




RS Global
Journals

Scholarly Publisher
RS Global Sp. z O.O.
ISNI: 0000 0004 8495 2390

Dolna 17, Warsaw, Poland 00-773
Tel: +48 226 0 227 03
Email: editorial_office@rsglobal.pl

JOURNAL	International Journal of Innovative Technologies in Social Science
p-ISSN	2544-9338
e-ISSN	2544-9435
PUBLISHER	RS Global Sp. z O.O., Poland
ARTICLE TITLE	CHALLENGES IN IMPLEMENTING GOVERNANCE POLICIES FOR THE PROTECTION OF INDONESIAN MIGRANT WORKERS
AUTHOR(S)	Wajid Fauzi, Roy Valiant Solomon, Eko Prasajo
ARTICLE INFO	Wajid Fauzi, Roy Valiant Solomon, Eko Prasajo. (2023) Challenges in Implementing Governance Policies for The Protection of Indonesian Migrant Workers. <i>International Journal of Innovative Technologies in Social Science</i> . 2(38). doi: 10.31435/rsglobal_ijitss/30062023/7987
DOI	https://doi.org/10.31435/rsglobal_ijitss/30062023/7987
RECEIVED	26 April 2023
ACCEPTED	26 May 2023
PUBLISHED	30 May 2023
LICENSE	 This work is licensed under a Creative Commons Attribution 4.0 International License .

© The author(s) 2023. This publication is an open access article.

CHALLENGES IN IMPLEMENTING GOVERNANCE POLICIES FOR THE PROTECTION OF INDONESIAN MIGRANT WORKERS

Wajid Fauzi

Doctoral Program Student, Faculty of Administrative Sciences, Universitas Indonesia, Indonesia.

Roy Valiant Solomon

Faculty of Administrative Sciences, Universitas Indonesia, Indonesia.

Eko Prasajo

Faculty of Administrative Sciences, Universitas Indonesia, Indonesia

DOI: https://doi.org/10.31435/rsglobal_ijitss/30062023/7987

ARTICLE INFO

Received 26 April 2023

Accepted 26 May 2023

Published 30 May 2023

KEYWORDS

Policy Implementation, Public Policy, Indonesian Migrant Workers, Protection.

ABSTRACT

The Indonesian Migrant Workers Protection Governance Policy, outlined in Law No. 18/2017, has faced challenges in effectively protecting migrant workers. Despite being in effect for over three years, issues such as black markets and brokering practices persist, and institutional problems hinder policy implementation. This study examines the factors that influence policy implementation by analyzing relevant government and non-government institutions. Utilizing Mazmanian and Sabatier's theory (1983) and Grindle's theory (1980), the research identifies problem characteristics, policy characteristics, and policy environment as key factors. Bovaird and Loeffler's (2016) Governance concept is also used to formulate directions for implementation improvement. The study finds that while some elements, such as the exemption of placement fees, establishment of Integrated Services, and provision of social security, have been implemented, other critical elements like the role of regions in preparing funds and training have not been implemented. Additionally, the research identifies diverse prospective Indonesian Migrant Worker (PMI) behavior, hierarchical integration between institutions, and socio-economic conditions during the Covid-19 pandemic as the main factors affecting policy implementation. To improve policy implementation, the study suggests four interventions, including high-level leadership coordination, completion of implementing rules, policy socialization and supervision, and enforcement of legal rules.

Citation: Wajid Fauzi, Roy Valiant Solomon, Eko Prasajo. (2023) Challenges in Implementing Governance Policies for The Protection of Indonesian Migrant Workers. *International Journal of Innovative Technologies in Social Science*. 2(38). doi: 10.31435/rsglobal_ijitss/30062023/7987

Copyright: © 2023 **Wajid Fauzi, Roy Valiant Solomon, Eko Prasajo**. This is an open-access article distributed under the terms of the **Creative Commons Attribution License (CC BY)**. The use, distribution or reproduction in other forums is permitted, provided the original author(s) or licensor are credited and that the original publication in this journal is cited, in accordance with accepted academic practice. No use, distribution or reproduction is permitted which does not comply with these terms.

Introduction.

The protection of citizens is a mandate of the 1945 Constitution of the Republic of Indonesia (UUD 1945), as stated in the fourth paragraph of the preamble of the 1945 Constitution. The implementation of the protection of Indonesian migrant workers is part of the protection of Indonesian citizens (WNI). The Explanation of Law No. 12/2006 on Citizenship states that "the government is obliged to provide full protection to every Indonesian citizen under any circumstances, both at home and abroad." Article 18 of Law No. 37 of 1999 on Foreign Relations also mandates that the Government of the Republic of Indonesia protect the interests of Indonesian citizens or legal entities facing legal problems with representatives of foreign countries in Indonesia. The Government of

Indonesia places the protection of citizens as one of the nine priorities (*Nawa Cita*) (Wedhaswary, 2014).

Migrant workers are people who migrate from one country to another with the intention of being employed, other than by their own will (IOM, 2004). Indonesian migrant workers are spread across several countries. The Central Bureau of Statistics recorded that in 2019, Malaysia had the highest number of migrant workers, followed by Taiwan, Hong Kong, Singapore, Saudi Arabia, South Korea, Brunei Darussalam, Italy, Kuwait, and the UAE (Idris, 2020). In addition to their large numbers, remittances made by migrant workers also have a significant impact on the distribution of household income in Indonesia (Sudja'i & Mardikaningsih, 2021). Remittances contribute to the family income of migrant workers in their areas of origin (Sari & Sugiharti, 2016) and influence the national economy (Sulistiyorini et al., 2014). According to BP2MI, remittances amounted to USD 10.9 million in 2018, USD 11.4 million in 2019, USD 9.4 million in 2020, USD 9.1 million in 2021, and USD 9.7 million in 2022. This figure has a positive impact on additional foreign exchange earnings, which is one of the indicators of Indonesia's Balance of Payments (BOP) as an element of economic growth (Sayoga & Tan, 2017).

