

INDONESIAN MANPOWER AGENCY'S RESPONSIBILITY IN FISHERIES SECTOR FOR THE PROTECTION OF INDONESIAN MIGRANT WORKERS IN TAIWAN

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ABSTRACT

Working abroad as a migrant worker does promise a big salary. However, it is also followed by a big risk. The lack of protection and huge risks at the workplace have led to problems experienced by migrant workers in other countries. Migrant workers generate a lot of foreign exchange for the state and regions and participate in solving labor problems in the country despite the very limited protection they get. The problems faced by migrant workers in Indonesia, especially migrant workers who work in Taiwan, cannot be separated from the responsibility of manpower agencies in the fisheries sector, particularly manpower agencies in Suradadi, Tegal Regency.

Keywords: Migrant Workers, Manpower Agency, Migrant Workers Protection

INTRODUCTION

Working is a way for humans to get their dignity as a human being as it can improve their welfare and meet their needs as a person despite the fact that there is limited employment in Indonesia. Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia mandates that every citizen shall have the right to work and to a living, befitting for human beings.

Indonesia is a country with a large potential for migrant workers. Therefore, the government creates a program to send Indonesian migrant workers abroad as the solution to this problem. This program is expected to reduce unemployment and limited employment opportunities in Indonesia.

Working abroad as a migrant worker does promise a big salary. However, it is also followed by a big risk. The flow of Indonesian labor migration abroad is getting bigger and bigger every day. This is due to the unsolved domestic labor problem. The crisis which has not been resolved to date has also accelerated migration. Dita Indah Sari from the Ministry of Manpower and Transmigration estimated that the number of Indonesian migrant workers will increase, especially from villages that have no source of work other than agriculture which is considered as less-beneficial and has slowly been abandoned.

Migrant CARE (2013) estimated that the number of Indonesian migrant workers abroad is about 4.5 million people. Most of them are women (about 70%) and work in the domestic sector (as domestic workers) and manufacturing. In terms of age, most of them are in the productive age (over 18 years to 35 years). However, it is suspected that many of them are actually underage. This happens because many of them have their identity and travel document forged. The rest, about 30% are men, work as labors in plantation, construction, transportation, and services. During their tenure, most of the migrant workers work in sectors that are full of risks (3D: Dark, Dirty, Dangerous) but lack protection.

The lack of protection and huge risks at the workplace have led to problems experienced by migrant workers in other countries. In Hong Kong, migrant workers are underpaid. In Taiwan, many migrant workers are not paid and are unilaterally laid off. Taiwan is also the target of 208 Legal Protection for Indonesian Migrant Workers (BMI) (Nur Hidayati) in terms of Indonesian women's trafficking, especially from Kalimantan for contract marriage. In Singapore, apart from smuggling, the vulnerability experienced by migrant workers is indicated by a large number of deaths. In the first semester of 2007, 120 Indonesian migrant workers had died. From these facts, it can be seen that the complexity of the problems experienced by Indonesian migrant workers is both in terms of types or loci and causes. However, the bottom line of the problem is the lack of protection provided by the state.

According to data from the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI), foreign exchange generated by migrant workers working in the domestic sector reaches the US \$ 2.4 billion or more than Rp 21.6 trillion per year. Although migrant workers make important contributions to local economic development, the tendency to improve protection for them both in the country and abroad is still inadequate. Migrant workers generate a lot of foreign exchange for the state and regions and participate in solving labor problems in the country despite the very limited protection they get.¹

The labor system in Indonesia is very vulnerable to the practice of hidden slavery, both in the country and abroad. This can be seen from the 2013 Global Slavery Index. Migrant Care activist Wahyu Susilo (2013) responded to research from the Walk Free Foundation, an Australian institution, which is summarized in the Global Index Slavery. In that study, Indonesia was ranked 114th as a country with modern labor practices. It stated that 210 thousand Indonesians were living and working as slaves. Slavery can be a reference to monitor whether workers' rights have met the proper criteria or not. The work sector categorized as slavery includes domestic workers, factory workers, and plantation workers, as well as fisheries.

