex-migrant worker activities: seaweed cultivation

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Credits

Samuel Bazzi and Melisa Bintoro (2015). *Review of Policy-Oriented Research on the Protection of Indonesian Overseas Migrant Worker*.

For access to this research, contact MAMPU program.

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