As for attracting factors from the destination country, one of them is the opportunity to work abroad for "unskilled" labor, which is often not in demand by local residents. Jobs for migrant workers with these qualities are usually categorized as 3D (Dirty, Dangerous, and Difficult) (Natalis & Ispriyoso, 2018). Low competence is a challenge for migrant workers, and several studies have shown that it can be an issue for their protection (Chavez, 2007; Chang, 2018; Helbling & Kalkum, 2018). Another challenge is related to undocumented migrant workers (Chavez, 2007). These workers often face problems that are difficult to solve because they are unable to complete their documents for further administration.

For sending countries like Indonesia, the presence of migrant workers presents a dilemma with two sides. On the one hand, it can reduce unemployment, increase household income for the workers, and serve as a foreign exchange earner for the country at a macro level. But on the other hand, it also has negative impacts that are not easily resolved. Migrant workers are vulnerable to a variety of issues, including violence, torture, extortion, sexual harassment, and trafficking. When they return home, they are also prone to becoming victims of extortion.

The UN Convention on the Protection of Migrant Workers affirms that no migrant worker or member of their family shall be enslaved and that no migrant worker or member of their family shall be required to perform forced labor. The issue of protecting migrant workers is thus not solely a domestic issue, as it involves elements from other countries and non-state actors. Global governance involves non-state actors in the global political order, as Robert O. Keohane and Joseph S. Nye assess the phenomenon of global order change as complex interdependence (Permana, 2018). In the domestic realm, the idea of good governance has emerged as a manifestation of ideal values in networking.

For this reason, in 2017, Indonesia passed a governance policy for the protection of Indonesian migrant workers, namely Law No. 18/2017 on the Protection of Indonesian Migrant Workers (PPMI), which replaced Law No. 39/2004 on the Placement and Protection of Indonesian Migrant Workers (PPTKI Law). The PPTKI Law is known to be loaded with a business approach that prioritizes the placement of migrant workers over protection efforts. The PPMI Law is considered very reformist and favors the protection of migrant workers, including the protection of their families.

The PPMI Law represents an overhaul of labor migration governance that is more oriented towards respecting human rights. It contains the spirit that the departure of migrant workers abroad is on their own volition and without anyone's coercion. In this case, migrant workers must actively register themselves through official local government institutions. Local governments at the provincial, district/city, and even village levels are mandated to play a more active role in protecting migrant workers.

In terms of its scope, protection consists of three stages: 1) prevention, 2) early detection, and 3) taking quick action. Prevention efforts include strengthening regulations and institutions, increasing public awareness, and increasing cooperation. Early detection includes activities such as mapping potential problems, risk mitigation, and contingency planning. Meanwhile, protective measures include activities to respond to complaints, assess problems, and determine and implement steps to address them.

Articles 2 and 3 of Government Regulation No. 59 of 2021 mandate that the implementation of the protection of Indonesian migrant workers is carried out to ensure the fulfillment of the rights of Indonesian migrant workers before, during, and after work. In addition, the implementation of the

protection of Indonesian migrant workers is carried out by the central government, Indonesian missions abroad (Embassies or Consulates), BP2MI, regional governments, and village governments in a coordinated and integrated manner.

With these regulations, there should be no departures outside the provisions or non-procedural departures. However, in reality, there are still a number of problems during each placement period, especially during the pre-placement period, which prompts people to choose a path outside the existing rules. The practice of brokers/sponsors plays a major role in the recruitment and document preparation stages, and these brokers/sponsors are usually parties that are well-known to prospective migrant workers and their families (Caturiani, 2020). Such non-procedural practices will clearly be very detrimental to prospective migrant workers because they do not get their labor rights in the form of wage standards, death insurance, and other guarantees. For example, there was a case of a migrant worker from Jambenenggang Village, Kebonpedes Subdistrict, Sukabumi who had an accident in Malaysia in 2020 and did not receive the right to protection and insurance coverage due to non-procedural departure (Ahmad, 2020). Until now, the departure of PMI in a non-procedural-illegal manner still occurs a lot, as of November 2020, there were 5.3 million workers known to be illegal out of around 9 million known workers based on the World Bank and BPS surveys (Anwar, 2020).

This non-procedural departure opens up the possibility of problems that PMI will face when working. Data from the Ministry of Foreign Affairs shows that the number of cases faced by PMI during the period 2018-2020 tended to increase, from 27,033 cases in 2019 to 54,953 cases in 2020. For example, the Indonesian Embassy in Damascus repatriated as many as 923 non-procedural Indonesian Migrant Workers in three consecutive years. The persistence of non-procedural departures accompanied by the number of cases faced by PMI shows that better protection efforts are needed for PMI abroad.

The persistent occurrence of non-procedural departures, coupled with the increasing number of cases faced by migrant workers, highlights the urgent need for better protection measures for Indonesian migrant workers abroad. Despite the enactment of the PMI Law, there are still apparent inequalities in efforts to protect these workers. This research suspects that there are underlying problems and challenges in the implementation of the PMI Law that require attention and improvement.

Method.

This study utilized an approach with a post-positivist paradigm, using theory as a reference in conducting research (Guba in (Salim & Carolina, 2001)). The research was conducted in a single period from February 2021 to October 2021, and utilized both primary and secondary data collection techniques. Primary data was collected through in-depth interviews with various stakeholders, including the Ministry of Manpower and Transmigration, Ministry of Foreign Affairs, Indonesian Migrant Workers Protection Agency (BP2MI), regional governments, representatives of the Republic of Indonesia Abroad, higher education institutions, Indonesian Migrant Work Placement Companies (P3MI), non-governmental organizations, and Indonesian Migrant Workers. Secondary data was also used, including literature studies, surveys, critiques of the implementation of migrant worker protection policies in Indonesia, previous studies, and offline and online reports available on various websites.

The data collected underwent a coding process, which involved organizing the material into text segments before interpreting the information. The N-vivo application was used to describe the factors related to the dimensions and indicators studied and to obtain visualizations that could show the relationship between statements from various stakeholders.