The problems faced by migrant workers in Indonesia, especially the ones who work in Taiwan, cannot be separated from the responsibility of manpower agencies in the fisheries sector, particularly the manpower agencies in Suradadi, Tegal Regency. The problem formulation in this research include: What is the pattern of employment relationship based on the Labor Laws? How are the regulations developments related to Indonesian manpower supply agencies in the fisheries sector for migrant workers in Taiwan and their responsibilities? What is the practice of implementing the responsibilities of the manpower supply agency? Based

¹ Lalu Husni, *Hukum Penempatan dan Perlindungan TKI*, (Malang: Post-Graduate Program Brawijaya University Malang, 2015). pg. 11.

on the background that has been described, the researcher intends to carry out research entitled: "INDONESIAN MANPOWER AGENCY'S RESPONSIBILITY IN FISHERIES SECTOR FOR THE PROTECTION OF INDONESIAN MIGRANT WORKERS IN TAIWAN".

RESEARCH METHOD

The approach method used by the researcher is empirical juridical approach. The empirical juridical approach is used to identify and conceptualize law as a real and functional social institution in a real-life system.² This approach emphasizes research that aims to gain empirical legal knowledge by going directly to the object, namely knowing the responsibilities of Indonesian manpower agencies for the protection of Indonesian migrant workers.

The research entitled "Indonesian Manpower Agency's Responsibility in Fisheries Sector for the Protection of Indonesian Migrant Workers in Taiwan" was conducted using empirical juridical approach by analyzing primary data in the form of interviews/observations and secondary data in the form of legal materials, especially primary and secondary legal materials by understanding that law is a set of rules governing human life.

This type of research is empirical juridical or sociological law and can also be called field research. It examines the applicable legal provisions and what is happening in society, or in other words, the research is conducted on the actual situation or real conditions that occur in society intending to know and find the facts and data needed which then leads to problem identification and problem-solving.³

The location of the research is focused on the Indonesian Manpower Agency in Suradadi, Tegal Regency, Central Java. According to Mukti Fajar, there are two sources of data in empirical legal research, namely primary data as the main data and secondary data or literature.⁴ The use of primary data in this research shows that this research must be built from social facts related to the operation of real laws. Direct supervision with observation or through questionnaires. The secondary data is usually used as initial data or as a comparison in sociological legal research. The researcher begins with social facts from books, research results, and scientific journals.

RESULT

A. The Responsibility of Indonesian Manpower Agency

In order to ensure the fair implementation of Labor Law, government intervention is required through agencies/departments that specifically handle manpower issues, namely the Department of Manpower at the central level and the Labor Office at the regional level. The contribution of the government and society to labor is seen in several regulations that provide concessions and restrictions regarding the stance of a woman in general, such as maternity leave, night shift, and so on. Likewise, what is done by Indonesian manpower agencies to prospective workers or workers who will be dispatched, both those who will be posted in the country and abroad. Every worker who has been recruited by the Indonesian Manpower Agency (PJTKI), either through the branch office or the head office, has rights to get the full responsibility from the start of recruitment to the departure and the return.

The responsibility of the Indonesian Manpower Agency (PJTKI) after recruitment is to conduct training. During the training, the workers will learn several things, for example, the language used, culture, and manners in the country where the workforce will be placed. The next thing the PJTKI does is conducting a skills test to determine the skill qualifications of the workers and select which one of them to be dispatched. Those matters are the responsibility of the Indonesian Manpower Agency (PJTKI) for workers before departure. After the departure of workers abroad, the PJTKI has full responsibility to each of them regarding their well-being, even if they are involved in a conflict, and provide them full protection until their return to their homeland.

Indonesian Manpower Agency (PJTKI), is a business entity in the form of a joint-stock company (PT or Ltd.) that has a Business License (SIU-PJTKI) to carry out employment placement services in the country and abroad. The institution for the placement of manpower carries out the task of placing manpower under the inter-work process, both in the country and or abroad.

The agency's rights for the placement of labors by institutional status and requirements are as follows:

1. Placing workers in the country and abroad.
2. Providing labors needed by service users both in the country and abroad.
3. Obtaining labor market information from within and outside the country.
4. Receive guidance and coaching from the Department of Manpower.
5. Receive placement service fees from domestic and foreign service users.
6. Received a placement service fee from workers by applicable regulations.
7. Managing a data bank of skilled or experienced workers.

