

**MIGRANT WORKER GOVERNANCE IN DEVELOPING COUNTRIES (CASE  
STUDY ON GOVERNANCE OF MIGRANT WORKER IN WEST JAVE,  
INDONESIA)**

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**ABSTRACT**

One of Millennium Development Goals (MDG) that end in 2015 is Eradicate Extreme Poverty and Hunger. This goal is continued in Sustainable Development Goals (SDG) in the name of No Poverty until 2030 and protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment. During this time, worker migration from developing countries is seen as survival strategy for family, a struggle to hold out so that they do not fall into deeper place. It can be said the family attempt against poverty. When this efforts is done by many family, it will influence poverty condition in that area. Indonesian is one of big sending country in South East Asia. Many women work as domestik helper in Middle East and East Asia. There are many problems of migran worker in destination countries.

Migrant worker governance devide in three phases; pre-placement, placement and post-placement. Most of the problems source from pre-placement phase. Through qualitative research, this proposal will discuss how local governance run migrant worker process, especially domestic helper, in pre-placement phase. This proposal uses democratic governance approach. Governance operate different style in different country, adapted considering local characterisic in developing country. Up till now, working abroad still become choice as a struggle for upward mobility, although in unsecure condition. Therefore, it is very important to address thisissues, so that their struggle does not become vain.

Keywords: migrant worker, democratic governance, development

## Introduction

In Indonesia, the activity of labor migration has persisted quite a long time, since 1890 the Dutch colonial government sent a contract laborers from Java to work on plantations in Suriname, South America which was a Dutch colony at the time.

They were selected because of the low level of the economy as a result of the Mount Merapi eruption and the density of population in Java. The departure of the first group of migrant workers amounted 94 people comprising 92 adults and 2 children. They transported by Boat SS Koningin Emma from Batavia (Jakarta) on May 21, 1890.

Meanwhile at the time of independence until the end of 1960, the placement of workers abroad did not involve the government, it is done on an individual basis, kinship, and traditionally. The main destination countries were Malaysia, because it was close and Saudi Arabia as they related to religion (pilgrimage). Indonesian citizen who worked in Malaysia largely came into Malaysian territory without bringing any letter of the document. For Saudi Arabia, the Indonesian workers were generally taken by those who took care of the hajj / umrah or the Indonesian people who have long lived or settled in Saudi Arabia.

In 1970 the government, through the Ministry of Manpower, Transmigration and Cooperatives organized a workers placement through Program AntarKerjaAntar Daerah/AKAD (Inter Working Inter Region Program) and AntarKerjaAntar Negara /AKAN (Inter Working Inter State) and since then also the placement of workers abroad has involved private parties, named Pelaksana Penempatan Tenaga Kerja Indonesia Swasta/PPTKIS (Private Implementor of Indonesian Worker Placement). *(excerpted from the document of Direktorat of Dissemination and Institutional BNP2TKI in [www.bnp2tki.go.id/.../4054-sejarah-penempatan-tki-h](http://www.bnp2tki.go.id/.../4054-sejarah-penempatan-tki-h) ..)*

Regulation of the Minister of Labour number 4 of 1970 on the Mobilization of Labor (Permenaker No. 4/1970 tentang Pengerahan Tenaga Kerja), which is the first national tool specifically for migrant workers, only suggests (1) general conditions placement of manpower, (2) licensing placement and (3) government oversight and sanctions for violation of the rules. In this regulation has not set about institution of placement implementor (either state-run or private) in detail as well as the aspect of missing protection for migrant workers, especially the most noticeably is the concern for women migrant workers. 80% of Indonesian migrant (overseas) workers are women. *(Hidayah et al: 17 Humaidah et al: 7).*

The placement of Indonesian migrant workers to Saudi Arabia was started because of the crisis of foreign workers in Saudi Arabia. At that time the Filipino migrant workers began to demand better wages and working conditions and labor law guaranteed under the scheme so that it appears the government ban Saudi Arabia to use migrant workers from the Philippines. *(Hidayah et al: 20)*. After the economic crisis began in 1996, the composition of the placement of migrant workers changed, from Saudi Arabia switched to Southeast Asia and East Asia *(excerpted from Hidayah et al: 19)*.

In the course of time, the government issues regulations related to migrant workers holding, including Law number 39 of 2004 concerning the Placement and Protection of Indonesian Overseas Workers (UU No. 39/2004 tentang Penempatan dan Perlindungan Tenaga Kerja Indonesia ke Luar Negeri/PPTKILN), Law number 21 of 2007 on the Eradication of Trafficking Crime (UU No. 21/2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang) and the Law number 6 of 2012 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UU No.

6/2012 tentang Konvensi Internasional Mengenai Perlindungan Hak-Hak seluruh Pekerja Migran dan Anggota Keluarganya), but until now point of view of the economic aspects of migrant workers are still dominant, so the aspect of protection against them is still not considered optimal. In a 10-year reflection, Migrant Care states that:

there has been no significant change in the governance of the labor placement from colonial times to the present. Policies and regulations only rules governing how countries prepare for business institutions that relish the benefits of the placement and recruitment of Indonesian migrant workers without prioritizing the fulfillment of the rights of migrant workers. This situation induce to exploitation, discrimination, and their deaths. (*excerpted from Hidayah et al: 5-6*).