Result and Discussion.

Policy Implementation Analysis.

Policy implementation refers to the theory proposed by Grindle (2017). This dimension is depicted through two indicators: 1) the suitability of the program set with the outlined policy objectives, and 2) the alignment of the implementation of migrant worker protection activities with policy objectives.

Interesting findings regarding the suitability of the program set with policy objectives include the existence of two main strategic issues raised by the interviewees. Meanwhile, the alignment of the implementation of migrant worker protection activities with policy objectives is described based on

three stages of PMI protection: before, during, and after work in accordance with the mandate of the PMI Law. The two issues are 1) the division of authority among relevant stakeholders, and 2) the readiness of local governments. Law No. 18 of 2017 strongly emphasizes the role of local governments as policy implementers.

The division of authority is an issue that arises both directly and indirectly in interviews with resource persons. The readiness of local governments to implement this policy is also influenced by the division of authority in its implementation in the field. This research found that most interviewees mentioned that the implementation of Law No. 18 of 2017 has not been optimally carried out due to the issue of regional unpreparedness to respond to changes, particularly in terms of recruitment and training. In fact, the PMI Law no longer recognizes the term "recruitment" because PMIs who will work follow their own wishes. The government's role in this case is data collection. The process of change certainly does not happen overnight, especially considering the entrenched problem of PMI protection, which continues to be a challenge in improving its governance.

However, several interviewees stated that although the implementation has not yet been optimal, it should be noted that several things have been implemented, such as the implementation of a zero cost policy for Indonesian migrant workers, the establishment of LTSAs, and the establishment of social security. One of the regions that already has an LTSA and has become a pilot LTSA is East Java, which has been able to provide immigration services automatically at a cost of 0 rupiah. The East Java Provincial Government through its LTSA received the title of a corruption-free area from the Ministry of PANRB (Kominfo East Java, 2021). This service also received appreciation as one of the top 40 public service innovations in Indonesia in 2019 (KemenPANRB, 2020). Although the social security program regulated through *Permenaker* number 18 of 2018 concerning social security for Indonesian migrant workers is already running, there are still several problems related to regulation and governance, including the lack of cooperation between BPJS Employment, payment of contributions for social security protection during work for PMIs, limited access for PMIs to extend their participation from the placement country in paying contributions. Regarding the zero cost program, in fact, it has not been optimally implemented because many BLKs still charge fees for training. BLK argues that the cost of training is considered expensive, and there is difficulty in budgeting related to PMI training.

In analyzing the implementation of migrant protection policies, it can be reviewed based on the three stages of protection provided as stated in the PMI Law and its implementing regulations, such as PP No. 59 of 2021, which are divided into before work, during work, and after work. Firstly, protection before work can be defined as all activities to provide protection to migrant workers from registration to departure. Protection before leaving for work is very vulnerable to fraud in the process of preparing CPMI, such as falsification of documents, fraud in job opportunities, KKN (Corruption, Collusion, Nepotism) in training and placement, to non-procedural recruitment of CPMI. Secondly, according to Law No. 18 of 2017 concerning PPMI, protection during work is defined as all activities to provide protection while Indonesian Migrant Workers (PMI) and their family members are abroad. Thirdly, the protection process after work. In Law No. 18/2017 itself, Protection After Work is defined as "all activities to provide protection from the time Indonesian Migrant Workers and their family members arrive at Indonesian debarkation until returning to the area of origin, including continued services to become productive workers."

The protection and placement scheme contained in Law No. 39 of 2004 is considered not effective enough to deal with various strategic issues and obstacles faced by prospective workers and/or Indonesian migrant workers abroad, so a fundamental revision of the substance is needed. In Law No. 18/2017 on the Protection of Indonesian Migrant Workers, the task of protection is mandated to the government. This shift in orientation is one of the main aspects changed from Law No. 39 of 2004.

Factors Influencing Policy Implementation.

Referring to the Policy Implementation Theory from Mazamanian & Sabatier (1989), the analysis of factors affecting policy implementation will be reviewed from three dimensions: a) problem characteristics, b) policy characteristics, and c) policy environment.

Problem Characteristics Analysis.

Problem characteristics are seen through three indicators derived from the main theory, namely related to 1) availability of policy target groups, 2) diversity of behavior, and 3) desired

changes. In accordance with Law No. 18 of 2017, the target groups are prospective migrant workers (CPMI), migrant workers, and the families of migrant workers. Behavioral diversity refers to the behavior of CPMI and PMI in responding to protection policies.

This study has found that non-procedural behavior is often observed among migrant workers, both before and during work. Despite government efforts to curb non-procedural behavior, such behavior still persists due to the existence of brokers and the preference for the instant route. The community's desire for an instant process creates an opportunity for brokers to take advantage, resulting in a lack of legal basis for departure, safety, and adherence to rights and obligations standards. The impact of non-procedural behavior can be severe, including low wages, lack of safety guarantees, violence, and inadequate compensation for families in the event of PMI's death. In 2021 alone, 89 migrant workers died while working abroad, and only one had legal documents, while the others departed through unprocedural processes (Bere, 2021). The study has also found that Indonesian Missions abroad struggle to provide protection due to this non-procedural behavior. Furthermore, some migrant workers tend to escape to the Indonesian Missions abroad, assuming they will receive protection, which hinders protection efforts. This situation creates a dilemma for the Indonesian Representative Office as they must negotiate with the agent or employer who has invested a significant amount of money in bringing in Indonesian migrant workers.

The desired behavior is a change in the behavior of the target group, namely migrant workers, from non-procedural to procedural attitudes. The first change that needs to be made is in the pre-departure process of CPMI to the destination country. This is the most critical time to protect migrant workers, as the number of non-procedural departures through brokers has previously been shown to create problems for migrant workers when they arrive in the destination country and are not recorded by BP2MI or the Indonesian Representative Office in the destination country. This makes it difficult to take protective measures if a problem occurs. In the last three years, the Indonesian Embassy in Damascus has repatriated approximately 923 problematic migrant workers after legal and administrative issues were resolved.