The obligations for implementing labor placements are as follows:

1. Carrying out the placement of workers.
2. Meeting the requirements determined under the scope of activities.
3. Implementing and comply with the instructions from the Department of Manpower.
4. Preparing qualified Indonesian workers in terms of mental, physical, technical skills, and communication skills.
5. Carrying out the promotion and marketing of Indonesian Migrant Worker services.
6. Reporting every placement, departure, and return of Indonesian Migrant Worker to the Ministry of Manpower

² Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: UI Press, 1986), pg. 51.

³ Waluyo Bambang, *Penelitian Hukum Dalam Praktek*, (Jakarta: Sinar Grafika, 2001), Hlm. 15-16.

⁴ Mukti Fajar, *Dualisme Penelitian Hukum Normatif dan Empiris*, (Yogyakarta: Pustaka Pelajar, 2015), Hlm 59.

periodically and incidentally for special matters.

7. Protecting workers from pre-post to post-placement, including securing the implementation of work agreements that bind Indonesian Migrant Worker service users.
8. Preparing business reports in the form of semester reports and annual reports which must be audited by a Public Accountant.

PJTKI can carry out workforce placement activities for a package of work contract supply and workforce management. Therefore, PJTKI must obtain written approval from the Directorate General of the Development of Labor Placement on behalf of the Minister. To obtain this approval, PJTKI must submit a written application with a sufficient seal. Application is addressed to the Directorate General of Labor Placement enclosing:

1. An agreement between the PJTKI and the Employer Entity that contains the assignment, rights, and obligations to carry out the provision and management of the necessary workforce.
2. A work agreement between the PJTKI and the worker to be placed, which contains the terms and conditions of work as well as the rights and obligations of each party.
3. A statement letter of willingness to be responsible for the resolution of any problems that occur in the placement of workers by the provisions of the prevailing laws and regulations.

PJTKI, either alone or in groups, can appoint foreign representatives to take care of their interests in the country where the workforce is placed. If deemed necessary, the Foreign Representative must have employees who can speak Indonesian. Foreign representatives who meet these requirements must be reported to the local Indonesian Representative. As for the duties and responsibilities of foreign representatives, namely:

1. Marketing of Indonesian Manpower Services.
2. Looking for job vacancies.
3. Signing documents related to the placement of Indonesian Workers for and on behalf of the PJTKI.
4. Monitoring the implementation of the contents of the work agreement.
5. Resolving any problems that arise between Indonesian Workers and service users.
6. Managing work contract extensions, departure, and return of Indonesian Workers.

B. Protections of Migrant Workers

Institutions that implement workforce placements, before implementing labor placement abroad, are required to fulfill obligations related to labor protection, including:

- a. Labor requirements
- b. Selection of the quality of potential users of labor services
- c. Clarity and certainty of legal protection for workers in *Jamsostek* (the state-pension fund) or the workers' welfare security system and other insurance systems in countries where workers are placed.

Because of the workforce placement program in the country and abroad, it involves many agencies from the Department of Manpower, PJTKI (Indonesia Manpower Agency), BP3TKI (The Indonesian Workers Placement and Protection Service Center), Ministry of Health, Immigration, and the police. Following the roles, functions, and responsibilities of the workforce before the departure of the Indonesian Manpower Agency (PJTKI), they conduct training and skills testing which are needed for Indonesian workers who will be dispatched to the country where the workforce is placed. Labor (manpower) protection is very much a concern in labor law. Several articles in Law Number 13 of 2003 concerning Labor, among others, regulate it. Here are the articles that regulate it:

- a. One of the goals of labor development is to protect workers in realizing welfare (Article 4 letter c).
- b. Every manpower shall have an equal opportunity to obtain a job without discrimination (Article 5).
- c. Every worker/labor shall entitle to obtain equal treatment without discrimination from an entrepreneur (Article 6).
- d. Every labor shall entitle to obtain and/or enhance and/or develop work competence in accordance with talent, interest, and capability through vocational training. (Article 11).
- e. Every worker/labor shall have equal opportunity to participate in vocational training in accordance with their respective fields of tasks (Article 12 paragraph 3).
- f. Every manpower shall have equal rights and opportunity to choose, obtain and move to other job and earn adequate income in the country or abroad (Article 31).
- g. Every workers/labor shall entitle to obtain protection with regard to: occupational safety and health, morality and goodness, treatment in accordance with the human status and dignity as well as religious values (Article 86 paragraph 1).
- h. Every workers/labor shall entitle to obtain income fulfilling humanely adequate sustenance (Article 88 paragraph 1).
- i. Every workers/labor and their family shall entitle to obtain manpower social insurance (Article 99 paragraph 1).

Every prospective Indonesian worker has the right to obtain protection in accordance with the laws and regulations. Protection as referred to in the Law of the Republic of Indonesia Number 39 of 2004 in Article 77 paragraph 1 is implemented starting from pre-placement, placement period, to post-placement. Representatives of the Republic of Indonesia provide protection for workers, in this case female workers abroad, in accordance with statutory regulations and customary international law. Every Indonesian Worker, in this case female workers, who are placed abroad by PJTKI, will be fully protected by the PJTKI. PJTKI collaborates with the government in terms of protecting Indonesian Workers from pre-placement to post-placement.

C. Constraints Faced in the Fisheries Sector

Manpower in the Minister of Manpower Regulation is any person who is capable of doing work both within and outside of a work in order to produce services or goods to meet the needs of the community (letter c). According to Article 2, to carry out the placement of Manpower in the country and abroad, it must comply with the regulations stipulated by the Minister of Manpower.

Article 4 of Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers states that Indonesian migrant workers are those who do these things:

- a. Indonesian Migrant Workers who work for legally incorporated Employer;
- b. Indonesian Migrant Workers who work for individual Employer or household: and
- c. Seafarers and fishermen.

Indonesian Manpower Agency (PJTKI), is a business entity in the form of a joint-stock company (PT or Ltd) that has a Business License (SIU-PJTKI) to carry out employment placement services in the country and abroad. Labor protection is very much a concern in labor law.

Article 5 juridically states that every worker has the right to have the same opportunity to obtain a decent job and livelihood regardless of gender, ethnicity, race, religion, and political orientation, according to the interests and abilities of the workforce concerned. Article 6 obliges employers to grant rights and obligations to workers regardless of gender, ethnicity, race, religion, color, and political orientation. Ship crew is all people who work on the ship, whose job is to operate and maintain the ship and its cargo, except for the captain. That's according to the Law of the Sea. In carrying out their duties they often experience difficulties caused by many things. Starting from sexual harassment, human rights violations, to crimes of human trafficking. Their presence in the middle of the sea makes it difficult for the government to monitor them.

The problem of crew members that is often encountered is the placement of crew using the Letter of Guarantee (LG) system. For example, a crew member who should have been assigned to Malaysia, but in reality, the ship's crew was sent to Taiwan. So that the ABK (crew) data is not recorded by government representatives in Malaysia. This is one of the reasons for the difficulty of the dispute resolution process or problems relating to the ABK. The problems of crew members above are caused by the weakness of the sea work agreement that was agreed upon, as well as the lack of supervision from the government. For example, departure documents such as seafarers' books are often falsified, but they still get an overseas worker card (KTKLN). Even though before issuing KTKLN, the card-issuing officer must check the validity of the document. In addition, many of the crew members do not know the function of the card.

DISCUSSION

A. Patterns of Employment Relationship Based on Labor Laws

An employment relationship is a legal relationship carried out by at least two legal subjects regarding a job. Legal subjects who carry out a working relationship are entrepreneurs/employers and workers/laborers. The employment relationship is the core of industrial relations. Based on Law No.13 of 2003 Article 1 point 15, Working relations shall be relations between entrepreneurs and workers/labor on the basis of a working agreement having elements of occupation, wage, and order.⁵

From the definition of an employment relationship (work agreement), it has three elements, namely as follows:

1. There is work: in a work agreement there must be a work that is agreed upon (the object of the agreement) and the work must be carried out by the worker/laborer himself. In general, work is any action that must be performed by a worker/laborer for the benefit of the entrepreneur in accordance with the contents of the work agreement.
2. There is a wage: wages must exist in every employment relationship. Wages are workers/laborers' rights that are received and expressed in the form of money or other forms as remuneration from the entrepreneur or employer to workers or laborers which is determined and paid according to an agreement, agreement, or statutory regulation, including allowances for workers/laborers and their family for a job and/or service that has been done. Thus, the wage is an achievement reward paid by the entrepreneur to the worker/laborer for the work that the worker/laborer has performed.
3. There is an order: order is the most characteristic element of an employment relationship, meaning that the work performed by the worker/laborer is under the order of the entrepreneur. In practice, the element of this order, for example, in a company that has a lot of workers/laborers, is that there are rules of procedure that must be obeyed by workers/laborers.

With the fulfillment of the three elements above, it is clear that there is a working relationship that is made in the form of a written or oral work agreement.⁶

B. Development of Regulations Related to Indonesian Manpower Supply Agencies in the Fisheries Sector for Migrant Workers in Taiwan and Their Responsibilities

In the latest law, Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, the institutions intended can be carried out by agencies, Indonesian Migrant Workers placement companies, or companies that place Indonesian Migrant Workers for their company interests. However, there is no regulation that sorts out the authorities and responsibilities of each agency as the law only emphasizes the government and gives them a much bigger role on the matter compared to the private sector.

⁵ Lalu Husni, *Hukum Ketenagakerjaan Indonesia*, (Jakarta: Raja Grafindo Persada, 2007), pg. 53.

⁶ Andrian Sutedi, *Hukum Perburuhan*, (Jakarta: Sinar Grafika, 2009), pg. 48.

The process of placing Indonesian Migrant Workers (TKI) is different from the placement of Indonesian seafarers. Work agreements made by TKI Seafarers, in this case referred to as ABK (crew), are made in accordance with national regulations in Indonesia and national regulations in which the crew works. This work agreement does not always have legal force when they work. To overcome this problem, Indonesia has compiled regulations that will be used as normative regulators of the issue. The Indonesian government legal rules used to protect crew members so far include the following:

- a. The first regulation, Law No.39 of 2004 concerning the placement and protection of Indonesian overseas workers. The rules contained in this law have not provided a protection package for crew members in accordance with international standards. Therefore, to get their rights, the crew who work can only depend on the agreement made with the ship owner before they work. A large number of criminal cases experienced by workers who work as crew members of the ship has led the government to make a policy that requires fisheries and marine industry players to have a human rights certificate. The goal is to protect workers, especially those who work as crew members.
- b. The second regulation, to encourage industry players to be certified, the Ministry of Maritime Affairs and Fisheries (KKP) issued Ministerial Regulation (Permen) of Marine Affairs and Fisheries No.2 of 2017 concerning Requirements and Mechanisms Human Rights Certification for Fisheries. The regulation was issued to complement Ministerial Regulation No.42 of 2016 concerning Marine Work Agreements for Fishing Boat Crew. If a fishery industry does not implement it, the government will revoke or not extend the fishery business license and ship operation.
- c. The third regulation, in article 35 A of Law No. 45 of 2009 states that fishing ships flying Indonesian flag catching fish in the fishery management zone of the State of the Republic of Indonesia are obligated to use captain and ship crew who are Indonesian citizens. Fishing ships flying foreign flags catching fish in ZEEI are obligated to use Indonesian citizenship crew numbering at least 70% (seventy percent) of the total ship crew.
- d. The fourth regulation, in Article 75 of the Regulation of the Minister of Marine Affairs and Fisheries No. 5 of 2008 states that every Indonesian person or legal entity that will employ foreign workers on board fishing boats and/or fishing vessels must first obtain a recommendation letter for the use of foreign workers from the Director-General. However, in practice, it is very different. Currently, there are already many Indonesian-flagged fishing vessels employing more than 90% of foreign crew members. This makes Indonesian workers increasingly lose the opportunity to work and fish in their territorial waters, and makes many of them prefer to work as crew members in other countries and become migrant workers or crew members of migrant vessels whose rights are often violated by certain parties.
- e. The fifth regulation, the Indonesian government has regulated the protection of migrant workers in Indonesia in Law No. 18 of 2017 which regulates the rights that should be obtained by crew members who work on foreign ships where they also have the status of migrant workers. In Article 6 paragraph 1 of Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, there are 13 items of migrant workers' rights, namely:
 1. Get a job abroad and choose a job in accordance with their competencies;
 2. Get access to self-improvement through education and job training;
 3. Get accurate information concerning the labour market, placement procedures, and work conditions abroad;
 4. Get a professional and humane service as well as non-discriminative treatment before, during, and after working;
 5. Worship in accordance with their own religion and belief;
 6. Receive wage in accordance with the wage standard that applies in the destination country and/or agreement between two countries and/or Employment Contract;
 7. Get legal protection and assistance for treatments that can demean human dignity in accordance with the legislation in Indonesia and in the destination country;
 8. Get an explanation concerning the rights and the obligations as contained in the Employment Contract;
 9. Get communication access;
 10. Possess travel documents during working;
 11. Associate and socialize in the destination country by the legislation;
 12. Get safety and security protection for Indonesian Migrant Worker's repatriation to their hometown; and/or
 13. Get documents and Employment Contract of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Worker.
- f. In the sixth regulation, the government has also regulated the welfare of ship crews in Law No.17 of 2008 Article 151, which states that "Every crew member has the right to receive welfare which includes: salaries, rest hours, guarantees of departure to their destination and repatriation to their place of origin, compensation if the ship is unable to operate due to an accident, career development opportunities, provision of accommodation, recreational facilities, food or drink, maintenance and health care and provision of an insurance work accident. Everything related to the welfare of the crew is listed in the Sea Work Agreement which only involves two parties, namely the crew concerned and the company where it works.
- g. The seventh regulation, wages for ship crews must comply with the provisions stipulated in Government Regulation No.7 of 2000 Article 21, which states that a crew member works for 8 hours every day with 1 day off every week and official holidays, with at least 10 out of 24 hours break time. Crew members who are 16 to 18 years old are not allowed to work more than 8 hours a day and break time.

C. The Practice of Implementing Responsibilities of the Manpower Supply Agency

According to the law, a placement agency or a manpower supply agency needs to have a capacity in organizing Indonesian Migrant Workers' placement to make the placing-process more organized. This is done in order to protect Indonesian Migrant Workers and keep them away from getting work illegally which can be harmful for them and their country's reputation.

Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers in Article 61 paragraph (2) states that companies are obliged to be responsible for the protection of their workers who are placed abroad (Indonesian Migrant Workers) for the benefit of their own companies. The company is obliged, as part of its responsibilities, to protect workers who are sent abroad.

In the Law on Protection of Indonesian Migrant Workers, the protection for workers who are placed abroad for the benefit of the company itself includes:

1. Protection of Indonesian Migrant Workers before work: Protection before work is the entire activity to protect registration to departure. Before Indonesian Migrant Workers are placed abroad for the company's own interests, the company provides protection through the completeness of documents and requirements for workers to be placed abroad. Article 7 paragraph (1) states that protection before employment includes administrative and technical protection.⁷
2. Administrative Protection: Administrative protection is protection related to the safety of workers/laborers in order to avoid placement that is not in accordance with statutory regulations. This administrative protection is related to the completeness of the required documents for Indonesian Migrant Workers to be placed abroad for the company's own interests. This is intended to prevent illegal Indonesian Migrant Workers or placement that is not in accordance with the laws and regulations. This protection covers at least the completeness and validity of the placement documents; and stipulation of conditions and terms of employment.
3. Technical Protection: technical protection is a type of protection to keep workers/laborers away from the danger of work accidents that can be caused by work tools or materials worked on.⁸
4. Protection of Indonesian Migrant Workers during the work: protection during the work is meant to provide protection for Indonesian Migrant Workers and their family members abroad. Protection during work by companies that place Indonesian Migrant Workers for the company's own interests is carried out without taking over criminal and/or civil responsibility and is implemented in accordance with the provisions of laws and regulations, the laws of the country of placement destination, as well as international laws and customs. This is intended to provide legal protection for Indonesian Migrant Workers who are working abroad, both the laws of the country of origin and the country of placement destination as well as applicable international customs to provide protection for Indonesian Migrant Workers.
5. Protection of Indonesian Migrant Workers after work: Protection after work is the whole activity to provide protection from the time Indonesian Migrant Workers and their family members arrive in Indonesian debarkation until they return to their areas of origin, including further services to become productive workers. In terms of protection after work, companies that place Indonesian Migrant Workers for their own interests provide protection in the form of:⁹ facilitating the return to their place of origin; resolving the unfulfilled rights of Indonesian migrant workers; facilitating the management of Indonesian migrant workers who are sick and die; social rehabilitation and reintegration; and the empowerment of Indonesian migrant workers and their families.