Source of problems that emerge is pre-departure governance. The Director of Migrant Care said if phase of pre-departure is improved, it will contribute to good domino effect for overseas worker.

According to The National Board for The Placement and Protection Indonesian Overseas Worker (BNP2TKI), West Java is the biggest sending province. In 2013 they deploy 129,885 workers, mostly women (74 %) and most of them are domestic worker. The background of education is elementary 47% , junior high school 32%, and senior high school 17 %. Two big destination countries is Saudi Arabia and United Arab Emirates. The most complaint also come from West Java. Therefore, this research proposal will study pre-departure governance in West Java.

### Conceptual Framework

Cheema, in *Democracy, Governance and Development*, state that *governance* is a neutral concept comprising the complex mechanisms, processes, relationships, and institutions through which citizens and groups articulate their interests, exercise their rights and obligations, and mediate their differences. In sum, governance is good if it supports a society in which people can expand their choices in the way they live; promotes freedom from poverty, deprivation, fear, and violence; and sustains the environment and women's advancement. (2005:5).

Democracy is not a cure-all for human development and poverty alleviation, but democratic governance has three distinct advantages, first, democracies are better able to manage conflicts and avoid violent political change because they provide opportunities for the people to participate in the political process of the country. Second, democracies are better able to avoid threats to human survival because of checks by the opposition parties, uncensored criticism of public policies, and the fear of being voted out of office. Third, democracies lead to greater awareness of social development concerns including health, primary health care and rights of women and minorities. (2005:8). Democracy is expected to guarantee protection sustainability for migrant worker. Mahbub Ul Haq said that the purpose of development is to expand human choices, it carries two meanings, first, the formation of understanding human capability that will be reflected on health, knowledge and expertise increase. Second, the use of the ability that is already held to work, to relish life, or to be active in cultural activities, social and political. (Kartasasmita:8)

Cheema distinguish between the institutions and processes of governance, and their content and quality.(2005:5). He proclaim three essential dimensions that should be considered to study democratic governance, as follows ,

1. what makes up democratic governance; institutions, processes, and practices.
2. how governance is democratic; key principles of democracy as a form of governance.
3. why governance becomes democratic; internal and external factors that influence the development and consolidation of democracy (Cheema:10).

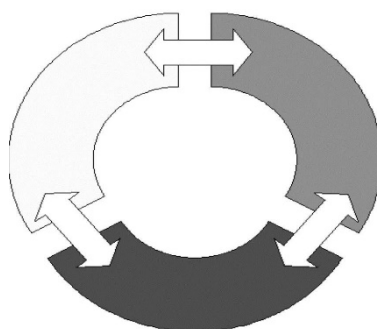
**Figure 1. The What, the How, and the Why of Democratic Governance (according the purpose of this proposal)**

***Institutions and Processes of Democratic Governance***

local the house of representatives, local government, TKI association, NGO, private implementor of TKI deployment, pre-departure system

***Quality of the Institutions and Processes***

Degree of access, participation, accountability, transparency, rule of law, equity, responsiveness, sustainability



***Contextual Factors that Impact on Content and Quality of governance***

Sunda culture, Islam, external donor support, level of economic development, level of education, media (Cheema:11)

In governance, there are three actors; government, civil society dan private sector. Therefore, government is indicted to have capabilities in relation with external stakeholders. Loffler (2009:215) statepublic agencies no longer just have to be good at getting their internalmanagement systems right – financial management, human resource management, ICT andperformance management – but they also have to manage their most important externalstakeholders well in order to achieve the desired policy outcomes and a high quality of publicserves. Government role shift from *service provider toco-producer*. These are some shifting that appropriate to apply in this research.

**Tabel 1. The move from local government to local governance**

<b>From....</b>	<b>To....</b>
Developing organizations	Developing communities
Focus on the needs of customers	Activating civil society (through information, consultation and participation) in local policies and management
Reporting systems based on needs of public managers and government oversight bodies	Publishing of performance information based on the needs of stakeholders in the community (social, ethical and environmental reporting)
Increasing user satisfaction in relation to local services	Building citizen trust in local government through transparent processes and accountability and through democratic dialogue
Serving the community by producing policies, services and knowledge (community leader)	Enabling the community to plan and manage its own affairs and co-produce its own services (community developer)

Löffler (2009:225) says, *in practice, this means that public agencies have to:*

1. *co-design their services and policies together with their users and other key stakeholders;*
2. *co-manage their resources with other partners;*
3. *co-deliver their services with users and their communities;*
4. *co-assess their services with their key stakeholders;*

In this research, Sunda culture and Islam are part of context. Related as developing country, Grindle statement about good enough governance can be considered especially Learn from What's Working (Well Enough). She says that consulting this experience can provide valuable lessons about why this is the case, what factors make for better (even if not good) performance, and what needs to be changed for progress to occur. (2004:544). She also state that gGood enough governance, as a concept, suggests that not all governance deficits need to (or can) be tackled at once. (2007:554).

### **Methodology**

This research is qualitative research. Data relies form primary and secondary data. Primary data is collected from interviews and focus group dicussion. Secondary data emanate from document of BNP2TKI, local government, association of migrant worker, NGO and media massa. The informan who will be intervied are officer in local government, local the house of representatives, association of migrant worker and association of private implementor of overseas worker placement and also expert on governance.

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