The Ministry of Foreign Affairs predicts that there are two main ways brokers attract prospective migrant workers to use their services. The first is deception, by providing false information or promising jobs that do not match the reality of working abroad. The second is by fraudulently giving security money to the CPMI's family before they leave to convince them that the CPMI is working with a credible party. When the migrant worker arrives at the workplace, they are required to pay back the security deposit given by the broker to the family. These incidents are expected to decrease significantly when the implementation of migrant protection policy is carried out.

Changing non-procedural behavior into behavior that complies with procedures is not an easy task due to the complexity of the PMI problem. Various obstacles arise not only at the central level, but also at the local level. This study found that some CPMIs who were prevented from departing from various departure points, even outside their region of origin, did not return to their domicile until some time later. This demonstrates that the community itself, particularly the CPMI, is still searching for non-procedural placement opportunities, even when prevention efforts are being carried out in the field.

Various efforts and processes must be carried out with the cooperation of all stakeholders. A significant change process cannot be accomplished in a short time. Bureaucratic challenges and a thorough understanding of the law must be resolved immediately within the government to ensure proper implementation. The strengthening of international cooperation related to the protection of PMIs must continue, as has been done by several Indonesian representative offices abroad, including in Malaysia, Germany, Japan, and Taiwan. The Indonesian government, particularly the Indonesian Embassy, Consulate General, or BP2MI, is expected to further improve cooperation with receiving countries to have a shared vision regarding the protection of migrant workers (PMIs).

Policy Characteristics Analysis.

The analysis of policy implementation is also influenced by the characteristics of the policy itself. In this research, the dimensions of policy characteristics were analyzed using seven indicators derived from the main theory. These indicators relate to: 1) the clarity and consistency of policy objectives 2) the availability of theoretical support (scientific studies), 3) the availability of budget, 4) the hierarchical integration between institutions, 5) the availability of implementing regulations, 6) recruitment of implementers, and 7) the accessibility of outside parties. After analyzing the data,

the researchers categorized issues related to this dimension of policy characteristics.

1) Clarity and Consistency of Policy objectives.

The first indicator of policy characteristics is the clarity and consistency of policy objectives for protecting migrant workers. Achieving these objectives requires clear and consistent policy objectives. Public policy is a tool to achieve public goals, not the goals of certain individuals or groups (Rusli, 2013). The main issue in this indicator is the difficulty of implementing policy objectives and the urgency of conducting policy evaluations. The objectives of the migrant protection policy through Law No. 18/2017 are listed in Article 3, where there are two main goals: 1) "ensuring the fulfillment and enforcement of human rights as citizens and Indonesian Migrant Workers," and 2) "ensuring legal, economic, and social protection of Indonesian Migrant Workers and their families." Implementation of the objectives of the PMI protection policy is challenging due to the many problems related to implementation, coordination, and integration between stakeholders. Furthermore, some research respondents are interested in evaluating the mandate of the establishment of the Presidential Regulation of the Labor Attaché and the Regulation of the Head of the Agency (BP2MI) regarding Zero Cost.

2) Availability of theoretical support (Scientific Studies).

The research found that there are sufficient scientific studies related to the policy of protecting migrant workers. This includes the existence of a study book on the background of the preparation of Law No. 18 of 2017, which has been published by Migrant Care, academic papers related to the urgency of revising Law 39 of 2004 into Law No. 18 of 2017, and a Policy Brief literature that has been published by the ILO related to the importance of the role of attachés in the protection of migrant workers, which is the basis for the arrangement of attachés in Law No. 18 of 2017.

The academic paper related to the revision of regulations on the protection of Indonesian migrant workers stems from the Academic Paper of the Bill on the Amendment to Law No. 39 of 2004. Some of the conclusions produced in the academic paper include the need to give greater responsibility to the government in the process of placement and protection of migrant workers, changing the orientation of Indonesian workers to legal subjects rather than legal objects, simplifying the placement and protection services of Indonesian workers that are easy, cheap and safe, and the need for effective diplomacy with the government of the destination country with a clear memorandum of understanding in favor of Indonesian workers.

Even so, it should be noted that the journey of drafting the revision of Law 39/2004 was quite long, taking approximately seven years since the academic paper was released. Since 2010, the revision of Law 39/2004 has been on the agenda of the National Legislation Program (*Prolegnas*) of the DPR-RI. In 2012, the House of Representatives ratified the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families through Law No. 6/2012. The drafting process of Law No. 18/2017 also involved various parties, including academics from the University of Indonesia. Since 2010, 28 organizations that are members of the Network for the Revision of the PPTKI Law Abroad (Jari PPTKILN), which later turned into the Indonesian Migrant Workers Network (JBMI), have continued to oversee the process of revising the substance of the law related to migrant protection (SBMI, 2017).

Legislation itself should have a good academic basis. If a legislative regulation does not have an academic paper, this will have an impact on the juridical provisions of a legislative regulation, which will be legally invalid. In addition, administratively, a public policy must have a sound scientific study.

3) Budget Availability.

The research has found that the budget available from both the state and local governments is considered insufficient for protecting migrant workers. The main issues with the allocation of funding sources for migrant worker protection policies are as follows: the budget may be available or unavailable, available but limited, available with collaboration with the private sector, or available with various allocations.

Most implementers argue that the budget is available, but it is very limited to meet the needs of migrant worker protection. The provision of a budget for the protection of migrant workers also depends on the commitment of the local government in providing a protection budget. Budget politics at the regional level also greatly affects the commitment of the regional government. The priority of each district/city towards the PMI protection program greatly affects the budget allocation for PMI protection.

There are several constraints in budget preparation, including: 1) The budget for training is

very limited, both in the APBD and APBN, 2) BP2MI, as one of the main actors of PMI protection, is also experiencing difficulties in budgeting, and 3) Budget problems are also felt due to budget cuts for handling Covid-19.