To improve the compliance of companies that place their workers for their own interests, they are obligated to report data on return and/or data on an extension of work agreements to Indonesian Representatives in the destination country of placement.

The companies have an important role in ensuring the safety and welfare of the Indonesian Migrant Workers that they post abroad. They must put concern on the equality of rights, democracy, social justice, and gender's equality and equity of each worker start from their departure to the destined country until the time they return to their home country.

Corporate responsibility is an obligation of legal action, so the responsibility will give rise to legal consequences. Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers Article 62 states that companies that are not responsible for the protection of their workers who are placed abroad for their own interests are subject to administrative sanctions. From this Article, it can be explained that a company that does not carry out its obligations in the form of responsibility for the protection of the workers it places it has a legal consequence in the form of an administrative sanction.

Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers Article 74 paragraph (1) states that the administrative sanctions include written warnings, suspension of some or all of business activities, and revocation of licenses. Administrative sanctions are given in a way that is not arbitrary and in compliance with the prevailing laws and regulations regarding this matter. The procedure for imposing sanctions is regulated in the Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number PER-05/MEN/III/2005 concerning Stipulation of Administrative Sanctions and Procedure for Passing Sanction in Implementation of Indonesian Worker's Placement and Protection in Foreign Country.

⁷ Indonesia, Law on the Protection of Indonesian Migrant Workers, Law No. 18 of 2017, LN No. 242 of 2017, TLN No. 6141, Article. 8, Paragraph. (1), (2), & (3)

⁸ Zaeni Asyhadie, *Hukum Kerja: Hukum Ketenagakerjaan*, (Jakarta: Rajawali Pers, 2015), pg. 84.

⁹ Indonesia, Law on the Protection of Indonesian Migrant Workers, Law No. 18 of 2017, LN No. 242 of 2017, TLN No. 6141, Article. 24, Paragraph (1)

CONCLUSION

The increased understanding of workers and the community about the rights and obligations of workers and Indonesian Manpower Agency and the increased knowledge of workers and the community about the resolution mechanism in violence cases, violations of rights and obligations, or even the death of Indonesian Workers.

The increasing tranquility of the community or Taiwanese migrant workers regarding potential problems that arise in the labor sector. Thus, it is hoped that a decrease in the number of labor conflicts is followed by the resurgence of positive activities of Migrant Workers which then produce positive works to be proud of.

The implementation and actualization of methods for overcoming labor problems of community members as a follow-up to research conducted by the researcher, resulting in a reduction in various forms of social and labor conflicts that occur as a result of poor relations between workers, the community, and Indonesian Manpower Agencies.

Indonesia, as a Maritime Country in Southeast Asia, is the largest contributor to the workforce in the fisheries industry. In this industry, Ship Crew members are the workers who take the most roles. However, the crew (ABK) often experience unfair treatment. The cases that often happen to Indonesian crew members include accidents, fights, human trafficking, conflict with ship captains, non-fulfillment of rights, and other acts of violence. One of the cases that often befell Indonesian crew members is slavery. Seeing this, the Indonesian government protects crew members through several regulations. However, in its application, there are two SOPs conducted by two different agencies, with different laws or regulations, the first is through the Ministry of Sea Transportation and the second is through the Manpower Office. The existence of these two regulations has resulted in a misunderstanding between agencies.

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