The research found that the zero-cost regulation from BP2MI has further burdened local governments, as it is difficult for them to provide a budget without collaboration with the central government. Organizing training requires a significant number of resources and funds, which many local governments are unable to fulfill due to the lack of available budget. However, it is noteworthy that some regions have found creative solutions to this issue. For instance, local governments collaborate with the private sector to provide facilities, infrastructure, and training budgets, as seen in the case of the West Java Regional Government, which partners with banks.

The budgeting process is closely linked to the budgetary politics of each region. As both the process and the product are political products, it is possible for manipulation, domination, pruning, closed-door decision-making, and other bad practices to occur. Budgeting in government is also closely related to the role of the legislature. Legislators can use their political influence to distribute budgets more easily. They can cut or add draft budget activities or engage in political struggles to make them better and more favorable to one party, but this can also be detrimental to other parties. Negotiations are often carried out by political actors in passing a particular budget (Wildavsky & Caiden, 2004). Budgeting for policy implementation is largely determined by the commitment of local governments to allocate their budgets.

It is important to note that the momentum of the Covid-19 pandemic is also the reason for different budget allocations in each region. In 2020 and 2021, each region had to refocus the budget, which affected the budget for PMI protection due to the emergence of cases of Covid-19 patients and the decline in CPPI who would go abroad during pandemic conditions.

4) Hierarchical Integration Between Institutions.

The law mandates integration from the central level down to the local level. One significant difference between the PPTKI Law and the PPMI Law is the role of the government, especially the local government. With the increasing role of local governments down to the village level, integration of all levels of government is needed for the effective and efficient implementation of the Migrant Protection policy.

This study found that ego-sectoral factors and institutional conflicts remain challenges in the integration and coordination between PMI protection stakeholders. Additionally, there has been no effort to integrate or coordinate with the private sector. Therefore, it is necessary to coordinate all stakeholders related to PMI protection efforts. If communication and integration between agencies are minimal, this can cause problems such as the use of non-procedural alternatives or brokers. Optimal integration and collaboration from various parties, both vertically and horizontally, is needed to eliminate the space for brokers.

The research also found that there were regions that managed to put aside institutional conflicts and carry out the integration or coordination process smoothly. For example, the West Java Regional Government established the Jabar Migrant Service Center (JMSC) in 2021, East Java successfully passed the Regional Regulation on the Protection of Indonesian Migrant Workers in 2022, NTT integrated with government agencies at the central, provincial, and district/city levels before the departure of prospective migrant workers and even with the relevant Indonesian Embassy for the process of handling the repatriation of migrant workers. The NTB Regional Government worked on the integration of PMI protection services through a Memorandum of Agreement in 2020. The Central Java Regional Government is also one of the regions that has good integration in the protection of migrant workers. For example, in cases where there are several regions that have not been able to carry out the training process for prospective migrant workers, there is a culture of mutual assistance to resolve the obstacles faced in the implementation of the PPMI Law.

5) Availability of Implementing Regulations.

The implementation of migrant worker protection policies is influenced by the clarity of implementing agency regulations. This study found that stakeholders have made efforts to simplify derivative regulations mandated by Law No. 18 of 2017. Discussions have been held to consolidate several regulations into fewer regulations, resulting in three government regulations, two presidential regulations, five ministerial regulations, and three agency head regulations. This simplification is a bold move to shorten the timeframe for implementing the law.

However, when the research was conducted, some of the simplified derivative regulations, such as the government regulation on the placement and protection of commercial boat crew and fishery boat crew, and the presidential regulation on the duties and authority of labor attaches, could not be completed until the end of 2021. Therefore, unclear derivative regulations remain a challenge in the implementation of the PPMI Law, causing some agencies to struggle with policy implementation due to the slow process of derivative regulations.

In Law No. 18/2017, several issues still trigger debates among stakeholders, one of which is the emergence of the position of labor attaché. This has caused a debate between the Ministry of Foreign Affairs, the Ministry of Manpower, and the Ministry of Law and Human Rights regarding the urgency of the mandate for the issuance of a Presidential Regulation on the duties and authority of the labor attaché. At the same time, there is a process of revising regulations related to the offices of Indonesian mission abroad where there are similar discussions regarding their duties and authorities. Policy evaluation is usually conducted after the entire series of policies, including derivative policies, have been enacted and implemented in the community. However, policy evaluation is an essential aspect to consider since policy formulation (Akbar & Mohi, 2018).

Furthermore, the implementing regulation that has caused a lot of debate, both at the central and regional levels, is the Regulation of the Indonesian Migrant Workers Protection Agency (BP2MI) Number 09 of 2020 concerning Exemption of Placement Costs for Indonesian Migrant Workers, as a follow-up to the mandate of Article 30 Paragraph 2 of Law No. 18 of 2017. The Regulation states that one of the cost elements that must be charged to the state is related to job training. The SBMI considers that this debate has indirectly become one of the factors inhibiting the implementation of policies to protect Indonesian migrant workers

6) Executive Recruitment.

According to Mazmanian, the recruitment pattern of implementing officials is also an indicator of the characteristics of policies that affect policy implementation. Policy implementers play an important role in the policy implementation process, ranging from managerial level to implementers in the field. In the implementation of the policy on the protection of Indonesian migrant workers, the implementers of this policy are the central government and local governments down to the village level. At the central level, one of the implementers of this policy is the Indonesian Migrant Workers Protection Agency (BP2MI). BP2MI has been given more authority since the PPMI law. Several authorities that were previously under the Ministry of Manpower were transferred to BP2MI, such as determining the cost structure and recruitment permit, which were previously under the authority of the Ministry of Manpower (BP2MI, 2020).

The main issue in the recruitment indicator of policy implementers is the unclear recruitment mechanism. This study found that there are still cases of buying and selling positions. Additionally, there are also efforts to mutate and appoint policy implementers in several regions, which are often interspersed with political intervention in appointing someone to hold a position. The case of the arrest of one of the Regional Heads in East Java on August 30, 2021 by the Corruption Eradication Commission (KPK) indicates the buying and selling of department head positions (Harbowo, 2021). The recruitment of implementing heads of service that is carried out not according to the rules and even to the point of committing fraud can hinder implementation. A recruitment process that is not transparent may even produce implementers who do not meet the criteria and standards. This is what makes the implementation not run as expected because the implementer is not competent.

7) Outside Accessibility.

Regarding the accessibility of migrant worker protection policies by parties outside the implementers, this study found that the main issue in this indicator is related to the socialization of PMI protection policies and the difficulty of access in implementing them. In some areas, access to policies is delivered through the use of institutions, forums, community leaders, mass media, social media, and radio in an effort to disseminate information. The obstacles in this indicator include the lack of budget for socialization, the lack of knowledge related to conditions in placement countries, and the difficulty of accessing information on job vacancies abroad by local communities.

In terms of policy implementation, there is a need for individuals or policy target groups to gain access to the content of the policy. In this context, the government must be able to provide information and services that can facilitate the access of migrant workers to the implementation of the PPMI Law. One form of effort to facilitate access is through dissemination or socialization.

Socialization is also a form of protection to minimize the space for brokers and irresponsible individuals. For example, the local government of NTT conducts socialization in collaboration with forums in religious institutions such as the Church. The NTB local government optimizes the LTSA as an information service to PMI. There are 6 (six) LTSAs that assist in the placement process, namely Pre-departure Orientation (OPP) registration.

Socialization efforts are not only carried out at the regency/city level, but also at the rural level. This needs to be done because those who use non-procedural channels or brokers often target villages as their targets, as rural communities generally have minimal access to information. This socialization requires good coordination so that the distribution of information can reach the village level. If coordination between institutions is still ineffective, then the distribution of information will be constrained. For example, in NTB, many prospective migrant workers want to leave for countries in the Middle East, even though their departure to the Middle East is not authorized. The shelter for migrant workers at the Indonesian Embassy in Damascus has never been empty in the last three years, even though the placement of migrant workers to the Middle East region has been prohibited since 2015.

Still related to socialization, in addition to the coordination factor between institutions, the understanding and commitment of the Regional Head or Regional Government is also an important factor in the distribution of information on the PPMI Law. Articles 40, 41, and 42 of the PPMI Law explain the authority of the Regional Government at the provincial, district/city, and village levels. This indicates that the role of the Regional Head is important in providing information or socialization related to migrant protection law. If the Regional Head does not have a commitment or understanding of the existing protection policy, it will be very difficult to reach information to the community.

Policy Environment Analysis.

The research findings on the environmental dimension are supported through 6 (six) indicators derived from the main theory. These indicators include: 1) Socio-economic Influence, 2) Technological Influence, 3) Role of Media and Public Support, and 4) Constituent Group Attitudes.

1) Social and Economic Influence.

The departure of PMI to work abroad is actually a phenomenon of population migration between countries. According to Bailah (2019) in his book entitled "Management of Village Population Administration," migration is caused by several factors, namely: (a) lack of jobs; (b) population density; (c) lack of natural resources; (d) desire to improve living standards; (e) continuing education; (f) differences of opinion and politics; (g) unfavorable social relations; (h) religious reasons; (i) unsuitable geographical conditions; and (j) population equity.

Most people who migrate or work abroad do so for economic reasons to earn a living. This mindset makes people look more at job opportunities as domestic assistants abroad rather than becoming professional and formally skilled workers in their country. People tend to choose to work as domestic assistants abroad because of the perceived ease of working with high wages, making migration a form of effort to improve their standard of living (Welianto, 2020). BP2MI states that many female workers are forced to become domestic helpers, even though there are conditions that they must sacrifice.

Furthermore, the prevailing mindset among the community is that becoming a migrant worker is common, with a disregard for education and a preference for working abroad. According to the 2021 Migrant Worker Data released by BP2MI, migrant workers generally have a relatively low education level, with the majority having education below high school. In 2021, 25% had an elementary school education, 35% had a junior high school education, and 37% had a high school education. This mindset contradicts the provisions stipulated in Law No. 18/2017, where competence and education are a fundamental part of social protection for prospective migrant workers. The Manpower and Transmigration Offices of West Java, NTB, and NTT recognize the number of migrant workers with low competence.

The significance of competence in protecting migrant workers is also stated in Law No. 18/2017, which mandates that prospective migrant workers must possess a certificate of work competence as one of their essential documents. However, many prospective migrant workers believe that education and training take too much time and instead resort to illegal means to be dispatched abroad. To address this issue, the government has conducted an information campaign to educate the prospective PMI community about the procedures for becoming a migrant worker. Information on

becoming a migrant worker has been made available through the Productive Migrant Village Migration Service Center (*Desmigratif*) in village offices or through the One-Stop Integrated Service (LTSA) of the local Manpower Office (Anaf et al., 2022).

Regarding the factors driving prospective migrant workers to migrate, it is commonly believed that limited job opportunities in Indonesia play a significant role. However, the reality is that it is not the number of jobs that is limited, but the job opportunities that match the abilities of the prospective migrant workers. In other words, these workers see that with their limited skills, they can only earn enough to support their families by becoming migrant workers abroad. This phenomenon has been confirmed by several *Disnakertrans* in East Java, West Java, and East Java.

The socio-economic impact on the implementation of PMI protection policies is not just limited to normative issues, which have been the root of the problem every year. The COVID-19 pandemic has also affected this area by imposing various restrictions on activities, including those related to PMI. In May 2020, there was a large exodus of PMI due to the COVID-19 handling policies in other countries. This exodus involved the return and repatriation of PMI to Indonesia. According to the Executive Director of Migrant Care, Wahyu Susilo, there were around 38.000 migrant workers who participated in the exodus. Most of them had completed their contract period or had their contract period shortened (Nugrhaeny, 2020).

2) Influence of Technological Development.

Technology is a tool that helps and facilitates the process of human activity. This also applies to helping the government in facilitating the process of implementing its policies (Davis, 1989). With technology, the government can create an information system that makes it easier for people to provide complaints and suggestions for migrant protection policies. People can access information about available job vacancies abroad and the requirements that must be prepared. An integrated system will facilitate the public regarding information related to the scope of migrant work. The public will receive information directly from the government, mitigating hoaxes or false information originating from illegal parties/brokers.

Not only does technology facilitate the public, but it also helps staff in handling suggestions and complaints regarding the scope of migrant workers. The Ministry of Foreign Affairs provides two portals in handling migrant worker issues online, namely caring for Indonesian citizens and safe travel, which are regulated in Minister of Foreign Affairs Regulation No. 5/2018. In 2019, there were 24.000 cases, while in 2020, there were around 54.000 cases (Wibowo, 2021).

The challenge in this case is how the information can be integrated nationally. Each Provincial Government and Ministry must have information related to their respective scopes. This is important to confirm the data of people who want to leave as migrant workers. SBMI considers that this needs to be optimized to avoid villages being targeted by brokers.

3) Role of Media and Public Support.

The development of technology in the current era of globalization has undoubtedly facilitated the dissemination of information on a global scale. Information can be easily disseminated and obtained using various media platforms such as social media, radio, television, and internet-based media. This also applies to the policy process, where the government can use these platforms to provide information about policies, including migrant protection policies for those planning to work abroad.

The government has made efforts to involve media such as radio and television stations to facilitate the distribution of information to the public. The Regional Governments of NTT and NTB have done this, as the use of media by the community is quite high. In addition, the government also seeks to improve information distribution using social media. Other countries, such as the Philippines, have successfully implemented this concept by providing education about migrant protection policies to the community through Facebook.

The availability of these media platforms makes it easier for people to understand the PPMI Law policy. If there are any problems related to the policy that are submitted by the community, they can be conveyed through Facebook, YouTube, or Instagram pages. By using these platforms, all problems can be monitored directly, and appropriate measures can be taken to resolve them.

The challenge is how to encourage regions that still use minimal media to utilize these tools. The East Java government is one example that is trying to provide information to village-level governments. In addition, by connecting to the *Disnakertrans* website, village heads can see whether the community is poor or not by inputting their NIK number. If the community falls into the poor

category, then they will be connected to the East Java LTSA service and declared as a zero-price passport for new prospective migrant workers.

With the role of the media in assisting and facilitating communication between the government and migrant workers, the hope is to reduce the use of non-procedural channels or brokers. To reduce the number of non-procedural cases, the government also needs to use social media to publicize migrant workers who are successful because they used the procedural route. The use of procedural channels will provide more benefits than non-procedural channels. The use of brokers will only make it difficult for them, especially in getting protection.

One form of commitment can be seen through the Malang Regency Government. The Regent, together with SBMI Malang, strives to improve its services and protection. This can be seen from the Regent's efforts in conducting meetings with Heads of Sub-Districts and Villages. This activity aims to instruct the data collection of migrant workers and their families so that there is no unrecorded data. Of course, the efforts implemented by Malang Regency come from the support of the Governor. East Java Province is a region that can be considered responsive to the PPMI Law. This cannot be separated from the commitment of the Governor and the East Java Regional House of Representatives. The leadership commitment of the Regional Head is closely related to the protection of migrant workers.

4) Constituent Group Attitudes.

At the central level, the commitment of the top leadership is also needed, especially when there are obstacles in coordination between implementers. Several interviewees noted the difficulty of drafting implementing regulations that involve the interests of various related institutions. Until the beginning of 2022, there two implementing regulations had not been completed, namely the PP on ABK and the PP on Atnaker. From the interviewees, we learned that the difficulty in drafting these regulations is due to each agency insisting on their own interests. The highest leader, in this case, the President, represented by the Office of the Presidential Secretariat, needs to intervene to bring together these agencies and negotiate a narrative that can be agreed upon by all stakeholders.

From the discussion above, it can be seen that various problems affect the implementation of governance policies for the protection of Indonesian migrant workers, using the perspective of Mazmanian and Sabatier's theory. The theory guides this research to see that the factors influencing the success of the implementation of governance policies for the protection of Indonesian migrant workers can be seen from the characteristics of the problem, the characteristics of the policy, and the policy environment.

Conclusion.

This study concludes that the implementation of the governance policy on the protection of Indonesian migrant workers has not been fully implemented as mandated by Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. Two implementing regulations have not been completed, and even the PP No. 59 of 2021 concerning the Implementation of the Protection of Indonesian Migrant Workers, which contains regulations on the implementation of protection itself, was only published in 2021. The role of local governments in budget preparation, registration, and training was found to be suboptimal, leading to many cases of PMI taking non-procedural channels. However, some arrangements have been successfully implemented, such as the implementation of regulations related to the exemption of placement fees, the establishment of LTSAs, and the provision of social security. Therefore, there is still much that needs to be improved in the implementation of protection policies in the country.

Based on the research conducted, several determinant factors influence the protection policy of Indonesian migrant workers, which are divided into three dimensions, namely problem characteristics, policy characteristics, and policy environment. In the problem characteristics dimension, the most dominant indicator affecting policy implementation is the diversity of behavior of the target groups, namely CPMI and PMI, which still prefer non-procedural channels. In the policy characteristics dimension, the availability of funding source allocations, hierarchical integration between implementing agencies, and clarity of implementing agency regulations are some of the indicators that have the most influence on the implementation of PMI protection policies. In the policy environment dimension, high leadership commitment is certainly a major factor in the implementation of PMI protection policies, which are directly or indirectly closely related to other factors in this dimension. Social and economic conditions are also the dominant factors influencing the

implementation of PMI protection policies in the policy environment dimension, especially related to the Covid-19 pandemic in 2020, which significantly changes the interaction patterns of society and government.

After identifying the factors that influence policy implementation, this study formulates alternatives for improving the implementation of this policy governance by referring to the concept of networking governance according to the concept put forward by Bovaird and Loeffler (2016). The policy implementers have attempted to implement the principle of integrated coordination in the planning stage and carry out the responsibility of protecting PMI together. However, coordination at the central level still needs to be optimized, and it is worth noting that at the regional level, coordination in the implementation of this policy appears to be better. In addition, a spirit of coordination and sense of shared accountability also needs to be developed so that governance tasks involving various parties can be carried out properly.

REFERENCES

1. Ahmad, F. (2020). *radarsukabumi.com*. Radarsukabumi.Com.
2. Akbar, M. F., & Mohi, W. K. (2018). Studi evaluasi kebijakan (Evaluasi beberapa kebijakan di Indonesia). *Gorontalo: Ideas Publishing*.
3. Anaf, A., Ibnu, F., Romdiati, H., & Noveria, M. (2022). Indonesian Migrant Workers: The Migration Process and Vulnerability to COVID-19. *Journal of Environmental and Public Health, 2022*.
4. Anwar, K. (2020). *banten.idntimes.com*. Idntimes.Com.
5. Bailah. (2019). *Pengelolaan Administrasi Penduduk Desa*. Uwais Inspirasi Indonesia.
6. Bere, S. M. (2021). 89 Pekerja Migran Asal NTT Meninggal di Luar Negeri, BP2MI: Hanya 1 yang Memiliki Dokumen Sah. *Kompas.Com*. <https://regional.kompas.com/read/2021/09/10/080314078/89-pekerja-migran-asal-ntt-meninggal-di-luar-negeri-bp2mi-hanya-1-yang?page=all>.
7. Caturiani, S. I. (2020). *Tata Kelola Pra-Penempatan Tenaga Kerja Indonesia (Tki) Di Kabupaten Indramayu Dan Cianjur*. Jakarta: Universitas Indonesia.
8. Chang, A. S. (2018). Producing the self-regulating subject: Liberal protection in Indonesia's migration infrastructure. *Pacific Affairs, 91(4)*, 695–716.
9. Chavez, J. J. (2007). Social policy in ASEAN: the prospects for integrating migrant labour rights and protection. *Global Social Policy, 7(3)*, 358–378.
10. Davis, F. D. (1989). Perceived usefulness, perceived ease of use, and user acceptance of information technology. *MIS Quarterly, 319–340*.
11. Grindle, M. S. (2017). *Politics and policy implementation in the Third World* (Vol. 4880). Princeton University Press.
12. Harbowo, N. (2021). KPK Tangkap Bupati Probolinggo Terkait Jual Beli Jabatan. *Kompas.Id*. <https://www.kompas.id/baca/nusantara/2021/08/30/kpk-diduga-tangkap-bupati-probolinggo-terkait-jual-beli-jabatan>.
13. Helbling, M., & Kalkum, D. (2018). Migration policy trends in OECD countries. *Journal of European Public Policy, 25(12)*, 1779–1797.
14. Idris, M. (2020). *10 Negara Penampung TKI Terbanyak, Taiwan Hampir Samai Malaysia*. Kompas.Com.
15. IOM. (2004). *Essentials of migration management: a guide for policy makers and practitioners*. United Nations Publications.
16. Mazamania, D., & Sabatier, P. (1989). Implementation and public policy: With a new postscript. *Latham, MD: University Press of America*.
17. Natalis, A., & Ispriyarso, B. (2018). Politik Hukum Perlindungan Pekerja Migran Perempuan di Indonesia. *Pandecta Research Law Journal, 13(2)*, 109–123.
18. Nugrhaeny, D. E. (2020). Diperkirakan 38.000 Pekerja Migran Kembali ke Tanah Air Jelang Lebaran. *Tribunnews.Com*. <https://www.tribunnews.com/nasional/2020/05/02/diperkirakan-38000-pekerja-migran-kembali-ke-tanah-air-jelang-lebaran>.
19. Permana, R. D. (2018). Globalisasi dan Hak Asasi Manusia: Tinjauan Kritis Terhadap Wacana Global Governance dalam Upaya Perlindungan Pekerja Migran Indonesia. *Jurnal Keamanan Nasional, 4(1)*, 41–68.
20. Rusli, B. (2013). Kebijakan publik membangun pelayanan publik yang responsif. *Bandung: Hakim Publishing*.
21. Sari, S. I. P., & Sugiharti, L. (2016). Dampak Remitansi Tenaga Kerja Indonesia Terhadap Distribusi Pendapatan Rumah Tangga: Analisis Sistem Neraca Sosial Ekonomi Indonesia (SNSE) 2008. *Jurnal Ilmu Ekonomi Terapan, 1(2)*, 51–65.
22. Sayoga, P., & Tan, S. (2017). Analisis cadangan devisa Indonesia dan faktor-faktor yang mempengaruhinya. *Jurnal Paradigma Ekonomika, 12(1)*, 25–30.

23. Sudja'i, & Mardikaningsih, R. (2021). Correlation Of Worker Welfare And Industrial Relations. *CASHFLOW: Current Advanced Research On Sharia Finance And Economic Worldwide*, 1(1), 29–32.
24. Sulistyorini, Y., Oktaviani, R., & Hutagaol, M. P. (2014). Dampak Kebijakan Migrasi Terhadap Distribusi Pendapatan di Indonesia (Impact of Migration Policy on Income Distribution in Indonesia). *Bina Ekonomi*, 18(1).
25. Wedhaswary, I. D. (2014). Nawa-Cita: 9 Agenda Prioritas Jokowi-JK. *Kompas.Com*, 21. <https://nasional.kompas.com/read/2014/05/21/0754454/.Nawa.Cita.9.Agenda.Prioritas.Jokowi-JK>.
26. Welianto, A. (2020). Pembangunan Ekonomi, Pengertian dan Elemn Pentingnya. *Kompas*.
27. Wildavsky, A., & Caiden, N. (2004). Incremental Budgeting. *The New Politics of the Budgetary Process*, 46–50.